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MINUTES

OF THE

THIRTY-SIXTH SESSION

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including the

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PERMANENT MANDATES COMMISSION

MINUTES OF THE THIRTY-SIXTH SESSION

Held at Geneva from June 8th to 29th, 1939.

The following members of the Commission took part in the work of the session :¹

M. ORTS (*Chairman*) ;
M. RAPPARD (*Vice-Chairman*) ;
Baron VAN ASBECK ;
Mlle. DANNEVIG ;
M. GIRAUD ;
Lord HANKEY ;
Count DE PENHA GARCIA.

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

Secretary: M. E. DE HALLER, Director in Charge of Mandates Questions.

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

For *Palestine and Trans-Jordan*:

The Right Honourable Malcolm MACDONALD, M.P., Secretary of State for the Colonies ;
Sir Grattan BUSHE, K.C.M.G., C.B., Legal Adviser to the Secretary of State ;
Mr. S. MOODY, O.B.E., Deputy Chief Secretary to the Government of Palestine ;
Mr. A. S. KIRKBRIDE, O.B.E., M.C., British Resident, Trans-Jordan ;
Mr. H. F. DOWNIE, C.M.G., O.B.E., Colonial Office.

For *Syria and Lebanon*:

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

For *Togoland under French Mandate*:

M. M. BESSON, Director of the " Agence économique de l'Afrique-Occidentale française ".

For *Nauru*:

Mr. J. R. HALLIGAN, Officer in charge of the Territories Branch of the Prime Minister's Department of the Commonwealth of Australia.

For *New Guinea*:

Mr. J. R. HALLIGAN, Officer in charge of the Territories Branch of the Prime Minister's Department of the Commonwealth of Australia.

For *South West Africa*:

Mr. C. T. TE WATER, High Commissioner of the Union of South Africa in London ;
Mr. H. T. ANDREWS, Accredited Representative of the Union of South Africa to the League of Nations,

accompanied by :

Mr. J. P. NIEHAUS, Professional Assistant to the Attorney-General of South West Africa, Adviser.

* * *

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

¹ *Absences of the members*: Baron VAN ASBECK : twenty-fourth meeting ; Mlle. DANNEVIG : last two meetings ; M. GIRAUD : last meeting ; M. PALACIOS : the entire session ; Count DE PENHA GARCIA : first meeting.

FIRST MEETING

Held on Thursday, June 8th, 1939, at 11 a.m.

Opening Speech by the Chairman.

The CHAIRMAN spoke as follows :

I have the honour to declare open the thirty-sixth session of the Permanent Mandates Commission.

My colleagues will have learned with very deep regret of the resignation of Lord Hailey, who, for a number of years, gave the Commission the benefit of the fruit of long governmental experience and a remarkable knowledge of the problems arising from the administration of territories under mandate. The Commission is deeply indebted to him for his invaluable collaboration.

We have great pleasure in welcoming among us Lord Hankey, whom the Council has just appointed to succeed Lord Hailey.¹ The Commission, knowing Lord Hankey's brilliant career and the universal respect in which his name is held, expects much from his collaboration. On behalf of the Commission I offer a cordial welcome to Lord Hankey.

Before we begin our work, I shall, in accordance with custom, review briefly the discussions and decisions relating to mandates questions since our last session held in October-November 1938.

On January 17th, 1939,² the Council examined the report on the work of our thirty-fifth session. The Commission was represented before the Council by M. Rappard, our Vice-Chairman, whom I desire to thank.

As my colleagues will have learned from a perusal of the Minutes of the Council meeting, the presentation of the report by the representative of Latvia was followed by statements from the representatives of France, the United Kingdom and China, the Rapporteur and the representative of the Commission. The Council then adopted the draft resolution proposed by the Rapporteur ; it invited the Governments of the mandatory Powers concerned to give effect to the Commission's observations, and approved the Commission's conclusions with regard to the petitions it had examined.

In addition, at the request of the United Kingdom representative, the Council—while entirely reserving, as it had done on September 16th, 1937,³ its opinion and its decision on the substance of the question—decided that the Commission should be convened in extraordinary session if the mandatory Power's recommendations regarding the future of Palestine were forwarded to the Secretary-General long enough before the Council session of May for them to be given useful consideration by the Commission.

That condition not having been fulfilled, the Commission did not have to meet in extraordinary session.

On May 22nd last,⁴ the representative of the United Kingdom informed the Council that the States Members of the League would shortly receive the official White Paper issued by His Majesty's Government containing its statement of policy regarding Palestine. After reviewing recent developments, he stated that the White Paper had just been laid before Parliament in London and that it would therefore be premature to discuss it ; he added that the States Members of the League would no doubt wish to study the document in due course.

The representative of Latvia, Rapporteur, stated that the Council would no doubt be called upon to deal with the question at a later session, and that the Mandates Commission, which was to meet in ordinary session in June 1939, would have an opportunity of examining the recent decisions of the mandatory Power. The Council took note of the declarations made.

The mandatory Power sent copies of the White Paper direct to the members of the Commission immediately upon its publication.

The question of the present composition of the Commission came before the Council on January 17th last.⁵ The Secretary-General had previously drawn attention to the question, and particularly to the difficulty the Commission might have in bringing together the statutory quorum in view of the departure of several of its members. The Council requested its Rapporteur on mandates questions to examine the matter in conjunction with the Secretary-General. Pending the results of that study, the Council decided that, notwithstanding our rules of procedure, five members instead of six should constitute a quorum.

¹ See *Official Journal*, May-June 1939, page 260.

² See *Official Journal*, February 1939, page 78.

³ See *Official Journal*, December 1937, page 907.

⁴ See *Official Journal*, May-June 1939, page 256.

⁵ See *Official Journal*, February 1939, page 70.

On May 23rd, 1939,¹ the Rapporteur having stated that he did not yet feel in a position to make suggestions in this matter, the Council authorised him to submit proposals at a subsequent session and decided that if, in the meantime, any difficulty should arise in connection with the composition of the Commission, the President of the Council should be authorised, in conjunction with the Rapporteur and the Secretary-General, to take such temporary measures as would seem appropriate in the circumstances.

The agenda of the present session calls for the examination of reports which, in accordance with our rules of procedure, were to reach us by May 20th. As regards the Cameroons under French mandate, however, the mandatory Power has informed us that, in view of recent events, and particularly the change of Governor in the Cameroons, the report will not be ready in time for this session; it has therefore asked that examination of the report should be adjourned until our autumn session.

Adjournment of the Election of the Bureau.

The CHAIRMAN proposed that, as Count de Penha Garcia would not arrive at Geneva until the afternoon, the Commission should postpone the election of its Bureau until that meeting.

The Chairman's proposal was adopted.

Absence of M. Palacios.

The CHAIRMAN informed his colleagues that M. Palacios had sent the following letter, dated June 6th, 1939, to the Secretary of the Commission :

" On behalf of the Chairman of the Mandates Commission, you were good enough to invite me to attend the next session which is to open on June 8th. I thank you for this invitation, but regret to inform you that I shall not take part in that session."

Statement by the Director in charge of Mandates Questions.

M. DE HALLER made the following statement :

Since the Commission's last session, the Secretariat has pursued its normal task in connection with mandates.

It has arranged for the publication of the Minutes and the report of the Commission on the work of its thirty-fifth session. These documents were circulated to the Council on December 28th, 1938, and to the States Members of the League on January 25th, 1939.

The Members of the Commission have been kept in touch with the essential political, economic and social facts relating to the territories under mandate through the regular distribution of information from official sources and selected Press extracts.

In compliance with the wish expressed by the Commission at its last session, the Secretariat, with the assistance of the various accredited representatives, has undertaken to bring up to date the collection of statistics relating to the various mandated territories published in 1933; it is hoped that this work may be completed by the end of the year.

The Minutes of the Council meeting on January 17th, 1939, at which the report of the Commission on the work of its thirty-fifth session was examined, were communicated to members of the Commission on February 2nd, 1939.

With regard to the Council meeting of May 22nd, 1939, at which the representative of the United Kingdom made his statement on the Palestine question, and the meeting of May 23rd, at which the question of the composition of the Commission was discussed, a summary of the relevant texts was communicated immediately to the members of the Commission. The Minutes of those meetings have since been printed and will be circulated to the members of the Commission.

The White Paper on Palestine, to which the Chairman has just referred, was communicated direct to the members of the Commission by the mandatory Power in the original English text. The Secretariat has completed this communication by adding a French translation of the document, which it has made at the express request of the mandatory Power.² Furthermore, as usual, a list of official documents transmitted by mandatory Powers has been drawn up for each of the territories the administration of which is to be examined at the present session (Annex I).

The annual reports reached the Secretariat on the following dates :

| Territory | Administrative period | Date of receipt |
|---|-----------------------|------------------|
| New Guinea | 1937-1938 | April 28th, 1939 |
| South West Africa | 1938 | May 15th, 1939 |
| Nauru | 1938 | May 24th, 1939 |
| Togoland under French Mandate | 1938 | May 27th, 1939 |
| Palestine and Trans-Jordan | 1938 | May 31st, 1939 |
| Tanganyika | 1938 | June 1st, 1939 |

According to information recently received from Paris, the annual report on Syria and Lebanon for 1938 will be in the hands of the members of the Commission to-morrow.

¹ See *Official Journal*, May-June 1939, page 257.

² Document C.163.M.96.1939.VI (Cmd. 6019).

Question of the Delay in the Presentation of Certain Annual Reports by Mandatory Powers.

M. RAPPARD was struck by the fact that several reports from the mandatory Powers had arrived very late this year. One, indeed, had not even yet been distributed. It was to be noted, moreover, that the reports which had arrived with the least delay were those relating to the most distant territories. One of the conditions for the efficient fulfilment of the Commission's duties was that the reports should arrive in time to enable its members to give them adequate consideration before the session opened. Was there any special reason for the delay this year ?

The CHAIRMAN observed that this was not the first time that attention had been drawn to the matter. He knew that the Secretariat never failed to remind the administrations concerned that the date on which the reports should reach Geneva was drawing near, but the Commission was dependent on the goodwill and promptitude of the mandatory Powers or their administrations. Such delays were regrettable because they entailed excessive work for the members of the Commission during the last days before, and even during, the session.

Mlle. DANNEVIG supported M. Rappard's observations. With the best will in the world, it was impossible for the members of the Commission to make a thorough study of the reports when they arrived late. As regarded the report on Syria for 1938, how would it be possible to study it carefully, when it arrived on the following day, after the session had already begun ?

Lord HANKEY, as a new member of the Commission, found it particularly difficult to make a thorough study of the reports in such a short time. A reference to the Minutes of the June 1938 session would show that the same difficulty had arisen at the thirty-fourth session of the Commission¹. As the Chairman had observed, it was a question of goodwill on the part of the administrations concerned, and the Commission was entirely in their hands. An appeal by the Commission to the highest authorities—namely, the Council of the League—might perhaps produce more satisfactory results than all the efforts of the Secretariat.

The CHAIRMAN invited Lord Hankey to revert to his suggestion when the time came to discuss the Commission's observations to the Council.

M. VAN ASBECK suggested that a friendly reminder of the time-limit for the presentation of annual reports should be conveyed to the accredited representatives.

M. DE HALLER felt bound to state that he had never come across any case of obstruction or negligence on the part of a mandatory Power. The accredited representatives would probably explain that the date of May 20th, fixed in the Rules of Procedure as the latest date for the communication of reports, was rather near the close of the administrative year the report on which was to be examined by the Commission, and that certain mandatory administrations found it very difficult to obtain, within the time allowed, regional reports from the local administrators, to summarise them and send the document to the home country for general revision, and, lastly, for printing. M. de Haller had always found the competent departments of the mandatory Powers most anxious to satisfy the Commission on that point.

Palestine and Trans-Jordan : Participation of the United Kingdom Secretary of State for the Colonies in the Examination of the Annual Report for 1938.

The CHAIRMAN drew the Commission's special attention to the fact that, this year, Mr. MacDonald, United Kingdom Secretary of State for the Colonies, would represent his Government in person for the examination of the report on Palestine and Trans-Jordan, and that he would be accompanied by several specially qualified experts, some of whom had already appeared before the Commission.

M. RAPPARD said that, while the Commission regretted the delay in the receipt of certain reports, it should express its satisfaction at having the collaboration, this year in particular, of such highly placed official personages.

It was an excellent thing that the United Kingdom Secretary of State for the Colonies should desire himself to take part in the Commission's work during the discussion of the annual report on Palestine and Trans-Jordan, but it was an open secret that this was due to the United Kingdom Government's intention of taking advantage of the opportunity to deal, not only with the annual report on Palestine and Trans-Jordan, but also with the White Paper, which had been expressly circulated for this purpose.

¹ See Minutes of the Thirty-fourth Session of the Commission, page 11

The CHAIRMAN added that precedents, in equally important circumstances, warranted the Commission's attaching such a significance to the intention of the Secretary of State for the Colonies himself to take part in the examination of the problem of Palestine.

Adoption of the Agenda and Programme of Work.

The Commission adopted its agenda (Annex 2) and programme of work.

SECOND MEETING (PUBLIC, LATER PRIVATE)

Held on Thursday, June 8th, 1939, at 4 p.m.

Election of the Chairman and Vice-Chairman for the Year 1939-40.

M. ORTS was elected Chairman and M. RAPPARD Vice-Chairman for the year 1939/40.

[The Commission went into private session.]

South West Africa : Examination of the Annual Report for 1938.

Mr. C. T. te Water, High Commissioner for the Union of South Africa in London, Mr. H. T. Andrews, Permanent Delegate of the Union of South Africa to the League of Nations, accredited representatives of the mandatory Power, and Mr. J. P. Niehaus, Professional Assitant to the Attorney-General of South West Africa adviser, came to the table of the Commission.

WELCOME TO THE ACCREDITED REPRESENTATIVES

The CHAIRMAN welcomed Mr. te Water and Mr. Andrews, whose presence at previous sessions had always greatly facilitated the Commission's examination of the annual reports concerning South West Africa. He also extended a welcome to Mr. Niehaus.

GENERAL STATEMENT BY THE ACCREDITED REPRESENTATIVE

Mr. TE WATER made the following statement :

It goes without saying that we are very appreciative of your kind words of welcome.

In expressing my pleasure at being privileged once again to appear before this Commission, I am sure the members of the Commission will share my regret that it has not been found possible by Dr. Conradie to present his report in person. He has written to me to say not only that, the year is one of important staff changes, making it difficult for him to leave, but also that, under the obvious anxieties of the times, it would, in his opinion, be better that he should remain at his post.

By great good fortune, however, my colleague, Mr. Andrews, and I have been able to claim the experienced help of Advocate Niehaus, the Professional Assistant of the Attorney-General of South West Africa, whose intimate knowledge of the territory and its affairs will, I trust, be of real value to the Commission, as it has been to us.

Before proceeding to make my customary brief reference to the annual report and to current events, I should like to say with what pleasure I observe the presence on the Commission of Lord Hankey. His great knowledge of affairs and his wide administrative experience, combined as I know these to be with a highly disciplined judgment, will—I am sure the members of the Commission will agree—bring further distinction to, and add to the already great prestige of, this important body.

The year under review, measured by my own experience of ten annual reports, can, I think, be fairly characterised as "normal", unless the astonishing fact that this is the fifth successive year of good rains in so dry a country can be said to be an extraordinary but well-deserved blessing of Providence on the good intentions and the conscientious endeavours of the Administration.

This has, of course, again brought encouragement and success to the farming community, and meant good crops for the natives, and as much employment as they can be persuaded to accept. Their interests and welfare, as the members of the Commission will have observed from the report, have again been promoted by the Administration within the limits of the territory's resources.

The year 1938, however, brought with it, most unfortunately, epidemics of influenza and measles, and the tribes both inside and outside the reserves, and on the mines, suffered considerably, despite the efforts of the Administration and the missions. In this regard, I shall have something to say when the opportunity offers, which I think the Commission will hear with interest and relief.

In the sphere of politics, the Commission may recall the confidence expressed by the Administration, in its last report, that the mellowing influence of time would gradually exercise its beneficial effects. It may be thought that the doubling of the police force of the territory is a contradiction of the hope which I myself could not resist characterising as pious at that time.

In actual fact, a simple calculation which I have made demonstrates that, at the present increased strength of the force, the territory is now policed on a basis which is only something like one policeman more per thousand of population than exists in the Union itself.

As the harmless explosion of a paper bag may ingeniously be made to resemble the sinister rumblings of a thunderbolt, so, it seemed to me, the moving of this small body of 311 policemen was magnified in certain quarters, where the news was received in exaggerated consternation, into the marching of a great army with banners!

It would, however, be wrong and untrue to deny that the tension of the outside world due to the events through which Europe was and is passing, is reflected in the territory. That self-evident fact is the justification of a step taken by the mandatory Power, which, I believe, the Commission, when it comes to examine this problem, will accept as reasonable and wise and, in all the circumstances, benevolently conceived.

Dr. Conradie desires me to say that the political position in the territory has not changed materially since last year. While the young National-Socialist element, as is to be expected, is still active, the old Germans are definitely calm and quiet and give their main attention to their private business. South West Africa is undoubtedly quiet and peaceful, but, Dr. Conradie adds rather discouragingly, unfortunately Europe is not.

In conclusion, the Commission will be interested to know that the negotiations between His Majesty's Government in the United Kingdom and the Government of the Portuguese Republic for the fixing of the triune point—that is to say, of the beacon which will constitute the southern terminal point of the boundary between Angola and Northern Rhodesia, have now progressed to a point where the United Kingdom Government submitted on March 20th, 1939, a draft agreement for the consideration of the Portuguese Government.

The two points which have still to be settled between the two Governments, relating to the final drawing of the line and to water rights desired for natives residing on the Northern Rhodesian side of the boundary, appear to me, on an examination which I have been privileged to make of the latest correspondence between the two Governments, to be, if I may so designate them, of a settleable character, and there does appear to me to be some hope that the demarcation may possibly even be begun this year.

Before putting my colleagues and myself at your disposal, I should particularly like to draw the Commission's attention to paragraph 561 of the report (page 75), and I would like the Commission to bear with me while I read the whole of the paragraph:

“ The Finnish Mission was handicapped by illness amongst their staff and, since the close of the year under review, Dr. S. Rainio has passed away. Her condition for some time had been giving grave concern. She had been in charge of the medical side of the Finnish Mission since 1908. Thirty years ago she started the first clinic in Ovamboland under the shade of a palm tree, and, from this nucleus, her work extended to two large hospitals, and semi-hospitals or clinics at every one of the mission stations. During the year under review, 42,000 patients received treatment at these various centres. Undaunted, and in the face of wars, famines and financial difficulties, she was always in the forefront in combating disease in Ovamboland. Beloved by officials, missionaries and natives alike, her loss will be felt by all who have the interests of the native people of Ovamboland at heart.”

My colleague and I, who have collaborated for so many years in the work which we do with the Commission in regard to South West Africa, would very sincerely desire to be associated with these words, as I know Mr. Niehaus will also desire to be.

The CHAIRMAN thanked Mr. de Water for his statement.

The Chairman was sure the members of the Commission would wish to associate themselves with the regret expressed by the accredited representative at the death of Dr. S. Rainio, one of those rare personalities whose work evoked universal admiration.

ADMINISTRATION OF THE CAPRIVI ZIPFEL

M. VAN ASBECK recalled that, at the beginning of the mandate, the part of the territory known as the Caprivi Zipfel was, for administrative purpose, attached to the Bechuanaland Protectorate, but, in 1930, the mandatory Power had informed the Commission that it would

in future be administered by the South West African authorities.¹ According to paragraph 424 of the 1938 report (page 57), certain difficulties were being experienced in satisfactorily controlling that part of the Caprivi Zipfel lying east of a certain specified line ; a new arrangement was therefore going to be made as from the middle of 1939. Would the new arrangement definitely materialise, as anticipated, in the middle of the present year ?

Mr. ANDREWS assented, and explained that, at present, the far easterly area in question was administered by South West Africa, but, as any local official commissioned to visit the territory could only reach it by travelling by way of the Cape Province, the Transvaal and Southern Rhodesia, and thence making a river journey of four or five days, it was now proposed that the Union Native Affairs Department should, as occasion required, do this work from the Transvaal. Considerable time would thus be saved.

M. VAN ASBECK assumed that the area in question would continue to form part of the territory under mandate. What then would be the administrative connection between the mandatory Government and the eastern part of the Caprivi Zipfel ?

Mr. ANDREWS said that there would, of course, be the closest co-operation, and that the Union Government would be acting for the South West African Administration. Information regarding any action taken in this connection would be included in the ordinary annual reports.

M. VAN ASBECK concluded that the officer administering this area would work under the control and instructions of the Administrator of South West Africa, and that the annual report would continue to include a paragraph or chapter on the Caprivi Zipfel. Nothing would therefore be altered in the form of the report, or in the mandatory Power's control.

Mr. ANDREWS concurred.

QUESTION OF "MANDATE CITIZENSHIP"

M. VAN ASBECK noted from page 3, paragraph 12, of the report that a motion introduced by Dr. Hirsekorn on behalf of the German members of the Assembly, calling for the institution of a "mandate citizenship" open to all European settlers and immigrants to qualify for the exercise of the franchise in the mandated territory of South West Africa had been negatived by nine votes to six. Did those figures correspond to the division of the Assembly as between German and non-German members ?

Mr. ANDREWS believed that the minority consisted of the five members representing the German-speaking section and one independent member. The Assembly consisted in all of eighteen members, five of whom represented German interests.

M. VAN ASBECK observed that the idea of "mandate citizenship" had been discussed three years previously by the South West Africa Commission, but rejected as the mandatory Power felt unable to share its responsibility with a white minority which would exercise public rights *qua* nationals of the territory under mandate.

He now had three comments to make. First : this "mandate citizenship", as proposed in the motion, was meant for European settlers and immigrants indifferently, although their residential qualifications might, he suggested, differ very widely. Secondly, he was surprised by the absence of any reference to the native population. Yet, legally, and perhaps also politically, the only wise approach to the question would be to make the "mandate citizenship" a common base for the native population of the territory and foreign settlers alike. The question of "mandate citizenship", he explained, was implicated in the action taken by the Mandates Commission and the Council in 1923, when they had regulated the status of native inhabitants of territories under B and C mandates. M. van Asbeck did not propose to reopen the question in the present troubled period ; but the point would have to be borne in mind by the Commission. In the third place, he wished to point out that the motion seemed to make no mention of relinquishment of former nationality.

The present report (page 3) seemed to show a persistent demand on the part of Germans in the territory for "mandate citizenship". Was this demand genuine, or was it merely a form of political agitation ?

Mr. ANDREWS said that the German party in South West Africa had long been agitating for participation in the franchise on the basis of a "mandate citizenship". The Union Government had consistently maintained that any person wishing to exercise the franchise and

¹ See Minutes of the Eighteenth Session of the Commission, page 204.

thus participate in the administration of the country must be a Union national ; the Union naturalisation laws were open to them for that purpose and, in fact, many Germans in the territory were qualified for naturalisation under existing law, but had not yet availed themselves of it. The Government's view was that until such persons were prepared to take advantage of existing legislation, and thus stand in the same relations to it as its own citizens, it could not consider the present proposal of "mandate citizenship" as a method of acquiring the franchise and participating in the administration of the territory.

M. VAN ASBECK could not quite agree with that view. He observed that the question of "mandate citizenship" would have to be considered when the native population qualified for active participation in the government of its own territory. The question would then be on what basis the franchise would be granted to the native population. In South West Africa, the problem would possibly arise at a later date than in territories such as Tanganyika. When it did, the accredited representative's argument would cease to hold good and a new position would have to be faced. For it should be borne in mind that, then, the Council resolution of 1923 would forbid making acquisition of the nationality of the mandatory Power, in this case the South African Union, a prerequisite for the exercise of political rights by the native population. The aim of the 1923 resolution would thereby be wholly defeated.

Mr. TE WATER agreed that the question raised by M. van Asbeck was of great, though, at the present stage, rather academic, interest. As it would affect not one, but all of the mandatory Powers, it would have to be considered in its general aspects rather than in any particular aspect. He was not at present prepared to go farther than Mr. Andrews had already gone in his statement that the Government was opposed to the principle. If and when necessary, his Government would probably be glad to advance arguments in support of its attitude.

M. VAN ASBECK asked if, assuming that the Germans could apply for a "mandate citizenship", such a course would imply an open renunciation of their German nationality.

Mr. ANDREWS replied that the German population had never suggested that they would be prepared to renounce their German nationality if a grant of "mandate citizenship" were conceded.

M. VAN ASBECK could then only infer that the Germans would acquire new advantages while retaining all the rights of their present situation.

Mr. ANDREWS agreed. "Mandate citizenship" was being proposed merely as a means of obtaining the local franchise without the necessity of availing themselves of the naturalisation law to that end.

Lord HANKEY remarked that the proposal would tend to create a certain international confusion. Would such a citizen, when abroad, be protected by his mandatory Government? Presumably, if he were a citizen of a territory under mandate he ought to be protected by the Power which exercised the mandate, whereas, if he were a German subject, he would be protected by Germany.

Mr. ANDREWS agreed that complications would certainly arise.

M. RAPPARD said that problems which might seem to be academic at the Commission's sessions might be extremely troublesome when raised for purposes quite alien to those pursued by the Commission. In the early stages of the development of mandates, the League of Nations had endeavoured to draw a clear distinction between the inhabitants of a territory under mandate and the subjects of the mandatory Power, on the ground that, as originally conceived, a mandate was a temporary arrangement designed to guide the inhabitants of the territory towards independence. Accordingly, the Commission welcomed the establishment of a personal relationship—he did not think that "citizenship" was the right word—between the territory and its native inhabitants.

That view, when formulated, had been submitted to and approved by the Council, but had been distorted by those who had not the slightest intention of working for the emancipation of the territories in question and had never shown any desire to help in training the natives for self-government. Their insistence on the temporary nature of the mandates system indicated a desire not so much for emancipation as for a change in political allegiance. The Commission must be very firm both in emphasising the importance of the question of principle—the possibility of providing for the establishment of self-governing institutions in the remoter future—and in refusing to lend itself to the pursuit of aims which were not only quite alien, but even quite contrary, to the spirit of the institution. It was important that those who read

the Commission's Minutes not so much for self-enlightenment as for purposes of political agitation, should be left in no doubt as to the attitude of the Commission and the League of Nations on that point.

Mr. ANDREWS said there was very little that could be added to M. Rappard's able exposition of the case. He would merely repeat that the Union Government, as the mandatory Power, had rejected the present proposal of "mandate citizenship" as put forward by the German element and had most specifically stated that only its own nationals could exercise the franchise and thereby participate in the government of the territory. It would not delegate its responsibilities to aliens. There were German nationals who had resided in the territory long enough to avail themselves of naturalisation had they so wished, but who had not done so. Instead, they had suggested the idea of "mandate citizenship" in order to obviate the necessity for naturalisation. That view had been rejected.

M. RAPPARD could not fully subscribe to the views just expressed. He knew they were a statement of fact, but, obviously, if responsibility for the administration of the territory were reserved to its inhabitants on condition that they acquired the nationality of the mandatory Power, such an evolution would culminate, not in the self-government of the territory as an independent unit, but in annexation pure and simple. If full responsibility for the administration of a territory under mandate were entrusted, not to the mandatory Power as such, but to its citizens on the spot, he did not see how the notion of tutelage could be saved. Tutelage implied a "tutor" responsible to the League of Nations and in full control of the destinies of the territory so long as the mandatory relation subsisted.

M. Rappard could not believe, though he did not wish to press the point at the moment, that the conception defined by Mr. Andrews was that for which the institution of the mandate really called. He could understand it in view of the attitude taken by the inhabitants of German origin who were using the orthodox mandate view for purposes alien to the orthodox mandate philosophy. That point should be made clear, because, much as he disliked to see the mandate idea abused by certain elements for the pursuit of quite alien political objects with which the Commission could have no sympathy, he did not think the idea ought to be saved by resorting to other arguments and methods which were equally inconsistent with its real spirit.

Mr. TE WATER fully agreed. Mr. Andrews' statement must not be taken as meaning anything more than that his Government's rejection of the principle set out in the resolution was due to its belief that it was antagonistic to its conception of the trust it had undertaken.

NATURALISATION : QUESTION OF DOUBLE NATIONALITY

M. VAN ASBECK raised the question of double nationality in connection with an article in the *Windhoek Advertiser* of June 22nd, 1938. The whole question had assumed a new aspect since the South African and German Governments had decided to introduce the visa system. The German authorities now refused to visa the South African passports of ex-German nationals and German South Africans who had retained their former nationality. Was it correct that German visas had been refused to South African citizens who had retained their German citizenship and thus had a double nationality ?

Mr. ANDREWS regretted that he had not been furnished with information on the subject.

M. VAN ASBECK thought that, if there had been difficulties of the kind mentioned, Mr. Andrews would have heard of them. According to another Press article, General Hertzog had said that the Department of the Interior had been occupied for a considerable period with the question of naturalisation, and that legislation was to be introduced by which it would be impossible for any Union citizen to claim double nationality. Did such a plan in fact exist ?

Mr. ANDREWS said he had no information, but seriously doubted the authenticity of the Press article.

M. VAN ASBECK asked what was meant by the "German African Party". It seemed that there was a German African party which was in favour of a second naturalisation. It was rather curious that people who had been already naturalised South African citizens should again apply for a nationality which they already possessed. How was that possible ?

Mr. ANDREWS replied that the German African Party had been formed by a Mr. Maier, who had become a naturalised Union citizen by automatic naturalisation in 1924. Subsequently, he took the confirmatory step, under the Naturalisation of Aliens Act, of applying for naturalisation, which of course involved an explicit expression of allegiance on his part.

M. VAN ASBECK said that it was therefore not so much an act of naturalisation as an act of renunciation of German nationality.

He felt bound to express regret that none of these questions except the Hirsekorn motion was dealt with in the annual report. There was no reference, for instance, to double nationality problems. As similar questions arose every session, it would be desirable to have some reference to them in the report.

Mr. ANDREWS pointed out that the question of double nationality had been in the forefront of political controversy in the territory for some four or five years past, but so far as the Union Government was concerned, its attitude had been clearly expressed in the 1936 report (page 5), and was that it could not recognise the validity of any claim to double nationality within the territory. Such a claim, it held, had no foundation either in law or in fact. Persons who had been naturalised as Union nationals were, in the territory under mandate, exclusively Union nationals, as the Prime Minister and General Smuts had declared in 1924. Every claim, demand or excuse, *vis-à-vis* the mandatory Power, based on German nationality was unjustified and founded on untenable grounds. The Union Government demanded the full and undivided loyalty of its nationals and had categorically declared that it would be bound to take all available measures against acts which were incompatible with such loyalty.

M. VAN ASBECK was aware of the Union Government's view of 1936 as just expounded, which, however, did not cover the further developments of the question at issue since that year. To be complete, an annual report should also give some account of psychological and political developments during the year under review.

Lord HANKEY did not think that the two points of view expressed were really inconsistent. As a newcomer who had not read all previous reports, he had been rather impressed by the point made by M. van Asbeck, but Mr. Andrews' remarks had clarified the whole subject. The decision he had quoted seemed to be of such importance that it might have been worth while to repeat it in the 1938 report.

FRANCHISE FOR WOMEN

Count DE PENHA GARCIA referred to a resolution passed by the Legislative Assembly (paragraph 10, page 3 of the report), regarding the extension of the franchise to European women, whose numbers, according to the statistics in the report, were practically equal to those of the men (paragraph 700, page 102 of the report). Obviously, therefore, if the resolution were acted upon by the Union Government, the number of voters would be very greatly increased. Would the change thus proposed entail important consequences from the point of view of the future political complexion of the Assembly? Its resolution had also been passed, apparently, by the same majority of nine to six, which seemed to suggest that these figures represented a similar division of votes to that taken in regard to the proposals of a German member (paragraph 12 of the report). Was that merely a coincidence?

Mr. ANDREWS pointed out that, in any case, a majority of nine votes to six did not constitute the two-thirds majority required by the South West Africa Act of 1925 to effect a change in the Constitution; but, in March 1939, a similar resolution had been passed by twelve votes to six—all the members of the Assembly being present—and was then properly submitted to the Union Government. The initial smaller majority of nine to six would appear to have been due to vacancies in the Assembly. The resolution would probably be considered favourably by the Union Government and might be given effect as soon as procedure specified in the Constitution Act had been complied with. It would be recalled that, in the Union, the franchise was enjoyed by both men and women. As to the political consequences of such a change from a party viewpoint, that was something he could not forecast.

ACTIVITIES OF NEW POLITICAL PARTIES : FORM OF ANNUAL REPORT

Mr. TE WATER, reverting to the question of the new political party called the Deutsche Afrikaans Partei, established by a Mr. Maier, said that the next annual report would contain an explanation of Mr. Maier's activities in connection with the new party.

M. VAN ASBECK pointed out that another new party, the South West African League, founded in 1938, was not mentioned in the report either.

Mr. TE WATER explained that the party had only been founded towards the end of 1938.

M. VAN ASBECK hoped that, in the next report, the Administration would supply information on both points.

M. RAPPARD said that, as previous similar discussions had shown, the officials who drafted annual reports sometimes misunderstood the reasons for the questions asked and the incomplete satisfaction sometimes expressed by the Commission. The Commission was constantly receiving information from various sources—Press reports, Parliamentary debates, etc.—and was naturally somewhat surprised, not to say disappointed, when an annual report contained no reference to questions which, as their other information showed, greatly preoccupied the political life of the country. The same criticism applied even to the financial part of the report. It might almost be said that the report was an anatomical rather than a physiological study. The Commission would prefer to have a “moving picture” of the country as a whole. The authors of the 1938 report for South West Africa might usefully have their attention called to certain other reports, not as models, but to make the Commission’s meaning clear. The Commission wanted to know what was felt by those on the spot, and what were their main preoccupations.

Mr. TE WATER was sure that no single member of the Commission believed for a moment that the Administration had any desire to withhold information, but, at the same time, the question was one of great delicacy. There was probably no more difficult mandate to administer at the present moment than that of South West Africa. That was possibly why the Administration had not inserted a “political” paragraph in the 1938 report. He himself had noticed the omission, and had written to the Administrator on the matter. He had received a full reply and was happy to lay all the information relevant to the particular issues before the Commission.

On the general question raised by M. Rappard, he thought it should not be impossible for the Administration to convey the required information in its next annual report. M. Rappard’s request would of course be seen by the Administration in the Minutes, but he would, in addition, put the point to the Administration himself.

THIRD MEETING

Held on Friday, June 9th, 1939, at 10.30 a.m.

South West Africa : Examination of the Annual Report for 1938 (continuation).

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

INTERNATIONAL CONVENTIONS

COUNT DE PENHA GARCIA thanked the mandatory Power for including in the report a full list of the international Conventions applicable to the territory (paragraph 725, pages 123 *et seq* of the report). He noticed that several of these instruments had originally been concluded by the Union of South Africa, their application being subsequently extended to the territory under mandate. Had that extension resulted in any appreciable advantage to South West Africa ?

Mr. ANDREWS replied that, in some cases, the extension of the operation of a Convention to the territory might be said to be a mere formality, but, in the majority of other cases, definite advantages ensued. Thus the Payments Agreement with Germany mentioned in paragraph 6, page 3 of the report, provided for increased quotas of karakul pelts—which were only produced within the territory—and of industrial diamonds.

He would ask that the full list of agreements should continue to be published in every annual report.

IMMIGRATION

COUNT DE PENHA GARCIA then referred to the Agreement for the Reduction of Visa Fees, which headed the list of agreements that had become applicable to the territory during 1938 (paragraph 6, page 3 of the report). He understood that complaints had been received that the immigration regulations in force in South West Africa were applied in an unsympathetic manner to German applicants. While events in Europe, in conjunction with a justifiable concern for the safety of the territory, might account for greater strictness in this respect, he would welcome further details on the subject from the accredited representative.

Mr. ANDREWS explained that an Aliens Act had been in force in the Union and in the territory under mandate since February 1937. Under that Act, aliens were required to make an application if they desired to settle permanently in the country. The number of German applicants had been fairly high, and the German Government had lodged a complaint of lack of sympathy on the part of the Immigrants Selection Board appointed under the Act. The Union Government, in March of the present year, had asked for precise details, and at the moment was still awaiting that information.

The Commission might be interested in having some figures : since the Aliens Act had come into force, applications for permanent residence in the territory had been received from 468 German nationals ; of those, 262 had been granted and 206 had been rejected. There had also been 831 German applications for temporary permits, which permitted of a limited sojourn in the territory. Of those, the great majority were granted. Some were tourists, others scientists, whilst others again were awaiting the result of their applications for permanent residence. Of the latter, some ninety-six were still in the country (at the end of April), though their applications had been rejected by the Immigrants Board in Pretoria. In some 273 cases, the temporary permits were extended from time to time for various reasons.

Count DE PENHA GARCIA asked what was the proportion of Jews among the German applicants.

Mr. ANDREWS thought there might be some among the applicants, but regretted he had no statistics on the point.

The CHAIRMAN asked whether the Immigration Selection Board applied established rules in examining applications, or whether it acted in full freedom.

Mr. ANDREWS explained that the Board was a statutory body under the Aliens Act, and entirely independent. It had the fullest discretion subject to the proviso that it should not authorise the issue of a permit unless the applicant was of good character, was likely to become readily assimilated with the European population and to become a desirable inhabitant of the Union or of the territory under mandate. The Act went on to state that entry should not be allowed to persons likely to be harmful to the interests of the country, or to persons likely to pursue an occupation in which, in the opinion of the Board, a sufficient number of persons were already engaged to meet the requirements of the inhabitants of the Union or of the territory under mandate.

Lord HANKEY asked whether the figures included women.

Mr. ANDREWS replied in the affirmative, and added that many of the immigrants were workers proceeding to the Tsumeb mines.

Lord HANKEY enquired whether the Administration had knowledge of any illicit immigration and, if so, whether Germans were prominent in it.

Mr. ANDREWS said that he could reply in the negative. He added that the Immigrants Selection Board was an entirely independent body and that any person attempting to influence its members or officials would be guilty of an offence under the Aliens Act.

M. RAPPARD said that if the Board had power to refuse admission to undesirable applicants—an expression which was hardly susceptible of exact definition—it obviously possessed complete independence of decision. He asked whether the Administration had ever considered making it a condition to the grant of a permit to settle, that the applicant should undertake on oath to abstain from all political activity.

Mr. ANDREWS felt certain that the mandatory Power would take note of that very interesting suggestion.

Replying to M. van Asbeck, he added that, in deciding whether some particular trade was already congested, the Board naturally treated the territory as a separate unit.

Mlle. DANNEVIG asked whether the Board was influenced by the fact that an application before it was submitted by a Jew or a person without nationality.

Mr. ANDREWS replied that the Act did not make racial discrimination a factor ; in the case of a Stateless applicant, the Board would examine the application on its merits.

RECRUITMENT AND TRAINING OF OFFICIALS : DUTIES OF NATIVE WELFARE OFFICERS

M. VAN ASBECK, referring to the recruiting of junior officials (paragraph 726 of the report, page 128) congratulated the mandatory Power on overcoming the difficulties mentioned. The report for 1937 (paragraph 274, page 44) had indicated that the native commissioners were not always trained in native affairs, and he asked whether that situation would be remedied.

He also noticed, in the table facing page 4 of the report, that there were now ten welfare officers in the native reserves, against nine in the previous year. There was still, however, some discrepancy with the statement contained in the report for 1937 (paragraph 283 page 46) that one welfare officer was to be appointed for each native reserve, for there were twenty-two reserves.

Mr. ANDREWS replied that most officers had some knowledge of native affairs before taking up their appointments.

As regards welfare officers in native reserves, the explanation of the discrepancy, as between their number and the number of reserves, noted by M. van Asbeck, was probably that in some cases police officials would discharge the functions of welfare officers without being designated as such. Police officials exercised a variety of functions in the territory outside the scope of normal police duties. They were a well-trained body with knowledge of native customs and, to some extent, of native languages. They acted in collaboration with the district magistrates, who were in fact designated as native commissioners and who had had very considerable experience of native affairs. At the same time, the necessity for increasing the number of specialised welfare officers as and when financial means permitted was constantly in the mind of the Administration.

M. RAPPARD asked for details of the kind of welfare work performed by these officers.

Mr. ANDREWS replied that their duties were set out in the Native Reserve Regulations of 1924. They collected grazing fees, branded the stock, allotted residential sites and, in conjunction with the Native Reserve Board, assisted the natives in making improvements in the reserve. The construction and repair of boundary fences and the repair of windmills and pumping plants also fell within the scope of their duties.

ADMINISTRATION OF MUNICIPALITIES AND OTHER LOCAL BODIES : ORGANISATION OF THE SOCIAL AND ECONOMIC LIFE OF THE NATIVES

M. VAN ASBECK said that he had been somewhat disappointed with the information given on subordinate public bodies, although the supplementary memorandum which the Commission had received from the mandatory Power to some extent supplemented that information. Most of the facts given related to the municipalities or to the native reserves ; yet the great majority of the natives lived outside the municipalities, and at least a substantial proportion of them outside the reserves. It was less the administrative mechanism than the social and economic life of the natives in the territory generally which interested him. He therefore thought that a special chapter on all types of urban and rural areas was essential.

He was not quite clear as to the meaning of the term " urban area ", which appeared to be used in paragraphs 334 (page 49) and 723 (page 120) in different senses.

Mr. NIEHAUS explained that paragraph 723 dealt with municipalities only, whereas paragraph 334 related to areas which were either under a village management board or a municipal council. Table A on page 107 of the report included both types of administrative unit—that was to say, both municipalities and village management board areas.

M. VAN ASBECK noted this explanation.

He hoped that the authorities would consider the addition, in later reports, of a special chapter, describing the economic and community life of the natives outside the municipalities and the reserves.

Mr. ANDREWS drew M. van Asbeck's attention to the footnote on page 120 of the report which explained the administrative mechanism, and to the supplementary information in paragraph 733. He undertook to forward the suggestion for additional information relating to those local bodies.

MINUTES OF ANNUAL MEETINGS IN THE RESERVES

Mlle. DANNEVIG wished to thank the mandatory Power for forwarding a copy of the Minutes of various annual meetings held in the reserves (see paragraph 331 of the report). The documents had, however, been received rather late, in a single copy, and were extremely lengthy. Would it be possible in future to have them sent earlier or to include extracts in the annual report itself so that it might be possible to acquaint oneself with these evidently very interesting documents ?

The CHAIRMAN wished to associate himself with Mlle. Dannevig in thanking the mandatory Power for sending these interesting documents, which, he thought, should be kept separate from the annual report.

The Secretariat would place the documents at Mlle. Dannevig's disposal, should she so desire.

Mr. ANDREWS said he would enquire as to the possibility of issuing more than one copy to the Commission in future.¹

PUBLIC FINANCE : TAXATION

M. RAPPARD said that the chapter on public finance and taxation was interesting and revealed a very satisfactory situation (pages 11 *et seq.* of the report) : revenue had increased and expenditure was less, largely owing to the fact that no credits had been included in 1937/38 for debt repayment and the redemption of loans granted by the Union. Those important facts, which were shown in the tables on pages 11 and 12, were repeated in paragraphs 67 and 68 on page 13 of the report, and this led M. Rappard to voice a criticism : the report was conscientiously prepared and included a great many details, but it made no attempt to describe general policy, or the main lines of development of the territory, or the how and why of outstanding events. The report of the Auditor-General suffered from the same defect. M. Rappard could not help wishing that something nearer in character to a "budget speech" could be made available to the Commission, so that the general position and outlook of the territory could be appreciated.

Mr. ANDREWS said that he fully appreciated M. Rappard's point of view. It would not be forgotten, however, that the annual report was prepared on the assumption that the Mandates Commission had, so to speak, continuous knowledge of the course of events in the territory based on information supplied in previous reports. The suspension of payments for interest and redemption charges to the Union Government, for example, to which only brief reference had been made in the present report (paragraphs 70 and 71, page 13), had been very fully discussed by the Commission in connection with the examination of the two previous reports. It would be recalled that the suspension of interest payments and redemption charges due by the territory to the Union Government formed part of the financial arrangement arrived at after the Union Government had considered the report and recommendations of the Economic Commission and of the Constitutional Commission. These financial arrangements were submitted to the Commission in 1937.²

As to M. Rappard's suggestion, there would be no difficulty in forwarding each year, as a separate document, the budget speech on the territory's finances, as delivered to the South West African Assembly in the month of April. That would, he thought, provide a living description and a statement of policy such as M. Rappard desired.

M. RAPPARD welcomed that suggestion. But he still felt that it would be, not only useful to the Commission, but salutary for the Administration, to give its report a more explanatory, vivid and vital character. In connection with the particular matter to which he had already alluded, it would be normal to expect that when revenue improved, expenditure would also increase. Why had that not happened ? Why should payments on account of interest and redemption charges cease just as receipts expanded (paragraph 65, page 12 of the report) ? Those payments had been the largest expenditure item in the previous budget, and M. Rappard knew that they had not ceased because the debts had been extinguished. If the suspension of interest and redemption charges to the Union foreshadowed a cancellation of the debt, the Commission would of course gratefully welcome that act of generosity in favour of the territory.

Mr. ANDREWS said that as regarded expenditure, the year had certainly been a good one, but that did not preclude the Administration proceeding carefully, and keeping within the limits of its revenue. The financial year 1938/39 had, in fact, closed with a small deficit which, however, had been covered by the surplus of the previous year.

¹ Further copies of these documents were sent by the accredited representative to the Commission at a later date during the session.

² See Minutes of the Thirty-first Session of the Commission, page 125.

As to the suspension of interest and redemption charges, this concession had been agreed to by the Union Government in 1937 as a contribution towards assisting the territory to balance its annual budget without the necessity for borrowing from the Mandatory.

M. RAPPARD remembered clearly that suspension of payments had been decided upon in view of anxieties felt at the time with regard to the financial position of the territory. Since then, however, the situation had changed diametrically, and it was a matter for surprise that the decision had not been reversed.

M. VAN ASBECK referred to a revenue item of £14,563 under the heading of "Native Reserve Fund Fees" in the table on page 11 of the report. He understood that the yield of those fees was returnable in connection with development expenditure in the reserves. Why then did that figure not appear also in the expenditure table on page 12? Moreover, on what were the fees levied?

Mr. ANDREWS said that the item would be included on the expenditure side in the global sum of £43,366 under the general heading of "Native Affairs".

M. GIRAUD referred to the motor spirit tax which appeared for the first time in 1937/38 in the table on page 11 of the report, and asked whether this was in fact a new tax, and why it had been imposed.

Mr. ANDREWS replied that the tax had been introduced under Ordinance No. 7 of 1937, which provided that receipts from wheel tax, motor licences, petrol tax, etc., were to be allocated for road and bridge construction by the central authority. Previously, the upkeep and construction of roads had been discharged by local boards. The whole road system of the territory had thus been centralised. Paragraph 83, on page 18 of the report, gave details of expenditure from the Road Fund.

M. GIRAUD, referring to the operations of the Consolidated Diamond Mines, noted a statement in paragraph 198 on page 31 of the report to the effect that the Administration paid roughly 70% of the working-costs, 30% only being paid by the company. What method did the Administration adopt to meet this important part of the working-costs?

Mr. ANDREWS explained that under Section 8 (1) of the Diamond Industry Proclamation of 1931, the mines were required to meet a diamond profits tax, calculated on a basis of 60% of the proceeds of sales, less 70% of their working-costs. It was correct to say, therefore, that the Administration bore 70% of the working-costs in view of this method of tax assessment.

LABOUR : HEALTH CONDITIONS IN THE MINES

Mlle. DANNEVIG noticed that a sum of £14,362 had been paid as wages to natives in 1938 (paragraph 86, page 19 of the report). This seemed to point to rather higher wage-rates in mining undertakings than those applied to natives elsewhere.

Mr. ANDREWS drew attention to the last column of the table on page 112 of the report, which reflected both the average and minimum wages paid to native employees in mines and other activities.

M. GIRAUD said that the report referred to the probability of a certain amount of unemployment due to the closing of a number of mines. It was added that no anxiety was felt on this score, as the displaced labour would quickly be reabsorbed in other occupations in the territory or in the Union (paragraph 85, page 19 of the report). Had that expectation been fulfilled?

Mr. ANDREWS replied in the affirmative; the slack had been taken up on the agricultural side and there was practically no unemployment in the territory.

Mr. WEAVER thanked the mandatory Power for replying in the report to a number of questions he had put on previous occasions. He had examined the various sections dealing with labour, wages, etc., very carefully, and had no comments to make. He was, however, somewhat perturbed at the information relating to the health of native workers. Pages 62 to 70 of the report gave information about morbidity and mortality in mines; the situation in the Luderitz mines (page 64) and in the South West Africa Company's undertakings (page 67) was not unsatisfactory, especially if the mortality rate were calculated on the basis of the total numbers employed, which he thought was a method preferable to calculation on the

basis of the monthly average of employees. The situation in the Otavi Company's undertakings at Tsumeb, on the other hand, was extremely alarming (pages 65-66) : the death rate in 1938 reached 80.44 per mille of the monthly average (paragraph 491), or 46.46 per mille of the total numbers employed throughout the year (paragraph 494). This was the worst figure ever recorded, except in 1927 and 1929, when the Tsumeb mines had also shown the highest mortality figures. The causes were examined in paragraphs 440 to 444 (page 60 of the report), and it was clear that respiratory complications following upon influenza were largely responsible. There were some very disquieting factors in the situation, one of which was the very low power of resistance of natives, particularly Ovambos brought down from the north.

Mr. Weaver therefore wished to know whether the Administration had contemplated any special action to counteract the vulnerability to disease of the Ovambo natives. Was any minimum standard of stamina imposed for mine-workers ? Had any advice been sought from the Rand mines, where the problem of native health had been solved with signal success ? The figures showed that the death rate among natives brought across the northern frontier was twice as high as that of other categories, and that most of the victims were workers employed underground or on the smelter.

Mr. ANDREWS said that the position on the Tsumeb copper-mines, which were the largest in the territory, had caused the Administration the gravest anxiety. Officials—both mining and medical—had been sent up to investigate, and drastic measures, as indicated in the report, had been imposed upon the management in order to rectify the appalling situation, the final step of which had been the cessation of recruiting until the mine arranged for the issue of cooked rations to its native employees. He was glad of Mr. Weaver's tribute to the Rand Mines and, in fact, the Administration's Medical Officer had recommended that the manager and medical officer of the mine should visit the Rand to acquaint themselves with the methods of compound management and the feeding and care of the natives.

In addition, a newly discovered method of treating pneumonia—the " M. and B. 693 " treatment—had been utilised in the territory, after successful experimentation on the Rand where, as a result, the mortality had fallen from 10.25 in 1937 to 3.41 per mille in 1938. The treatment was introduced at Tsumeb in December 1938 and out of forty-six cases of pneumonia there had been only one death. This death had occurred within a few hours after admission and could not be considered as one of the cases treated with " M. and B. 693." The treatment had been gratifyingly successful.

Mr. TE WATER thought that the Commission might be interested in having further details concerning the newly-discovered drug known as May and Baker (M. and B.) 693. Soon after his return to London from the Mandates Commission's discussions in 1938, he had heard of Dr. Irvin's discovery and, believing that this might prove a most useful weapon against the scourge of pulmonary disease among tropical workers, had urged that the health departments of South West Africa and the Union of South Africa should keep in close touch with the authorities at Johannesburg, who were about to investigate the properties of the drug. The results of those investigations, published early in 1939, had shown that the new method of treatment was strikingly successful, and thanks to the close contact maintained, the authorities in the territory under mandate had begun to use " M. and B. 693 " in November 1938. Doubtless, had the drug been available earlier, many lives would have been saved during the influenza epidemic of 1938 ; but Mr. te Water believed that the new discovery would enable the Administration successfully to attack the scourge of pneumonia in the future.

Mr. WEAVER said that he was extremely gratified to hear of that encouraging development. There were, however, other aspects of the problem : however successful the new method of treatment might be, effective prevention was even more desirable, and it was of paramount importance to ensure that the natives recruited were really fit to undertake work. Had the Administration considered the possibility of creating acclimatisation camps, as in other territories, or of taking various other steps to increase the powers of resistance of native workers ?

He was glad that the report dealt so frankly with the highly regrettable situation revealed in the Tsumeb mines (paragraph 444, page 60). Not only had the regulations concerning rationing been disregarded, but it also seemed that the medical officer's orders were disobeyed until the extreme step was taken of suspending recruiting. Paragraph 447 of the report appeared to show that other undertakings also had disregarded the regulations.

These disturbing facts led Mr. Weaver to enquire whether the Administration was satisfied that it possessed adequate mechanism to enforce respect for the regulations regarding rations, baths and wash-houses, etc. Would it not be possible to introduce a system of regular inspection, so that breaches of the regulations could be made impossible ?

Mr. TE WATER said that he could add little to what the report had to say about this disturbing situation. The Administration had taken drastic action as soon as the facts had come to light. The medical officer in charge at Tsumeb had stated that, despite the hopes founded on the newly-discovered remedy, all preventive measures would be rigidly insisted upon. The Commission could therefore rest assured that every possible precaution would be taken.

Mr. ANDREWS added that, as regards the native labour regulations, three officers were detailed to supervise all undertakings in which natives were employed, inspect the compounds, quarters, food, etc. The inspectors visited each mine every two or three months, and special attention was paid to the living and working conditions of natives employed underground. The Tsumeb mines would in future be specially watched in view of this most recent experience.

Mr. WEAVER greatly hoped that the next report would provide evidence that such a situation as had arisen in Tsumeb could not recur in any circumstances. He had no wish to criticise, but thought that it would be agreed that what had happened there was lamentable.

Mr. TE WATER undertook to draw the very special attention of the Administration to the discussion which had taken place.

Lord HANKEY said that he had visited the Rand mines in 1934, and had been greatly impressed by the wonderful organisation of the health services. The mines employed highly paid experts who paid special attention to nutrition. It had been found that the comparatively poor physique of the native workers on arrival on the Rand was due in part to the reluctance of the natives to eat vegetables, and in order to produce a balanced diet, an addition of the necessary vitamins was made to the meal or porridge which was their main food. The results of the attention given to public health had been quite remarkable, and he was glad that South West Africa was taking guidance from the Rand in health matters.

M. VAN ASBECK asked in what manner the Administration satisfied itself that native workers from the north were in a fit condition to take employment.

Mr. ANDREWS replied that all recruits were medically examined; permits to work were only granted if the medical officer was satisfied as to their condition.

Mlle. DANNEVIG expressed surprise at the high proportion (2,303 out of a total of 4,437 and 3,646 out of 6,252) of native workers registered as "C" boys—that was to say, boys in bad health (paragraphs 475 and 476, page 62 of the report). She realised that this category were only employed on light farm-work, and that labourers for the mines were recruited from among "A" boys. From the public health point of view, the proportion of those least fit physically was alarmingly high.

Referring to paragraphs 440 and 444 (page 60 of the report), she could only describe the conditions of semi-starvation revealed by the medical officer's visit to the Tsumeb mines as highly deplorable for an undertaking in the hands of a European (German) firm. It was found that "boys" were sent to work in the morning having had no food since the previous afternoon, and that they received no food till after working-hours the next afternoon. No wonder the death rate was alarmingly high. She was unable to understand how such a situation could arise where inspectors were provided by the Administration. She hoped that the measures which had been taken to cope with the situation would prove effective.

FOURTH MEETING

Held on Friday, June 9th, 1939, at 3 p.m.

South West Africa : Examination of the Annual Report for 1938 (continuation).

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

ECONOMIC SITUATION : IMPORTS AND EXPORTS : AGRICULTURE : CATTLE : MINES : RAILWAYS

M. GIRAUD reminded the Commission that the 1937 annual report (page 21) had foreshadowed a certain relaxation of economic activity in 1938. The information given in the report under review showed that, notwithstanding certain signs of weakness, the economic situation of the territory as a whole had, in fact, remained satisfactory.

Ordinary budget revenue, which had been constantly increasing in recent years, had risen still further in the financial year 1937/38, by more than 12% as compared with 1936/37.

Referring to agriculture and stock-breeding, M. Giraud said that the rains had been adequate and the condition of flocks satisfactory. The number of small stock animals had increased by more than 350,000 head, the number of karakul sheep rising from 1,906,000 to 2,146,000. In that connection, it might be noted that, in 1938, 102,000 more karakul pelts had been exported than in 1937, and that this trade, which was constantly developing, showed an increase of over 150% since 1935. The output of butter, which was the second most important agricultural product, had increased by more than 20%, and had also continued to improve in quality. The prices paid were still remunerative to producers.

The position in the mining industry had, unfortunately, been much less satisfactory. The output of diamonds, one of the basic resources of the territory, had been substantially restricted on account of the drop in the world's sales, and had fallen from 196,000 to 154,000 carats (paragraphs 209 and 211, page 33 of the report); exports had declined in an even greater degree, from 184,000 to 37,000 carats (paragraph 196, page 31 of the report). Vanadium and gold also showed a decrease, but there was a very marked rise in the output of copper and lead, the Tsumeb mine having resumed work (paragraph 196, page 31).

Foreign trade had remained practically stationary as compared with 1937. There was a slight fall in both imports and exports (paragraph 669, page 96 of the report). The most marked feature was a decline of nearly 50% in imports of motor-vehicles, with a reduction of nearly £70,000 in value (paragraph 672, page 97). The trade balance with the Union of South Africa in 1938 was still unfavourable, but the deficit had fallen from £330,000 to £250,000 (paragraphs 678 and 697, pages 98 and 101 of the report), owing to larger deliveries of cattle.

In conclusion, to complete the survey of economic indices, reference should be made to harbour and railway traffic. The former showed an increase of nearly 28% in the amount of freight handled (170,000 as compared with 133,000 tons), while railway traffic had risen by more than 26% (295,000 as compared with 233,000 tons). Postal and telegraphic transactions had remained generally stationary (paragraph 597, page 81 of the report), and new savings bank deposits were about 28% lower than in 1937 (£265,000 as compared with £372,000) (paragraph 600, page 82).

To sum up, though there were a few shadows in the picture, as outlined, it could be asserted that the report reflected a general situation which, mainly owing to the progress made in agriculture and stock-breeding, was certainly still favourable.

The report drew attention (page 20, paragraph 88) to the importance of the Union of South Africa as an outlet for the territory's agricultural output. The activities of the Union Meat Control Board and of the Union Dairy Board resulted in an orderly flow of products to the markets and thus prevented an excess of offers. What was the composition of those two bodies? Did they, for example, include any representatives of producers in the territory under mandate?

Mr. ANDREWS replied that the Meat Control Board was set up under Union legislation, its chairman being a senior official of the Department of Agriculture. He could not say whether South West Africa had a representative on the Board, but the interests of the territory were certainly kept under close consideration as evidenced by the larger quotas granted from time to time as conditions were favourable. He directed attention to paragraph 738 of the report.

The same was true of the Dairy Control Board, and, as an instance, he quoted the grant of £30,000 made by the Union Government in 1937 to subsidise the export from the Union of surplus dairy products of South West Africa.

M. GIRAUD noted from the statistics of total imports and exports given in paragraphs 694 and 697 (page 101 of the report) that the three-year average imports of South African produce into the territory had risen from about £540,000 in 1933-1935 to £869,000 in 1936-1938—that was to say, by 61%. On the other hand, the average exports from the territory to the Union had only risen from £612,000 in the former three-year period to £637,000 in the last three years—that was to say, only by 4%. In other words, South African imports into the territory had greatly increased, while exports from the territory to the Union had remained almost stationary. That situation appeared to justify the question whether the influence of the two Control Boards was not perhaps restrictive in character in relation to the territory's output.

Mr. ANDREWS doubted whether that situation could be attributed to the Boards' activities. The function of the Boards was largely to maintain the price-level of products and to adjust their export to the absorptive capacities of the markets. He was informed that the territory had asked for larger representation on the two Boards, but he was not aware of the result. A paragraph could be devoted in the next report to the relations of the territory to the two Boards.

M. GIRAUD noted, from paragraphs 669 and 679 (pages 96 and 98 of the report), that exports in 1938 had totalled £3,560,489, a figure which did not altogether tally with the total of the figures given for the same year in the table on page 99—£3,393,883. The report did state that the latter figure represented "principal exports" (paragraph 680, page 98). What minor exports accounted for the difference?

Mr. ANDREWS pointed out that the latter figure, as mentioned by M. Giraud, embraced principal exports only, and did not include an amount of £62,146 for re-exports mentioned in paragraph 679, or £43,818 worth of "Lead, pig and ingot" (specified at the foot of the table on page 99).

M. GIRAUD observed that, according to paragraph 117 (page 24 of the report), the karakul pelts exported during 1938 were estimated to be worth £1,109,012. In paragraph 685 (page 100), however, the value of the karakul pelts exported in 1938 was given as only £994,858. Was the latter the more correct figure?

Mr. ANDREWS replied that, in his budget speech, the Administrator had referred to the export of 1,292,053 karakul pelts at an average value of 17s. 2d. each, which agreed with the total figure of £1,109,012 given in paragraph 117 of the report. The figure mentioned in paragraph 685 was probably furnished by the Customs Department. He would ask that the matter be explained by the Administration.

M. GIRAUD concluded that there had been a drop in the average price of karakul pelts, which had ranged round 20s. 6d. in 1937 and 18s. 6d. in 1936. Was the drop in price due to the pelts' being smaller, to poorer quality, or to a fall in prices? At all events, even if prices had declined, the effect had not been to reduce the volume of exports: 102,000 more skins had been exported in 1938 than in 1937 (paragraph 686, page 100 of the report).

Mr. TE WATER explained that the karakul-pelt industry in South West Africa had to face two dangers: Over-production in attempting to meet the demand, while cross-breeding tended to depreciate the quality of the pelt. There was some anxiety also regarding the absorptive capacity of the European and world markets. The drop in prices was therefore due probably to both the reasons mentioned by M. Giraud, as well as to contemporary trade conditions.

Mr. ANDREWS added that the Administration had recently passed a Karakul Industry Development Ordinance, under which a Karakul Advisory Board was being set up to protect the interests of the industry.

M. GIRAUD recalled that the previous report (page 25) had spoken of a possible improvement in the quality of the cheese produced. The present report (paragraph 116, page 24), made no reference to that point. Had there in fact been an improvement since 1937?

Mr. ANDREWS promised that the necessary particulars would be supplied in the next report. It could safely be assumed, however, that the new modern factory referred to in paragraph 116 was producing high-grade cheese.

M. GIRAUD observed from Table (a) in paragraph 196 (page 31 of the report) that the value of minerals exported and sold in 1938 was £960,219, a figure which differed very considerably from the £1,330,789 returned in the table on page 99 as the value of minerals exported during the same year. There was a very much wider discrepancy in the figures for exports or sales of diamonds, which were returned in paragraph 196 (a) (page 31) at £283,754, but in paragraph 682 at £816,331 (page 100).

Mr. ANDREWS said he had been informed by the Administration that the figures in paragraph 196 (a) were correct, and represented the total value of *exports* of minerals from the territory. The figures in paragraph 681 were supplied by the Customs and Excise Department and reflected the territory's total production (*output*). The diamond statistics were probably to be explained in the same way. As had been revealed in the report, there had been a considerable decline in the diamond market in 1938, and, in consequence, although a reduced sum of £80,000 had been budgeted for in 1938, the revenue finally realised was less than £27,000. The prospects for 1939, fortunately, appeared brighter, as the total world sales showed a revival amounting, during the first quarter, to £1½ millions, as compared with £2½ millions for the final six months of 1938.

M. RAPPARD would like the next report to contain detailed information regarding the relative importance of the various foreign markets for the territory's exports. Was there any special reason for the large decrease in exports of canned crayfish and fish to France (paragraph 690, page 101).

Mr. ANDREWS said the matter would receive attention and, as regards the decline in crayfish exports, explained that the French Government had reduced the quota from South West Africa. The matter was now under negotiation.

M. GIRAUD drew attention to the figures of railway and harbour traffic given in paragraph 641 (pages 91-92 of the report). Traffic handled at stations had risen from 160,807 tons in 1937 to 209,339 tons in 1938, passengers carried from 79,764 to 93,536 and live-stock shipments from 219,582 to 233,477 head. In spite of these traffic increases, however, the working deficit, which had declined from £181,659 in 1935/36 to £144,215 in 1936/37, had risen again in 1937/38 to £184,801. The latter figures, it was true, referred to the financial year, whereas the traffic figures quoted concerned the calendar years. Possibly, the deficit might have decreased in the next financial year.

Mr. ANDREWS agreed that that might be so and suggested that the traffic concerned might perhaps not yield a very remunerative return to the railways. There was, for example, little margin on agricultural produce. According to paragraph 642 (page 92 of the report), the balance of the traffic, while fluctuating under the different heads, had remained fairly constant in total.

M. GIRAUD thanked the accredited representative for the replies given to his questions, and commended the practice adopted in the annual reports on South West Africa of supplying figures for a wide range of years. Comparisons were thus greatly facilitated.

JUDICIAL ORGANISATION

M. VAN ASBECK asked whether the accredited representative could explain the striking increase in 1938 in the number of offences committed by Europeans—fifty-one, as compared with only seven in 1937 and an average of twenty in earlier years (paragraph 32, page 5 of the report).

Mr. NIEHAUS replied that there had been an abnormal increase in cases of theft and fraud, the latter mainly in respect of sales of karakul skins. There was no reason to believe that this increase would be permanent.

M. VAN ASBECK suggested that the next annual report might include an explanation of the steady rise in the number of offences against the person (paragraph 33, page 6 of the report for 1938, and various paragraphs in earlier reports since 1934). Paragraph 34 (page 6), also, showed that common assault by Europeans against natives had increased to ninety-three cases, as compared with forty-four such cases in 1937. Simultaneously, there was a notable increase in the number of crimes committed by natives against Europeans—1,607 in 1938, as compared with 1,260 in 1937. Was there any special explanation of this increase in crime?

Mr. NIEHAUS suggested that the larger number of cases might reflect greater efficiency on the part of the police. Paragraph 40 (page 7 of the report) showed that the larger number of convictions for illicit liquor offences was attributable to that cause.

Mlle. DANNEVIG had noted the ninety-three cases of assault by Europeans upon natives and asked what sort of crimes had been committed, if they were serious offences and how they were punished.

Mr. NIEHAUS replied that there had been only two serious assaults—cases in which European farmers had fired on native employees. The cases had been taken to the High Court, which, to the best of his recollection, had imposed a sentence of £50 or imprisonment for six months in one of the cases. All the other cases had been of a minor nature. The total of ninety-three assault cases was not really disproportionate to the number of natives employed by Europeans.

M. VAN ASBECK asked whether, in the cases in question, the imposition of a fine was not too lenient a penalty.

Mr. NIEHAUS explained that provocation had been offered, and no doubt the sentence had taken that into account. He confirmed that the interests of the natives were always safeguarded by the officials responsible for the administration of justice, whose reputation for integrity and impartiality could not be doubted.

M. VAN ASBECK noted that no information was supplied regarding the working of the native courts referred to in paragraph 275 of the 1937 report. When the influence of Western civilisation was making itself increasingly felt, the rôle of native courts assumed greater importance.

Mr. NIEHAUS promised to see that a reference to these courts was included in the next report. Records of the cases heard by the Assistant Native Commissioners were kept, and could therefore serve as a basis for the information requested.

POLICE

Lord HANKEY suggested that this section of the annual report might usefully have been made more informative. Paragraph 61 (page 11 of the report), for instance, referred to "the numerous administrative and other duties" of the territory's police force, but gave no description of the duties undertaken. As a newcomer to the Commission, he could not say whether previous reports had given a fuller picture of the situation in that respect, but he suggested that, in general, a more complete description of the nature and scope of police activities was required.

Were the police in the territory distributed in small detachments or concentrated in larger numbers in centres such as Windhoek? Was the force mounted or mechanised to any extent?

Mr. TE WATER confirmed that previous reports had given fuller information on the subject, but would convey Lord Hankey's suggestion to the Administration. Now that the South West African Police Force had been amalgamated with the Police Force of the Union, there was no reason why, as in the case of the latter, a fully descriptive annual report should not be supplied.

Lord HANKEY understood that, in 1939, a large increase had been made in the establishment of the police force. Was a Bill being introduced incorporating the South West African Police Force in that of the Union? What would be the effect of that incorporation, and who would command the united forces?

Mr. ANDREWS said that fusion of the two forces had been effected as from June 1st, the empowering measure having just been passed by the Union Parliament. The position now was that the existing force of 231 European police had been increased by an additional Union draft of 311 men—a total of 542. In addition, there were 156 native police.

Information would be furnished in the next report, but meanwhile he could give the Commission the following information on the basis of a memorandum prepared by Mr. Niehaus:

During the period 1915-1919, which followed on the occupation of German South West Africa by the Union forces, the territory was under military government and police duties were performed by the military authorities.

Section 12 of the Administration of Justice Proclamation 1919 (Proclamation No. 21, of 1919) established a police force for the territory, to be called the South West Africa Police, as from January 1st, 1920. This force was placed under the command, superintendence and control of a Commissioner appointed under the South African Police Act, but was in form, at any rate, a separate force.

Under the terms of Section 3 of the Police Proclamation, 1921, the South West Africa Police were placed under the absolute control of the Administrator, as from January 1st, 1922, the control being exercised by the magistrates in their respective districts. The link with the South African Police was, in consequence, severed.

This development was the direct result of a severe depression and the consequent closing down of police stations and the curtailment of police effectives. In view of the economic stringency, it also became necessary for the police to perform innumerable administrative duties, distinct from their ordinary police duties. In the circumstances, it was felt desirable to place the Force under the Administrator and his magistrates.

This state of affairs obtained until January 1st, 1928, when, under the terms of Sections 2, 4 and 5 of Proclamation No. 34, of 1927, the Police Force was placed under a Commandant who, through his inspectors and sub-inspectors, exercised control over the Force. The Administrator still retained the power of appointment and dismissal, and the Secretary for the territory remained the Accounting Officer, but for all practical purposes control by the

Administrator became nominal. In effect, therefore, the return to the 1920-1922 position, when the South West Africa Police formed part of the South African Police, would involve little material change.

Mr. Andrews handed in a copy of the Union Act amalgamating the two forces, and gave a brief explanation of its provisions.

ARMS AND AMMUNITION

Lord HANKEY noted from paragraph 56 (page 10 of the report) that only a very small proportion of the large number of arms in the territory was held by the Police and Burgher Force. For what purposes were these private weapons required ?

Mr. NIEHAUS replied that arms in private possession were held for sporting purposes, for the destruction of wild animals, or for purposes of self-defence. They were mostly in the possession of the farming community. The increase in the number of arms was not abnormal, and could be ascribed to the increase in population.

Lord HANKEY asked, with reference to paragraph 57 (page 10 of the report), whether the whereabouts of all arms held were known to the authorities.

Mr. NIEHAUS explained that the figures given in the report were estimates. The Administration felt, however, that it should have more exact information on the subject, and had therefore issued a New Proclamation (No. 28, of 1938), providing for the registration of all arms and ammunition held in the territory. The Proclamation had come into force early in 1939, and registration was probably now being carried out.

Lord HANKEY asked whether the authorities had any suspicions of hidden stocks or illicit imports of arms or ammunition.

Mr. NIEHAUS said that no such apprehensions were felt. If unregistered arms were discovered, their possession would, of course, amount to an offence.

WELL-BEING AND SOCIAL DEVELOPMENT OF THE NATIVES : IMPROVEMENT OF NATIVE RESERVES : QUESTION OF THE APPORTIONMENT OF THE BUDGETARY RESOURCES OF THE TERRITORY

Count DE PENHA GARCIA said that the predominant impression gained from a study of paragraphs 327 to 431 (pages 46 to 59) of the report was that most of the territory under mandate was still in the pastoral stage of development. Could the accredited representative confirm that impression ?

Mr. ANDREWS agreed that the country's economy was essentially a pastoral one, and the Administration's efforts were accordingly directed towards educating the natives in pastoral and, of course, most particularly, in stock-raising pursuits. Ovamboland, with its better rainfall, was an exception to the general economy of the territory and agriculture played an important part there. In that respect, the Commission would have observed the references to the introduction of new crops, such as rice and soya-beans.

Count DE PENHA GARCIA had further gathered from the report that an administration system of an indirect type was now applied. The senior officials, who numbered only 213, had direct contact with the tribal chiefs, but had necessarily fewer contacts with the natives generally. In view of the size of the territory and the numerous types of native to be dealt with, would it not be advisable, subject always to budgetary considerations, to increase the number of senior officials ?

Mr. ANDREWS confirmed that the system of administration in its generality aimed at the encouragement of indirect rule. Its object was fundamentally to teach the native to interpret his environment, to control his environment, and finally to enrich that environment. Arising from that, patient and persistent efforts were being made to inculcate in the native the desire to administer and improve his own Reserve. An interesting development in that connection was the despatch, last month, of several Herero chiefs to the Union to attend the General Tribal Council held at Umtata, in the Transkei Territory, to see for themselves what the natives there had done in their own development in the erection of buildings, creation of financial reserves, improving agricultural methods and the extension of native educational facilities. It was worth recording that, in an address to the Council, the chief Herero delegate,

Headman Hosea of the Aminuis Reserve, had expressed his tribute to the constructive policy pursued by the Union Government and the Administration which he described as doing its utmost for the natives.

The visit, it was hoped, would bear fruit and it was now within the Administrator's intention to set up a Herero Council on similar but necessarily less ambitious lines which would convene periodically at Windhoek or elsewhere. A "Box Fund"—on the lines of the Ovamboland fund—would be created, to which every Herero over 18 years of age would contribute 5 shillings annually. The proceeds were to be devoted to education, the training of nurses and hospital work.

On the question whether there were enough senior officials, that was of course a matter of finances, and dependent again upon the opening-up of the territory and improvement in transport and communications. A Native Affairs Officer had recently been appointed permanently in the Kaokoveld area with headquarters at Ohopuho.

Count DE PENHA GARCIA suggested that the incident described in paragraph 413 (page 56 of the report) showed the need of maintaining closer contact between the senior officials and the natives under their administration, and of imbuing chiefs with a keener sense of their responsibilities. Generally speaking, though, the Administration was pursuing a sound policy.

He had noted with interest the detailed information supplied about the various Reserves (paragraphs 336-429, pages 49 to 59 of the report). It was gratifying to see the references to the introduction of better stud animals, the use of Union aviation facilities for the rapid conveyance of vaccines for combating animal diseases, the encouragement given to natives to make their own butter, the development of irrigation, and the general efforts made to improve the economic situation of the natives.

On the other hand, the frequent recurrence of veld fires was disquieting. Were those acts of personal vengeance or demonstrations of insubordination?

Count de Penha Garcia would also welcome a description in the next report of the results of the experiments made in growing new crops, a policy which, if circumspectly applied, ought to enhance the territory's food resources and promote the transition to an agricultural regime.

He could not conclude his review of social conditions better than by referring to the statement in paragraph 329, page 46, that: "The natives again, in common with the Europeans, enjoyed a prosperous year".

He thought that the Commission was glad to note that statement.

Mr. ANDREWS said the Administration would be deeply appreciative of Count de Penha Garcia's words of commendation, particularly in view of his first-hand knowledge.

Veld fires could be coped with in tribal areas where, under native law, heavy fines in cattle could be imposed on the offenders. Outside those areas, the problem was more difficult, as the culprits were usually travelling natives and Bushmen, whom it was difficult to bring to justice.

The request for further information regarding the success of the experimental crops introduced would be noted.

Mlle. DANNEVIG asked whether the contribution of 5s. per annum to a "Box Fund" by Hereros over 18 years old was to be regarded as a step in the direction of self-help. Was the contribution a heavy burden, and was it approved of by the Hereros themselves?

Mr. ANDREWS replied that when the Chief Native Commissioner mooted the proposal during a recent visit to the Herero Reserves it was enthusiastically approved—a pleasing indication on the part of the Hereros of increasing co-operation with the authorities. The rate of 5s. per annum was the same as that levied in Ovamboland.

Mlle. DANNEVIG observed that at the thirty-fourth session, after a discussion opened by Lord Hailey on the subject of the self-help policy for natives,¹ the accredited representative had undertaken to reply to the Commission's criticisms in the next report. Where was that reply to be found?

Mr. ANDREWS referred Mlle. Dannevig to paragraph 732 of the report (supplementary memorandum), which said that, in view of the very full explanation given last year on the subject of native expenditure, the Administration thought the matter could not be taken any further. The Administration had added, however, that it clearly had not introduced any new policy, although it still held the view that the development of the natives in the territory could not be forced, and that efforts directed to their uplifting had to be attuned to their ability to appreciate and benefit from them.

¹ See Minutes of the Thirty-fourth Session of the Commission, page 78.

M. VAN ASBECK recollected that the discussion in 1938 had centred on two points : (1) the close connection revealed in the 1937 report between the taxes levied and the amounts spent on natives and Europeans respectively, and (2) a new policy adopted in regard to expenditure for native welfare. The latter point was dealt with in the supplementary reply just read, but he could find no reference in the 1938 report to the first point.

Mr. ANDREWS said the position as he saw it was that the Administration had stated its view and policy on native expenditure in the 1937 report, and that Mr. te Water had explained and interpreted that policy very fully last year. Having considered the Minutes of the Commission's discussions of last year, the Administration now felt, as already indicated in the report, that there was nothing it could add to Mr. te Water's explanations.

The CHAIRMAN inferred that the view expressed by the accredited representative at the thirty-fourth session must be taken as the final view of the Administration also. The implication seemed to be that, contrary to the practice in most civilised countries, taxpayers derived benefit from public expenditure in proportion as, being rich or poor, they contributed to revenue. This, of course, was a policy pressed on the Administration by the European community in the territory. Had the Administration had to yield to pressure from that community ?

Mr. ANDREWS said he experienced difficulty in reopening a matter that had been examined at great length last year, without traversing the whole of that discussion, but, in his view, the issue was not altogether as the Chairman had stated it. Large amounts had been spent out of the general revenue in the settlement of natives in the Reserves and, in particular, in the development of water supplies, at a time when the natives made no contribution to revenue. The Administration now expressed the view that it would be unwise unduly to accelerate development beyond the absorptive capacity of the native, and that therefore expenditure should be regulated as had been indicated in last year's discussions.

Mr. TE WATER felt that the difference of views was one more of degree than of substance. In 1938, he had endeavoured to make it clear that, in the view of the Administration, the European taxpayer would continue to pay a large proportion of the expenditure on native welfare, but that it was its policy simultaneously to train the natives to be self-supporting. He had, as promised, notified the Administration of the Commission's views, and had received the reply that the explanations given by himself could not be amplified further. If the Commission was still not clear on the point, he suggested that a direct question might be put to the Administration, which would, he was sure, endeavour again to restate its policy.

The CHAIRMAN concluded that the Administration maintained the point of view expressed in paragraph 305 (a) of the 1937 report, as follows :

“ The Administration is, therefore, opposed to making grants for accelerating the development of the reserves as much in the interests of the natives themselves as of the European. At the same time, it holds that it would be unfair to burden the European section of the population with further taxes for native development, when practically the whole of the native contribution to the revenue of the territory is handed out to trust funds for expenditure on the natives. Additional taxation of the natives at the present time is also undesirable.”

The Commission would have to consider whether a reference to that subject should be inserted in its report to the Council.

Mlle. DANNEVIG recollected the accredited representative's having agreed during a previous discussion on this subject that the natives contributed to the building-up of the country by their labour, while the whites contributed by the payment of taxes.¹

M. RAPPARD believed that, in many British colonial possessions, it was the normal practice to levy income tax on the small white minority, mainly for the benefit of the native population. South West Africa had a prosperous white population, which paid no income tax. Would it not be normal to consider its introduction ?

¹ See Minutes of the Thirty-first Session of the Commission, page 127.

Mr. TE WATER said that M. Rappard's interesting suggestion had already been considered, and would probably be again considered, by the Administration of the territory. He still believed that the difference of opinion on this point between the Commission and the Administration was more academic than substantial. The ratio of native expenditure in the South West Africa budget was well-known. Whether or not that ratio should be increased was a question more of expediency than of principle. Experience in South Africa showed the advisability of accustoming natives gradually to assume material responsibility for their own development.

M. RAPPARD gathered that, in the view of the Administration, the taxes paid by the white population should not be expended exclusively for the benefit of that population. It merely believed that, at the present time, such taxation could not be increased. Everyone agreed that it was important to interest the native population in the conduct of its own affairs, but he would need to be reassured also that the mandatory Power realised the duties imposed by trusteeship.

M. VAN ASBECK entered a warning against treating the issue solely as a matter of expediency; for, in several colonial territories, this matter was discussed by white settlers and foreign interests in terms of principle, therefore it was important not to lose sight of that aspect. A similar problem in similar terms had arisen in Kenya; as a result a Commissioner, Lord Moyne, had been sent out in 1932 to make an enquiry, and he had rejected the contention. A similar issue had come to the fore in the Netherlands Indies, where foreign interests were often found to be reluctant to increase expenditure on native interests, saying that the former paid the bulk of the taxes.

Mr. TE WATER referred the Commission to the table in paragraph 82 (page 17 of the report), from which it would be seen that expenditure on natives had risen from £36,000 in 1933/34 to £64,189 in 1937/38, a greater proportion of which came from general revenue. The actual amount might not be as large as the Commission might desire, but the tendency to increase it was unmistakable.

DEPARTURE OF MR. TE WATER

Mr. TE WATER regretted that he would have to leave Geneva before the hearing was completed. He thanked the Commission for the appreciative reception given to his explanations and to those of his colleagues. The mandatory administration, he could assure the Commission, would also welcome any suggestions, based on the hearing, which the latter saw fit to make.

The CHAIRMAN thanked Mr. te Water for the co-operation extended to the Commission. Though the report had evoked a certain amount of criticism, it had the advantage, duly noted by Mr. Weaver at the previous meeting, of being a frank and unvarnished statement of the real position in the territory; as such, it had been all the more appreciated by the Commission.

FIFTH MEETING

Held on Saturday, June 10th, 1939, at 10.30 a.m.

South-West Africa: Examination of the Annual Report for 1938 (continuation).

Mr. Andrews and Mr. Niehaus came to the table of the Commission.

SETTLEMENT OF THE BUSHMEN

M. GIRAUD recalled that it had previously been said that the Bushmen were natives with essentially nomadic habits, whom it would be very difficult to settle in the reserves.¹ Nevertheless, according to the figures on page 107 (Table A), the number of Bushmen living in the urban areas had nearly doubled in 1938 as compared with 1937, while those settled in the reserves (Table B) had trebled. That fact was all the more striking in that, according to Table D, the total number of Bushmen had slightly diminished in 1938 as compared with 1937. Had those figures no real significance, or did they in fact indicate the beginning of an evolutionary process?

¹ See Minutes of the Thirty-first Session of the Commission, pages 122 and 123.

Mr. ANDREWS said that the figures might be regarded as a tendency towards a very gradual "taming" process in respect of some of the Bushmen. Some people considered that it offered a possible solution of the Bushman problem, while others again, from ethnographical considerations, were seeking a solution by the proposed creation of a separate reserve. The Commission would have noticed (paragraph 727, page 128 of the report) that, arising from the proposal for the creation of special reserves, a committee had been appointed to collect information about them.

WELL-BEING AND SOCIAL DEVELOPMENT OF THE NATIVES (*continuation*) : IMPROVEMENT OF NATIVE RESERVES (*continuation*) : QUESTION OF SOIL EROSION

M. VAN ASBECK observed—as to the second main issue of last year's discussions—that in spite of Lord Hailey's warning that there existed a clear distinction between social improvements, such as educational facilities, etc., and material development in the shape of water-supplies, health services, and so forth¹, and that, for these latter purposes, the expenditure had to be made irrespective of the natives' appreciation, the present report was still lacking in clarity so far as it concerned the policy of the Administration, more particularly in connection with the important problem of water-supplies. Indeed, the table of expenditure on natives (page 17) no longer included an item for irrigation, though M. van Asbeck was not unaware that in earlier reports no expenditure had been entered although the item duly appeared each year. Several passages in the report (*e.g.*, paragraphs 346, 372, etc.) drew attention to the serious lack of water in many districts. The problem was urgent, and it seemed that it could not be solved by leaving it to the natives to sink wells and provide conduits themselves. Had the Administration any general plan for water-supplies?

Mr. ANDREWS replied that, although the question of water-supplies was not dealt with as a separate subject in the report, many paragraphs on native affairs gave evidence of development in that direction, especially in the reserves within the police zone. The sinking or deepening of wells, sinking of boreholes, erection of pumping-plants, building of dams, laying of water-pipes, etc., referred to in paragraphs 339, 340, 350, 353, 356 and others, showed clearly the results of the Administration's constant efforts in the reserves.

M. VAN ASBECK was glad that the importance of water supply was brought home to the natives, but his question was whether the Administration had a definite programme in connection with water supplies and public expenditure thereon, and whether it was putting a definite plan into operation with financial help where required.

Mr. ANDREWS thought that from the facts to which he had drawn attention, the Administration's policy could be deduced. Its view was that the work should be carried out by the natives themselves as part of their training and development, but they were of course given expert guidance and assistance by irrigation and welfare officers. There had been a steady development in opening up water supplies, due to the constant concern of the Administration with the problem.

M. VAN ASBECK, referring again to the fact that certain reserves were overstocked, asked whether that condition was general, and whether it was not likely to aggravate the problem of soil erosion—a great evil in many parts of Africa, and particularly in the territory under mandate.

Mr. ANDREWS admitted that this was a very real danger. The natives clung tenaciously to their live-stock, as their social standing depended largely on the number of head of cattle they possessed. Welfare officers were making every effort to induce them to sell off surplus stock in order to conserve grazing and as a contribution to the prevention of soil erosion. The opening-up of additional water-supplies was also being pursued for the same reason.

SQUATTING

M. VAN ASBECK then referred to the question of squatting, on which there was a special paragraph (paragraph 728, page 128 of the report) in reply to a question asked by a member of Commission.² He hoped that subsequent reports would contain regular information on

¹ See Minutes of the Thirty-fourth Session of the Commission, page 78.

² *Ibid.* page 82.

this point, but he was a little puzzled to find that farmers were forbidden to charge grazing-fees for stock belonging to natives employed on their farms. That seemed to indicate a departure from the policy of discouraging squatting.

Mr. NIEHAUS said that the passage referred to in the report might perhaps be misleading, since it did not add that the amendment to the 1922 Proclamation also laid it down that no farmer might in future employ more than ten male natives without obtaining special permission from the district commissioner and magistrate. That prohibition, read in connection with the one referred to by M. van Asbeck, would have the effect of counteracting squatting.

M. VAN ASBECK agreed that that fact altered the impression completely. He observed, however, that farmers appeared to be at liberty to discharge squatters at will, and that they showed a preference for single workers without stock or dependants who had to be recruited from outside the police zone (paragraph 361, page 52 of the report). Did not natives thus discharged become a burden upon the reserves or the Administration, and was the farmers' freedom desirable? The same passage in the report, and paragraph 366 on the same page, spoke of two reserves as being considerably overstocked; that made the position appear still more serious.

Mr. ANDREWS repeated that the object of the amending legislation introduced in 1938 was to discourage squatting. Progressive farmers did not tolerate it, and, in fact, the general tendency was for native labour tenancy to give way to labour hire. The farmers' freedom to dismiss native workers was of course covered by the contract of employment. The Native Commissioner had power to control the number of natives a farmer could employ—a power strengthened by Proclamation 30 of 1938—and there was therefore less risk of large-scale dismissals in times of stress.

M. VAN ASBECK wondered whether the dismissals could be left wholly to the parties in the contracts.

SITUATION OF WOMEN

Mlle. DANNEVIG said that the report made no special mention of the conditions of life of native women. Women were hardly mentioned in the report. Their conditions of life seemed mostly to be such that improvement in the care of children, in nutrition, in maternity welfare and in the education of girls would appear to be highly desirable. She hoped that the next report would provide fuller information on those points.

Mr. ANDREWS said that welfare work among natives in the territory benefited the whole of the native population, but undertook to refer the request to the proper quarter.

MISSIONS

Mlle. DANNEVIG said that the Commission had discussed missions at some length on a previous occasion,¹ and that a full discussion was probably unnecessary again this year. She was interested in the health activities of the various missions, and presumed that the Rhenish mission was not mentioned in the chapter on health (paragraph 556, page 74 of the report) because it concentrated on education and played no part in the health campaign. Had the Administration made any further grants for health work to the missions, in addition to the items of £400 and £122 included in the table on page 72 and the amounts mentioned in paragraph 546 on page 73? Would the Finnish mission be able to continue its valuable health work in spite of the great loss it had sustained by the death of Dr. Rainio? Was the Administration properly appreciative of the great work performed by the missions in connection with native health?

Mr. ANDREWS drew attention to the total amount spent on the treatment of natives during 1938 which was £13,870 (paragraph 539, page 72). Not only was the Administration most grateful to the missions for their humanitarian activities, as Mlle. Dannevig had surmised, but also the missions were equally appreciative of the assistance received from the Administration. Indeed, the report for 1937 (paragraph 413, page 68) quoted the German mission as

¹ See Minutes of the Thirty-fourth Session of the Commission, pages 92 and 93.

acknowledging that, in regard to education, the mission schools might well be described as Government schools, since the Administration took complete charge of examinations, the payment of teachers, the provision of equipment, etc. The help given by the Administration was most substantial in practically every department of the missions' activities.

EDUCATION

Mlle. DANNEVIG said that the report showed that serious efforts were being made to bring about improvements, but that progress was slow, more particularly on account of the lack of trained teachers. In spite of the improved financial position of the territory, a little less had been spent on education in 1937/38 than in the previous year (paragraph 65, page 12 of the report) ; the reduction, however, was mainly in the expenditure on European hostels (paragraph 290, page 41), and there was a slight increase in expenditure on the education of coloured people and natives, with a further small increase in the estimates for 1938/39 (paragraph 82, page 17 of the report).

Nevertheless, only 10% of the expenditure on education went to schools for native and coloured children, though the native population was about ten times as great as the European. She fully appreciated, of course, that schools for European children must cost considerably more in proportion, but asked if the Administration did not intend to increase its efforts for the education of the natives.

She regretted that the report still failed to show how the money spent was apportioned between Government schools and the missions. Could the accredited representative throw any light on that point ?

Mr. ANDREWS said that, as Mlle. Dannevig had recognised, expenditure on the education of natives and coloured people was steadily increasing. To the £16,000 estimated for 1938/39 should be added a further item of £2,000 for school inspection (paragraph 297, page 42 of the report).

With regard to the analysis of the expenditure, he had noticed the omission in the report, and had telegraphed for information. The position was that the one Government school, consisting of one European principal, who was also a qualified doctor, and two local assistants, accounted for £445 in salaries, whilst the rest of the vote of £10,930 in 1937/38 went to the mission schools.

Mlle. DANNEVIG thought that the average cost per pupil shown in the tables on pages 41 and 42 of the report was remarkably high as compared with costs in other territories.

It had also been stated on a previous occasion ¹ that native education was somewhat too theoretical, and that efforts would be made to give it a more practical character. Had anything been done in that respect ?

Mr. ANDREWS replied that the comments made at previous examinations had not been lost sight of, and had been passed on to the proper quarter. There was general agreement on the point that a practical rather than a purely literary bias should be imparted into native education.

Mlle. DANNEVIG drew attention to a misprint in the table at the top of page 44 of the report ; the number of children enrolled at the Rhenish mission school should clearly be 553 and not 53.

The memorandum supplementary to the report referred (paragraph 740) to the admission of native pupils to certain coloured schools in order to increase the enrolment, a practice which had given rise to protests and departmental action. What was the reason for those protests ?

Mr. ANDREWS replied that a deep class prejudice existed between coloured people and natives.

In reply to a further question, he said that he was unaware whether the attitude of the inhabitants of the Rehoboth Gebiet to the Government industrial school there (paragraph 304, page 44 of the report) had changed and whether it had been possible to reopen the school. ²

Mlle. DANNEVIG observed that there were now (paragraph 306, page 44 of the report) 4,225 native pupils in schools within the police zone. Were any figures available for other parts of the territory ? Was there an annual departmental report on education, as in other territories ?

¹ See Minutes of the Thirty-fourth Session of the Commission, page 91.

² *Ibid.* page 90.

Mr. ANDREWS replied that a reference to school attendance in the areas outside the police zone would be found in paragraph 417 (page 69) of the 1937 report. The South West African administration did not publish separate departmental reports, doubtless on grounds of economy.

Mlle. DANNEVIG wished to thank the mandatory Power for transmitting the reports of the Interdepartmental Committee on Native Education in South Africa and the Union Native Affairs Commission 1936—two most interesting documents which laid great stress on the need for further educational progress, especially the former.

She then turned to the question of the chronic shortage of teachers, which appeared to be getting worse and worse. Various paragraphs on pages 44 and 45 of the report drew attention to the difficulties that that shortage caused, and the Director of Education was reported to have said that, unless special measures were evolved, the problem would persist for many years to come. The Inspector of Schools had also reported that there was very little improvement in the educational position in Ovamboland, and had attributed the fact to the lack of persons competent to train students as teachers and the unsuitable teaching staff. Both officials had made a number of suggestions and recommendations. Had any action been taken to deal with this serious situation ?

Mr. ANDREWS replied that both the report for 1938 and previous reports dealt very frankly with the difficulties in the normal development of native mission schools or Government schools, due to the shortage of native teachers conversant with various native languages. He was glad to be able to inform the Commission that seventy-three teachers were in training, of whom five were in the Union with the help of bursaries. The recommendations of the Director of Education and the Inspector of Schools were receiving consideration.

The Hereros had been specially appealed to by the Chief Native Commissioner, on the grounds of racial pride, to permit their children to avail themselves of the free training offered both to become teachers and hospital nurses.

Mlle. DANNEVIG drew attention to the proposal to establish a central native training-school under the control of the State. She regretted that, according to the report (paragraph 326, page 46), the proposal appeared to have been dropped, on the ground that it would lead to a demand also for training-centres for European teachers. Where were the teachers for the European schools at present trained ? During the previous year's discussion, ¹ she had expressed the view that the offer of higher salaries would perhaps induce more young natives to be trained as teachers. She thought that that observation still held good.

Mr. ANDREWS said that he would not fail to transmit Mlle. Dannevig's views on the salary question. There were, however, arguments against the idea of teachers who were such from lucrative motives only. Doctor Vedder, for example, had said that the ideal at present to be found with young teachers was a religious one, and that teachers without ideals were not fit to educate primitive peoples.

Mr. Andrews could not say that the last word had been spoken as regards a Government Native Training School.

The European teachers were trained in the Union.

The CHAIRMAN said that paragraph 326, page 46 of the report, and particularly the last sentence, illustrated once again an attitude to which he had ventured to refer on the previous day, ² and of which evidence was found in many parts of the report. No arguments were given for and against the establishment of a Government training-school for natives, beyond a possible objection which was considered sufficient to justify the abandonment of the scheme.

ALCOHOL AND SPIRITS

Lord HANKEY said that, as in 1937, there was again in 1938 a slight increase in imports of brandy, whisky and various liqueurs, amounting to approximately 7% by value (paragraph 48, page 9 of the report). There had also been a slight increase in the local production of brandy and beer (paragraph 49, page 10). The European population had increased only very slightly, but the greater consumption of liquor could doubtless be ascribed in part to the enhanced

¹ See Minutes of the Thirty-fourth Session of the Commission, page 90.

² See page 34.

economic prosperity of the territory. He noticed, however (paragraph 39, page 7 of the report), that there had been a very sharp increase in the number of convictions for selling liquor to natives. Was that fact connected with the increased consumption of alcohol in the territory, or did it merely denote, as paragraph 744 in the supplementary information appeared to suggest, increased vigilance on the part of the authorities ?

Mr. ANDREWS replied that there could be no doubt that the increased consumption of alcohol and spirits was a reflection of the continued economic prosperity of the territory. Increased convictions for liquor offences were, he thought, to be ascribed wholly to the tightening-up of supervision.

M. GIRAUD assumed that the alcoholic beverages imported were for the exclusive use of Europeans.

Mr. ANDREWS explained that prohibition for the natives was an obligation imposed by Article 3 of the mandate. The only alcoholic beverage allowed them was a mild Kaffir beer. The beverages shown in the table on page 9 of the report reflected European consumption.

DRUGS

Lord HANKEY had little to say on the question of drugs. He noticed that there had been a sharp decrease in the number of convictions for offences connected with drugs (paragraph 42, page 7), and assumed that the situation was now under control.

Mr. ANDREWS replied that that was so.

PUBLIC HEALTH

Count DE PENHA GARCIA said that the report (pages 59 *et seq.*) dealt very fully and frankly with the Administration's difficulties, which were due in part to the vast extent of the territory and the lack of means of easy communication, and in part to a very large and varied population, consisting of some 30,000 Europeans and 250,000 natives. Those difficulties could not in fairness be overlooked, and he was gratified to find that the organisation of public health was proceeding satisfactorily. For Europeans, five hospitals were now available ; 4% of the European population appeared to have received hospital treatment, and he concluded that the accommodation was now adequate. On the native side, the position was not so encouraging, as there seemed to be on the average only one doctor for every 18,000 natives. Here again, however, the difficulties must be realised.

He had himself visited the Windhoek native hospital in 1938, and had been greatly impressed with the care taken of the patients ; the equipment was necessarily simple, but great efficiency prevailed throughout, and he had been particularly impressed by the excellent relations between doctors and patients.

The report drew attention to the efforts made to supervise the diet of natives and their housing conditions ; both points were of the utmost importance, especially the latter, since there was a considerable number of slum dwellings in Windhoek and other centres. As to diet, the sad events connected with the influenza epidemic in several mining undertakings showed how important that question was.

The figures given in the report in connection with public health were more indicative than statistical, since they did not cover the whole territory. He noted, for example (paragraph 549, page 74 of the report), that no information could be collected about the work of the nineteen health stations of the Rhenish mission, as the work was not done under medical supervision. He hoped that that defect would be made good at an early date, as the information would doubtless be of value.

Mr. ANDREWS wished to thank Count de Penha Garcia for his appreciation of the great difficulties facing the Administration, and for the tribute paid to the Health Authorities. The provision of two new wards, at a cost of £7,000, would greatly improve facilities for treatment at the Windhoek native hospital.

He would enquire if it was possible to furnish information concerning the activities of the Rhenish health stations in question.

Count DE PENHA GARCIA said that the expenditure on native health (paragraph 539, page 72 of the report) was considerable. He wondered why additional fees had to be paid to district surgeons for tending natives.

There seemed to be a considerable fluctuation in the sums spent each year for medical services as shown in the table on page 17 of the report. Thus, while the total expenditure had almost doubled between 1936/37 and 1937/38, it had fallen again by nearly a third in the estimates for 1938/39, for which year the amount was actually less than that spent in 1934/35.

Mr. ANDREWS thought the additional fees paid to district surgeons might be for cases in which they had to travel outside their normal areas.

As for the variations in the annual expenditure on medical services, the sharp increase referred to by Count de Penha Garcia was probably ascribable to capital expenditure at Windhoek. For 1938/39, the allocation reverted to a more normal level in comparison with earlier years.

M. VAN ASBECK ventured to think that there could be no question of a normal, stabilised level of expenditure when the unsatisfied needs of the population were still so tremendous.

Count DE PENHA GARCIA then referred to venereal diseases, the incidence of which was still very high (paragraph 514, page 69 of the report). Although a number of measures had been taken, he had the impression that there had been very little improvement. Further action appeared to be required, and he would be glad to have details of the Administration's intentions in this connection.

Mr. ANDREWS said a fundamental difficulty was to induce the natives to come forward for treatment. Everything possible was done to that end by the welfare officers. In the urban areas, much was hoped from the newly-introduced compulsory examination of female natives referred to in paragraph 432 (page 59) of the report.

Mlle. DANNEVIG expressed surprise at the statement in the same paragraph that "compulsory examination of native females residing in urban areas was legalised" and still more that it was said in the next paragraph that this step was "liable to give the public a false sense of security". What did that statement mean?

Mr. ANDREWS said that the allusion was to native servants employed in European households; in spite of compulsory examination, it was very desirable that there should be no relaxation of precautions in connection with cleanliness in the care of children. Compulsory examination had of course been introduced because no native suffering from venereal disease could hitherto be persuaded to reveal the source of infection. A further step in the campaign was the transfer of some 300 native women, many of them prostitutes and engaged in the illicit liquor traffic, from the Windhoek urban area to the Okombahe Reserve for treatment and rehabilitation.

Count DE PENHA GARCIA then turned to the grave problem of infant mortality and maternity assistance. The conditions in which native children were born were admittedly bad. That was a vital matter for the economic and social future of the territory. He fully appreciated all the difficulties, but wished once again to urge that every possible step should be taken to improve the position.

Mlle. DANNEVIG supported this appeal. In many cases, the conditions were said to be quite appalling, and there were humane as well as economic considerations to be kept in mind.

Mr. ANDREWS replied that the Administration was very fully aware of the serious situation in regard to infant mortality, and was most anxious to improve it. The evolution was, however, necessarily slow because they were dealing with a child race with little regard for hygiene. Natives seldom sought help in maternity matters, although they would walk miles to obtain medicine for minor ailments.

LAND TENURE

M. VAN ASBECK noted the additional information given in response to questions he had put on the previous occasion.¹ He observed that the native reserves were Crown lands held in trust for the native population, and could not be alienated except by resolution of the

¹ See Minutes of the Thirty-fourth Session of the Commission, page 95.

Union Parliament (paragraph 747 of the report). No requests, however, for land under individual tenure had yet been received. Again, natives did not seem to be availing themselves of the facilities for acquiring or leasing land outside the reserves. Was any land within the police zone but outside the reserves actually owned or leased by natives ?

Mr. ANDREWS referred M. van Asbeck to the 1929 report for further additional information on native land tenure. Generally speaking, natives were not yet in an evolutionary state or an economic position such as would enable them to lease land.

M. VAN ASBECK then observed that, out of a total of 110,556 natives within the police zone, only 24,571 were living in the reserves ; some 21,000 were living in urban areas, and the balance of nearly 65,000 lived in the rural districts of the police zone (paragraph 706, page 106 of the report). Were the latter for the most part mineworkers and squatters, and to what extent were they landless ?

He hoped that the mandatory Power would supplement the information on land tenure given in the 1929 report, as nearly ten years had now elapsed and changes might have occurred in the situation.

The report for 1937 (paragraph 162, page 29) had stated that little land remained available for allotment, although that same report (page 98) also said that over 21 million hectares, within and without the police zone, were still unallocated. Those two statements appeared to be somewhat conflicting. The 1938 report repeated that the demand for land was steadily increasing, and that the areas suitable for allotment were yearly becoming less (paragraph 189, page 29).

Could the accredited representative throw light on these facts ?

Mr. ANDREWS replied in the first place that, as M. van Asbeck had suggested, the 65,000 natives living in rural areas of the police zone were workers on farms or mines and were without land. Many of course owned cattle within the reserves which were tended by relatives in their absence.

With regard to the land available for allotment, of the 21 million unalienated hectares mentioned in the 1937 report, only 11.6 million fell within the police zone, which alone should be taken into consideration for settlement purposes. He had no exact figures, but, undoubtedly, suitable land for settlement was very small in extent. For that reason, the Union Government had recently bought up 689,000 hectares inside the police zone from the Liebig Company, for settlement purposes.

M. VAN ASBECK again referred to the 1937 report (paragraph 162, page 29) in which details were given of the purchase of land by the Administration and its resale to settlers under the Land Settlement Proclamation. Apart from the instance of the Liebig Estates, from whom was the land purchased ?

Mr. ANDREWS explained that most of the land available for settlement purposes was Crown land, but some would be in the possession of the Land Bank as a result of buying up lapsed leases ; he would however ask for specific information in the next report, as also for data, in response to M. van Asbeck's further enquiry, as to areas still available for settlement and the intentions of the Administration in that respect after the land bought from the Liebig estates was settled.

M. VAN ASBECK took note of this promise.

FORESTS : QUESTION OF SOIL-EROSION (*continuation*)

Count DE PENHA GARCIA said that unfortunately there was little real forest land in the territory. Nevertheless, he regretted that there was no forestry officer on the staff of the Administration in view of the serious menace of soil-erosion, a problem of sufficient gravity to warrant very special efforts. Had the Administration considered any scheme of reforestation in suitable areas ?

The CHAIRMAN pointed out that there was a reference in paragraph 615, page 84 of the report, to "one anti-erosion scheme". Were any details available ?

Mr. ANDREWS said that the Administrator, in his latest budget speech, had stated that provision for forestry services had unfortunately not yet been financially possible. That showed that the matter had not been overlooked. The Administration made constant efforts

to induce natives not to overstock their land, as that was the chief contributory factor of erosion. Opening up water was encouraged for the same reason. He would ask for details of the anti-erosion scheme referred to by the Chairman.

M. GIRAUD asked if the northern districts, particularly Ovamboland, did not offer good prospects for reforestation schemes, as the rainfall there was less scarce.

Mr. ANDREWS agreed.

MINES (*continuation*)

COUNT DE PENHA GARCIA had little to say on this subject. The year had obviously been a bad one, and revenue had dropped sharply. The report referred (paragraph 194, page 30) to the parlous position of the small producers in times of stress, owing to the lack of financial facilities from the banks. Could not the Administration take action to assist them in times of difficulty ?

Mr. ANDREWS replied that the Administration's view was that the question was entirely a matter for private enterprise and not for State intervention. If the principle of assistance were conceded, it would be difficult to know for how long small producers would have to be assisted or indeed by what means, for the financial resources available to the Administration were somewhat limited.

DEMOGRAPHIC STATISTICS

M. RAPPARD said that vital statistics were of the utmost interest in connection with the welfare and future of any area, provided that they were reliable. In the present case, an accurate census of the population in the police zone had been taken in 1936, but, outside that area, only rough estimates were available. It seemed, however, that Europeans accounted for about 10% of the total population (paragraph 700, page 102 of the report)—a fact which was relevant to all the questions—financial, economic and social—that the Commission had investigated.

There appeared to be certain discrepancies in the figures relating to arrivals and departures. Had the net permanent German population increased slightly, as one table (page 103) appeared to show, even though another table seemed to indicate that more Germans had left the territory than had entered it (pages 103 and 105 of the report) ?

M. Rappard much hoped that actual counts would soon replace the estimates for outlying regions. The uncertain value of those estimates was revealed by the fact that, in a number of cases (page 109 of the report), the total population for the area was given with great precision at exactly the same figure for 1937 and 1938.

Mr. ANDREWS said that the Germans travelled in and out of the territory to a far greater extent than other nationals, a fact which probably accounted for the apparent discrepancy. The settled German population had certainly increased slightly.

He quite agreed with M. Rappard regarding the limited value of estimates ; the Administration was making every effort to improve that state of affairs, but the difficulties would be appreciated.

Mlle. DANNEVIG drew attention to the very low birth rate among some native tribes, especially the Hereros, who were said to be the most developed and promising tribe. Could the accredited representative make any comment on that regrettable fact ?

Mr. ANDREWS said that Mlle. Dannevig had seized upon a point of the utmost concern to the Administration. The cause had its original roots in pre-war history when the Hereros had been almost decimated. This had induced a state of mind in which it appeared to them undesirable and hopeless to multiply, so that even to-day practices persisted which resulted in a deplorably low birth rate. The Administration was using every influence to have the position reversed.

CLOSE OF THE HEARING

The CHAIRMAN said that the examination of the annual report was now ended, and thanked the accredited representatives on behalf of the Commission. Few questions had remained unanswered, a fact which was in itself a tribute to the careful preparations the accredited representatives and their assistant had made for the discussion.

He ventured to repeat the request that the next report should contain an introductory passage on the Administration's policy with regard to the internal political situation. The absence of any reference to that question could not but startle public opinion, as it was well known everywhere that the Administration had to meet a somewhat tense situation.

Mr. ANDREWS replied that the Chairman's request would certainly be met, and expressed appreciation, on behalf of Mr. Niehaus and himself, for the Commission's patience in the course of the examination.

The accredited representatives withdrew.

Palestine : Petitions : Committee of Rapporteurs.

The Commission decided to allocate the petitions relating to the general policy and the disturbances in Palestine to a Committee of Rapporteurs, consisting of M. VAN ASBECK, Count DE PENHA GARCIA and M. RAPPARD.

SIXTH MEETING

Held on Monday June 12th, 1939, at 10.30 a.m.

Togoland under French Mandate : Examination of the Annual Report for 1938.

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, with whom the Commission was glad to have a further opportunity of collaborating in the examination of the annual report.

GENERAL STATEMENT BY THE ACCREDITED REPRESENTATIVE

M. BESSON made the following statement :

It is always with genuine pleasure that I appear before the Commission. On this occasion, I am able to give a more vivid portrayal of the position of the territory during 1938, because my statement is based upon personal interviews I was able to have with the Governor of the territory, M. Montagné, only a few months ago, before he rejoined his post in April last.

Compared with the results achieved in 1937—a year which can be described as exceptional—those obtained in 1938 may, at first sight, seem less striking. Even a brief scrutiny of the situation, however, shows, not only that the territory is economically sound and based upon an excellent social structure, but also that it displays great vigour in putting its resources to good use and in facing external factors which, at the present time, are definitely unfavourable to it.

Although the trade turnover of the territory in 1938 (142 million francs) fell by some 14 million francs in value as compared with 1937 (156 million francs), it is still 51 million francs above the total for 1936 (91 million francs).

The decrease by weight (6,000 tons in 1937 as compared with 1936) was repeated, it is true, in 1938, but to a less extent, since it amounted to some 1,000 tons only; the figures were 82,000 tons in 1936, 76,000 tons in 1937 and—a portent of greater stability—75,000 tons in 1938.

The year-to-year variations are, however, too considerable and apparently too haphazard to allow any definite conclusions to be drawn. The measure of definite progress achieved in value and weight, can better be deduced from the annual figures if we compare the latest totals with the average for the five-year period 1934-1938, although that average includes the very high 1936 figures and the quite exceptional 1937 figures. In 1938, the trade turnover, whether measured by weight or by value, was substantially higher than those averages, amounting to 68,000 tons and 102 million francs respectively, the surpluses amounting to 7,000 tons and 40 million francs.

While it is only to be expected that the drop of 3,114 tons in imports, in 1938 as compared with 1937, should have been accompanied by a fall in value of 4,951,000 francs, it is startling to find that, whereas the weight of exports actually increased by 1,950 tons, their value fell by 9,024,500 francs.

The reason is that the average cost of imported manufactured goods rose from 1,810 francs in 1936 to 3,307 francs in 1937 and 3,560 francs in 1938, whereas the average sale price of local products exported from the territory rose from 788 francs in 1936 to 1,464 francs in 1937, only to fall again to 1,262 francs in 1938.

The increase in the cost of imported goods has been very considerable and continued in 1938 ; for exports, on the contrary, there was one sporadic, though lesser, upward movement in 1937, immediately followed by an appreciable decline in 1938.

Price disequilibrium has been responsible for a substantial reduction in the purchasing power of the natives ; proof of this lies, not only in the reduced quantities of imports but also in the increased quantities of exports, which in turn retarded the process of liquidation of stocks accumulated in 1937.

Despite these unfavourable commercial conditions, the results achieved in 1938 are most encouraging and prove the territory's power to withstand the effects of a very difficult situation.

The increase of the territory's exports of maize, which is comparable with that of Dahomey, illustrated that faculty of rapid adaptation to external economic conditions. Thus, exports increased by 100% between 1936 and 1937 (from 7,000 to 14,000 tons) and by a further 100% in 1938, reaching a total in the latter year of 21,000 tons. Maize is being used in increasing quantities in France for feeding to cattle in the form of maize cake.

Quick recovery of this character would have been impossible in Togoland without the help given by the native welfare societies, to the activities of which, and to their share in the agricultural development of the country, I had occasion to draw attention a year ago. They now include 200,000 native members, whose efforts are thereby fully co-ordinated ; to ensure still better results in this direction, the whole organisation was improved this year by the institution of local sections which will exercise a decentralising influence and will henceforward be closely bound up with the life of each village.

This step gave immediate results in connection with a problem of primary importance in Africa, that of village water supplies. By bringing drinking-water nearer to each community, much arduous daily labour is saved, man-power is released for more productive purposes, and the standards of comfort and health of the inhabitants are enhanced. During 1938, in addition to a number of depth wells which were mechanically sunk and equipped, forty-eight other wells, varying in depth from 10 to 50 metres, were bored.

These native welfare societies, with the support of the Department of Agriculture, have continued their persistent efforts to develop the cultivation of ground-nuts in the north. They have also encouraged the production of coffee by carrying out improvements in methods of cultivation, soil husbandry and the use of fertilisers, and by securing improvements in the preparation of the produce, such as the mechanical extraction of broken beans, substitution of machine-pulping for pulping by hand, etc. The seed-beds now available will allow of the distribution of 175,000 plants of arabica in 1939.

Further distributions of cocoonut plants were made during 1938, bringing the total distributed since 1933 to 480,581 plants.

Lastly, the welfare societies, which neglect no question of interest to agricultural producers in a country in which 97% of the population are farmers, have been encouraging fruit production by distributing and planting mangoes, orange trees, tangerine trees and guavas ; these fruits, the consumption of which makes good deficiencies of vitamins, will bring about a considerable improvement in the standard of native nutrition.

Transport also shows a substantial improvement as compared with 1937, although that year was one of exceptional activity on the railways of the territory. Passenger railway traffic, which had increased very considerably in 1937, was maintained at substantially the same level in 1938 (1,030,559 as compared with 1,031,524 in 1937), while the goods traffic increased from 64,471 tons in 1937 to 74,719 tons in 1938, thus reaching a level over 4,000 tons higher than that for 1936. This development confirms my earlier remarks regarding the expansion of exports and the resilience of the territory's economic activity, which is able to react against unfavourable world price conditions, not by limiting consumption, but by increasing its productivity. Railway receipts similarly rose from 5 million francs in 1936 to 5.9 million francs in 1937 and to 6.9 million francs in 1938.

Despite a decline in commercial activity due, as I have already shown, to the fact that the increase in prices of imported goods was accompanied by a fall in the prices of colonial products, particularly cocoa, Customs receipts still accounted for 21 million francs in 1938 as against 23 millions in 1937, while the budget closed with a surplus of 3.6 million francs, which is to be added to the assets of the Reserve Fund, already amounting to 15 million francs.

These results are still more striking when it is remembered that no increase in taxation has occurred. Direct native taxes remained unchanged throughout 1938. Increases were rare and almost negligible ; they affected a small number of export dues and the statistical charge, which had been raised from 1 to 2 francs. These changes are indeed primarily in the nature of readjustments designed to secure a more equitable distribution of taxation among the population. The circulation tax on caravans in the north was even reduced.

Moreover, the satisfactory financial situation has not been obtained by means of economies on the spending side, which would have had the result of retarding or endangering, sooner or later, the economic and social expansion of the territory.

On the contrary, fresh charges were laid upon the budget through the restoration of autonomy to the various departments of the territory's Administration, in compliance with the wishes of the Commission and with due regard to its observations. The Commission will

doubtless recall that the territory used to share with Dahomey departments for education, posts, public works and transport, public health and agriculture. Expenditure in connection with the campaign against sleeping-sickness alone increased from an average of between 800,000 and 1,200,000 francs in previous years to 2,700,000 francs in 1938. Similarly, the programme for water-supplies involved expenditure amounting in 1938 to 1,560,000 francs against 626,000 francs in 1937.

These results, achieved in spite of a number of economic difficulties, only represent a further stage towards the execution—to begin in 1938 and to be spread over fifteen years—of a specific programme for the renewal of railway and harbour equipment; further expenditure amounting to 20 million francs and spread over four years is also planned in connection with transport, public works and water supplies. Thus the past, and even more the present, is the territory's surety for the future, to which it looks forward with steadfast singleness of purpose.

On the political plane I have no comments to make or facts to lay before the Commission. Undisturbed calm continued to prevail throughout the territory, as a consequence not only of the vigilance of the local authorities and of the Governor, M. Montagné, but also—and it ought to be recognised—to the remarkably loyal attitude of the whole Togoland population which, throughout a somewhat difficult year, has never ceased to give proof of its desire and determination to remain faithful to the regime of the French mandate.

The CHAIRMAN thanked M. Besson for his statement.

DATE OF COMMUNICATION OF THE ANNUAL REPORT

The CHAIRMAN observed that this year several of the annual reports from mandatory Powers had been late in reaching the members of the Commission. The delay had only been slight in the case of the report on Togoland under French mandate, which had arrived on May 27th, but even that small delay—the statutory date being May 20th—had caused a certain amount of trouble to the members of the Commission, who wished to be able to examine the report quietly at home. The Chairman was sure that M. Besson, always anxious as he was to help the Commission in its work, would do his best to see that, in future, the annual report was sent in by the statutory date.

M. BESSON said he would certainly urge upon his Government, and especially upon the responsible authorities, that, in future, the report should be sent in early, rather than late. He was bound to point out that events during the present year had not been entirely without effect even upon that aspect of the work of the Administrations concerned.

FORM OF ANNUAL REPORT

The CHAIRMAN, referring to Section IV of the first part of the report, observed that the "Replies to Questions asked by Members of the Permanent Mandates Commission" included both replies to the Commission's observations and replies to the questions of individual members; indeed, the latter were sometimes represented as questions put by the Commission. That was a confusion which, in some cases, might give a false impression of the significance to be attached to the different questions.

M. BESSON explained that most of the replies were based on the questions as they appeared in the Minutes, and that accounted for a certain degree of confusion.

M. RAPPARD wished to make it clear that there were three different kinds of question:

- (1) Those arising out of the "Observations by the Commission to the Council";
- (2) Questions asked by individual members of the Commission;
- (3) Questions to which the Chairman gave the status of questions raised by the Commission as a whole, but which were not of such importance as to appear in the "Observations to the Council".

M. DE HALLER suggested that the matter could be put right by altering the type used for the questions and answers in the annual report.

M. BESSON said he would give instructions to that effect.

STATUS OF THE TERRITORY: SPEECHES BY M. MANDEL, MINISTER FOR THE COLONIES, AND M. MONTAGNÉ, COMMISSIONER OF THE REPUBLIC FOR TOGOLAND

M. RAPPARD was glad to observe that—largely, he was sure, thanks to M. Besson—the present year's report was a great improvement on previous ones in the amplitude of the information it conveyed and the realism of its descriptions. He particularly appreciated the inclusion in the report of the text of the speech delivered by Governor Montagné, Commissioner

of the Republic for Togoland, at the opening of the session of the Economic and Financial Council of the territory (pages 149 *et seq.* of the report). That speech gave the impression that a number of administrative partitions between the Mandates Commission and the territory had been removed.

In regard to the status of the territory, there was only one question he wished to ask. He had been much impressed by the declaration at the close of M. Montagné's speech, but he was not sure whether it was merely an expression of the Governor's personal opinion or a statement of the mandatory Power's considered political intentions. The passage was as follows (page 159 of the report) :

"In conclusion, may I remind you that, three days ago, when inaugurating at Longpont, in the presence of the President of the Republic, the monument to the memory of van Vollenhoven, our Minister, M. Georges Mandel, after pointing out that the future of the natives, whether subjects, protected persons or citizens, was indissolubly linked with our own ; emphasising that hygiene, education and public works must form the foundation of any sound and rational policy ; and reviewing our vast potentialities both in manpower and in raw materials, concluded that our essential objective was to train and educate men until they were able to govern themselves within the structure of the Empire."

M. RAPPARD thought that that was the first time that any document had adumbrated the policy that the mandatory Power intended to pursue on the expiry of the mandate.

M. BESSON said that he himself had been present when M. Mandel had made his speech. M. Montagné's remarks accurately reflected the ideas of the Minister, and those of France as a whole. France was ardently desirous of educating and uplifting the native populations until they could become self-supporting citizens within the Empire—whether as members of a colony, or of a protectorate, or of a territory under mandate.

M. RAPPARD remarked that it was obvious that, so long as the mandate continued, the process of evolution was bound to go on within the structure of the French Empire, because the administration was French ; but, if he understood aright, the reference was to the subsequent period—that was to say, after the mandate had expired. He would like to know whether that was just a casual suggestion or an announcement of the mandatory Power's considered policy. The political consequences might, of course, be very far-reaching.

M. BESSON replied that French colonial policy was to endeavour gradually to emancipate the native peoples. He would like to point out, moreover, that M. Mandel's speech was a general speech, not a speech about the territories under mandate. As for M. Montagné, his speech had ended as follows :

"It is the pleasantest of my duties, gentlemen, to assert in your name that French Togoland will work, to use the powerful words of our Minister, to fulfil the same needs and to achieve the same ideals, and I say once more that all the peoples that inhabit this territory have no other ambition than to be for ever members of the French Empire."

M. BESSON added that the Governor could not have meant that the territories under mandate would, upon emancipation, be merged with the French Empire. Moreover he could only have alluded to the existing situation of the territory—namely, the existence of the French mandate. The passage quoted must therefore be interpreted to mean that Togoland had no desire to be released from the operation of the French mandate.

Mlle. DANNEVIG observed that, in one direction, the problem touched the sphere of education. She had already several times had occasion to remark that the only language used in teaching was French, and that the missions were absolutely forbidden to teach unless they taught in French. Would not that make it difficult for the natives later on to acquire complete liberty outside the French Empire ?

M. BESSON thought he need say no more than that there was an independent republic—Haiti, which was formerly a French colony—whose President, public authorities and population spoke French as their national language.

RE-ESTABLISHMENT OF ADMINISTRATIVE AUTONOMY IN THE TERRITORY : READJUSTMENT OF ADMINISTRATIVE AREAS : " COMMUNES MIXTES " : DEVELOPMENT OF VILLAGE AUTONOMY

M. VAN ASBECK recalled that, on two or three occasions in previous years, the Commission had expressed some apprehension about the administrative reform whereby a number of services had been merged with French West Africa and changes had been made in the titles of the higher officials responsible for the territory. According to the 1938 report (page 11), so far as joint services were concerned, the last vestiges of that reform had now disappeared, and all the services of the territory had regained their earlier autonomy. He congratulated

the mandatory Power on that state of affairs. As the accredited representative had said at the thirty-fourth session,¹ there was only one survival of the incorporation, but it was an important one on practical grounds : the Governor-General of French West Africa retained the title of High Commissioner for Togoland, so that it was possible to apply to the Governor-General's services when expert officials were required in Togoland. The Commission would be interested to note this permanent change, which would be of great practical help in administrative work in case there should be a shortage of qualified staff in the territory.

The report said (page 11) that " the fresh expenditure—not really very large—involved by the re-establishment of the autonomous services had been to a great extent balanced by the abolition of the quota paid by Togoland to the Dahomey budget, towards the salaries of the chiefs of joint services ". It appeared, therefore, that the above-mentioned measures, taken at a time when budgets were being reduced for reasons of economy, had in fact proved expensive. Should such a period of economic and financial difficulty recur, it was to be hoped that this recent experience would be borne in mind.

M. BESSON said that, in such a contingency, recent experience would certainly be taken into account.

The CHAIRMAN remarked that M. van Asbeck's satisfaction at the restoration of the former state of affairs was shared by the whole Commission.

M. BESSON wished to give an illustration of the value of certain joint services. A social worker recently engaged by the Governor-General had been able for the first time to proceed to Togoland ; obviously, the territory under mandate could not have afforded that relatively considerable expense, beneficial though it might be.

M. VAN ASBECK noted (pages 11-12 of the report) that there had been a fresh readjustment of administrative areas. The Mango zone had been re-established in 1937, and the Anécho and Klouto zones in 1938. It would appear, moreover, that this list was not complete because, on page 48 of the report, mention was also made of the Atakpamé zone. The inference was that the former situation—that was to say, that of 1935—had been completely restored. In 1936,² Lord Hailey had expressed some anxiety at the difficulties the natives would have in obtaining access to the Administration. It would appear that, from henceforth, such approach will be much easier. The mandatory Power should be congratulated on having restored the former position.

M. BESSON stated that the effect of these modifications was to bring the native closer to the authorities. Moreover, economic questions in the territory were so complex that it was desirable to divide it into several areas. The reforms had undoubted advantages.

COUNT DE PENHA GARCIA referring to the improvement of contacts between the natives and the zone authorities, drew attention to a Decree of December 9th, 1938, establishing a bonus for knowledge of the local native dialect. Such a measure was bound to encourage officials to learn the native languages so as to be able to enter into direct contact with those under their control. It would have been useful if this decree had been reproduced in the report.

M. BESSON pointed out that the decree was a general one applying, with a few exceptions, to all possessions under the Ministry for the Colonies. He, nevertheless, shared Count de Penha Garcia's opinion.

M. VAN ASBECK found, on page 12 of the report, an item of information which concluded an exchange of views that had been carried on in the Commission over several years. The Administration intended to safeguard village autonomy, the headman of a district was to be regarded more as an official than as a customary chief, and there was a movement to establish small native areas with a real life of their own. In other words, the village would be an acknowledged autochthonous body and the district an established piece of administrative machinery.

Were there, in villages of this type, native treasuries similar to those in the British zone in Nigeria, for example ?

M. BESSON replied in the negative. It would be an exaggeration to speak of treasury services proper : only small funds were involved.

M. VAN ASBECK referred to the information (page 141 of the report) which had been supplied at his request regarding " communes mixtes ".³ It would be of interest if every report were to include a paragraph on the working of the various subsidiary bodies, such as

¹ See Minutes of the Thirty-fourth Session of the Commission, page 109.

² See Minutes of the Thirtieth Session of the Commission, page 71.

³ See Minutes of the Thirty-fourth Session of the Commission, page 112.

“communes mixtes” and village councils of notables, so that the Commission had a bird's-eye view of the administrative and constitutional machinery of the territory. There was a reference to the report for 1929. Perhaps the report for 1939 might include a more detailed study of the activity of these various bodies during the period of ten years.

M. BESSON took note of this request.

MEASURES FOR IMPROVING THE CONDITIONS OF THE NATIVES : NATIVE PROVIDENT SOCIETIES

M. RAPPARD stated that, on the whole, the report conveyed the impression of a renewal of administrative activity. The fruitful action of the Provident Societies, the administrative policy of the Water Board, the transfers of population to relieve the congestion in certain districts and develop others, all assisted this impression, which was further strengthened by the following passage from the speech of M. Montagné (page 153 of the report) :

“In my programme-circular of January 1st, under the heading Development and Planning, I expressed the wish that, as soon as the agricultural community had been organised and disciplined on the French pattern, we should instruct it in an intenser form of cultivation in both quantity and quality : the purpose of this scheme would be, not only to establish a more solid general economy by increasing exports, but also to enrich the private individual and enable him to attain a higher standard of living by the initiation and pursuit of a carefully devised policy of rural planning.”

Was that to be understood as an allusion to a change of method, or was it a symptom of the “dynamic energy” of M. Montagné, reflected in administrative action ?

M. BESSON stated that M. Montagné was certainly a Governor of immense energy ; but, if the Commission were familiar with the information and reports of the whole of the French Colonial Empire, it would see that this was typical of a general movement which had been in progress for some time past. That movement was based on the feeling that, not only was it necessary to develop these territories, but also a very great effort had to be made, with the support of the native population and carried to a conclusion with its assistance, an effort which would be to their interest as well as to that of the home country. That was one of the facts of the present-day colonial policy.

M. VAN ASBECK recalled that the annual report for 1937 (page 67) stated that the provident societies would, in fact, also become political cells. Perhaps, in the same study, information could be given on that subject and mention made of the relations between the provident societies and the councils of notables which, at first sight, appeared destined to play a somewhat similar rôle in certain respects.

M. BESSON said that a reply would be given to this question in the report for 1939. Too much importance should not, however, be attached to the expression “political cell”.

INCIDENTS IN THE FRONTIER REGIONS OF TOGOLAND UNDER FRENCH MANDATE AND TOGOLAND UNDER BRITISH MANDATE ¹

Count DE PENHA GARCIA remarked that, in 1938, external relations had been satisfactory, not merely with the neighbouring territories, but also with the British authorities, among others (page 49 of the report). The question was sometimes a difficult one owing to the peculiar nature of the frontiers. It was also stated on the same page that the incident between tribes on the frontier between Togoland under French mandate and Togoland under British mandate had been settled by the Privy Council in London in favour of the natives of French Togoland. Had that settlement been well received ?

M. BESSON answered that no difficulties had arisen.

Count DE PENHA GARCIA asked what had been the outcome of the correspondence between the two local administrators in the Atakpamé district concerning the land disputes between natives of the two territories (page 49 of the report).

M. BESSON offered to have an exhaustive enquiry made if the Commission so desired, but thought that only questions of negligible importance were involved.

¹ See Minutes of the Thirty-fourth Session of the Commission, page 111.

INTERNATIONAL CONVENTIONS

Count DE PENHA GARCIA found, on page 49 and pages 180 *et seq.* of the report, a lengthy list of international Conventions described as applying to Togoland in 1938. What machinery was used for applying those Conventions? In some cases, the procedure was by Order of the Governor, in others by decree of the President of the Republic on the proposal of the Minister for the Colonies. It seemed to him that some of these Conventions, as, for example, those concluded with Latvia, Estonia and Guatemala, were only of very minor interest to the territory.

M. BESSON explained that, as a general rule, international Conventions included a final clause rendering them applicable to colonies, protectorates and territories under mandate. The promulgation of such Conventions was, therefore, obligatory, even though they might not affect in any way the territory in question.

Count DE PENHA GARCIA instanced the case of the Washington Conventions on the Night Work of Women and Young Persons employed in Industry. Conventions of that kind could only be applied to a territory like Togoland subject to certain modifications which, moreover, were generally provided for in the Conventions themselves by a clause permitting account to be taken of conditions peculiar to a given area.

M. BESSON pointed out that that was a general question which had been the subject of much discussion at International Labour Conferences. In the case of the Washington Conventions, it was a question of application in principle which did not apply to native labour and affected only the few whites living in the territory.

M. VAN ASBECK supported Count de Penhã Garcia's remarks. When a labour convention was applied to the territory it would be of interest to find in the annual report a brief statement as to whether the convention was applied as it stood or with modifications, and what were the results of its application.

M. BESSON took careful note of that request.

Count DE PENHA GARCIA felt some concern over the extension to the territory of the International Convention for the Preservation of Fauna and Flora in Africa, adopted by the London International Conference on November 8th, 1933. Had the establishment of the suggested reserves been begun, and were steps being taken to ensure that the Convention was applied to Togoland as fully as possible?

M. BESSON replied that the question had been very closely studied. Certain regulations had already been issued: details would be given in the next report.

He added that the Administration was interesting itself in another related question—namely, tourist traffic—which was being developed in Africa.

QUESTION OF GERMAN PROPAGANDA

Lord HANKEY asked whether there had been any trouble in the territory on account of German propaganda, both within and without the territory.

M. BESSON replied that there had always been a small amount of German propaganda outside the territory. The Togoland Bund, however, had now completely ceased to exist.

In reply to M. Rappard, he added that there were only a few Germans in the territory, who caused the mandatory Administration no trouble whatever.

HALF-CASTES : DECREE OF JANUARY 1ST, 1938

M. VAN ASBECK referred to a Decree of January 1st, 1938, concerning the status of half-castes born in the territory of parents not legally known. He had not found any mention of that decree in the report, but it was interesting because it conferred French citizenship on a certain class of half-castes in the territory. It would be desirable for such enactments to be mentioned in the survey of the events of the year, together, if possible, with some remarks by the mandatory Power on their effects. Could the accredited representative say how many half-castes there were in the territory, and to how many children the decree had been applied?

M. BESSON said he did not know exactly how many half-castes there were in the territory, but there were undoubtedly very few of the class mentioned by M. van Asbeck. He was sorry that the decree had not been reproduced in the annual report. The next report would show the number of half-castes affected and the practical consequences of the decree.

PUBLIC FINANCE : TAXATION

M. RAPPARD thanked the accredited representative for having arranged for the chapter on " Public Finances " of the report to be presented in a much clearer and simpler form than previous ones. The Commission could now take a comprehensive view, and was in a much better position than formerly to assess the financial administration of the territory.

On page 15 of the report mention was made, among other items of increased taxation, of the additional tax on Europeans or taxpayers with annual incomes exceeding 10,000 francs. M. Rappard regretted that the corresponding official texts were not to be found in the annexes to the report. The same process was taking place in Togoland as was to be observed in other territories under mandate : a very small personal tax was first instituted ; then, gradually, as the territory's requirements increased and inequalities in wealth developed, an income tax was levied. In the case of Togoland, this tax might reach 20% on incomes exceeding 400,000 francs, but it was hardly probable that there were any white men or other natural persons in the territory with incomes of that size.

M. BESSON admitted that the gradual introduction of income tax was a principle to be found in all colonies. In Togoland, apart from the Europeans, there were also some native taxpayers with fairly large incomes, but the salary of the Governor himself was very far short of 400,000 francs.

M. RAPPARD noticed a reference (page 16 of the report) to the denunciation of the Niger Convention. Had that step reacted in any way on the territory ?

M. BESSON replied that it had been necessary to establish Customs barriers in the north. They were not irksome, but they had involved certain expenditure.

M. RAPPARD noted (page 16 of the report) that the yield from direct taxation had increased, despite the reduction in rates. So far, only increases in rates had been mentioned.

M. BESSON replied that reductions had been made in certain import and export duties.

M. RAPPARD thanked the mandatory Power for the table (page 17 of the report) showing the yield from direct and indirect taxes. The position was rather curious. The total taxation yield was almost steady, but, if it were examined in detail, considerable changes were to be found. For example, the native personal tax had increased from 2,700,000 francs in 1936 to 6,500,000 francs in 1938. Was that increase compensated by a corresponding reduction ?

M. BESSON replied that the health tax had been completely abolished. The European personal tax had also increased sharply. In M. Besson's opinion, the table did not perhaps give an exact idea of the true position, because, between 1928 and 1938, there had been a considerable change in the value of the franc.

M. RAPPARD agreed that, calculated on a gold basis, the tax yield had fallen considerably during that period.

The item " Outstanding debts " in the table on page 20 of the report amounted to more than 5 million francs. That would be equivalent to a territorial debt of more than 100 million francs. What was the position in that respect ? The amount of outstanding debts represented nearly one-seventh of the total budget.

M. GIRAUD, in reply to M. Rappard's observation, and referring to the table on page 25 of the report, thought that loans were contracted to a total amount x , but called up in blocks. Each time a block was called up, the outstanding debt increased.

M. RAPPARD said that was the question that interested him. There was also the curious operation of the Reserve Fund, to which payments continued to be made when the budget yield permitted.

M. BESSON recalled that the Commission had always expressed its surprise at that feature. It should be pointed out that the reserve funds amounted to genuine savings banks, and the Administration endeavoured to avoid drawing on them out of prudence ; the Administration should not forget that, in 1936, the fund had been empty, and that very drastic steps had had to be taken to replenish it.

M. RAPPARD nevertheless considered that there was some lack of elasticity. On page 22 of the report, it was stated that the territory had received a grant of 1,500,000 francs from the home country to assist the restoration of local finances. But, during that year, local finances had had no need of restoration.

M. BESSON replied that there was a long-standing debit balance.

M. RAPPARD noted that M. Montagné had emphasised in his speech (page 149 of the report) that he had prepared an "athletic" budget. He was to be congratulated on the present position of the territory, but M. Rappard wondered whether the measures in question were generally applied by the home country to all the colonies. If that were the case, the method lacked elasticity, because grants were made even to a territory which did not need them.

M. BESSON would have a full study made of this point, and of the territory's debt, for the next report.

M. GIRAUD enquired as to the objects of the "dog tax" instituted under the Decree of September 23rd, 1937, which, according to information given in the report (page 16), was levied, not only in towns, but also in other parts of the territory. In the circumstances, the preparation of lists of persons liable must have proved a lengthy and arduous task. Was the yield really expected to be substantial? He hoped that the next report would indicate how much the tax had brought in.

M. BESSON explained that this tax had not come into operation till 1939. The registration it had required had been very difficult, particularly as regards the owners of dogs. It was a purely fiscal measure, which was expected to give results in the towns.

ECONOMIC SITUATION : IMPORTS AND EXPORTS : NATIVE PROVIDENT SOCIETIES (*continuation*)

M. GIRAUD noted that the economic position had been fully described by M. Besson in his opening statement. Without going into too much detail, it seemed to him desirable to emphasise certain special features of 1938.

The agricultural year 1938 was characterised by a falling-off in non-seasonal industrial crops, due mainly to the dryness of the previous years, and by an increase in seasonal crops, both food and industrial, as a result of an adequate and well-distributed rainfall. A further decline in oleaginous products was to be noted; exports (page 85 of the Report), which had fallen between 1936 and 1937 from 34,000 to 22,000 tons, having amounted in 1938 to only 17,000 tons. Cocoa exports also, a large part of which came from Togoland under British mandate, were smaller. As against this, the other agricultural exports, of which the chief were maize and cotton, showed a considerable increase, from 11,000 tons in 1936 to 21,000 in 1937 and 28,000 in 1938. Unfortunately, the market prices had been lower than in the previous year for oleaginous products in general, cocoa and cotton, with the result that native purchasing power was reduced.

It was obviously inevitable that the fall in export prices should react on foreign trade movements. Although outward shipments were 2,000 tons greater than in 1937, their value was 9,000,000 francs less, with the result that imports fell both in weight and in value. The trade position, however, did not appear to have affected the native to any serious extent, because purchases abroad by the territory fell by only about 6% in value. The reduction in consumption was thus, on the whole, fairly slight. It might be noted that the fall in the franc had had a marked effect on the composition of the import trade in regard to countries of origin; thus, whereas the share of France and the French colonies in the import trade was only 9½% in 1937, in 1938 it rose to 20½%.

Despite the unfavourable economic conditions, the territory's finances had been maintained on a solid basis, since ordinary budget receipts had exceeded ordinary expenditure by more than 3 million francs, and the supplementary budget for the railway and the wharf showed a surplus of 1,600,000 francs. It would be noted that the Reserve Fund, which, at May 31st, 1937, amounted to 4,300,000 francs, had been increased to 15 million francs at May 31st, 1938. In passing, M. Giraud would explain that the Reserve Fund, to which M. Rappard had referred, was an institution forming part of the French colonial financial system; it acted, roughly speaking, as a financial steadying force; it was filled during years of prosperity, when budgets showed a surplus, and drawn on during a depression to make up the deficits.

Finally, if it were borne in mind that the railway had carried a higher goods tonnage, that postal and telegraph traffic was developing in every direction, and that the number of savings-bank deposits and the amount of individual deposits had increased, it would be appreciated that the territory's economic position, even though not quite so good in 1938 as in some earlier years, was still on the whole very satisfactory.

In his opening statement, the accredited representative had not omitted to emphasise that trade had slackened a little in 1938 as compared with 1937. M. Giraud asked whether the latest information as to the position foreshadowed better prospects than in 1938 as regarded, for example, export prices, the economic trend, etc.

M. BESSON replied that, for some months past, the prices of raw material had been rising considerably. There would undoubtedly be a recovery in prices, which must inevitably bring about an increase in export values. From September to November 1938, there had been a marked lull, followed by a sharp rise in January and February 1939; then a fresh lull, but, two

months ago, this lull had ended. The prices of produce such as maize, oleaginous products and cotton were rapidly increasing, and M. Besson thought that 1939 would be a much better year economically than 1938.

M. GIRAUD noted that certain passages in M. Montagné's speech (page 151 of the report) related to the denunciation of the 1898 Convention known as the Niger Convention. The result of that denunciation had been that a preferential tariff was applied in the Niger colonies, the Ivory Coast and Dahomey, and that Togoland was considered as a foreign country in its relations with the Federation. Instead of taking the direct route through Togoland, the Dioulas now went round by French West Africa, and caravan traffic had fallen off considerably. The Administration of the territory was endeavouring to come to an agreement with French West Africa, whereby taxes levied in Togoland would be deducted on the arrival of goods at the markets of French West Africa. Had any agreement on that point yet been reached ?

M. BESSON replied that the new Governor-General had not yet taken up his post. The question raised by M. Giraud was one of those he would examine as soon as he arrived. The absence from the report of any reply was due to that fact. M. Besson reminded the Commission that the denunciation of the Niger Convention had necessitated the establishment of Customs posts where there had been none previously, and this had involved unavoidable expense.

M. GIRAUD asked whether the report for 1939 could not include figures showing the volume of commercial exchanges with Dahomey, so that the Commission could have an idea of how much Togoland sold to Dahomey ; that was the essential point as far as the territory's economic life was concerned.

In regard to the provident societies, the Commission had obtained some information from M. Besson at the opening of the meeting, and further information was to be found in M. Montagné's speech. It was such an important question that it seemed desirable that a special section should be inserted each year giving all the necessary details, supported by statistics (results obtained by each society, available funds, expenditure, etc.).

On the subject of goods transit, the report stated (page 87) that " the loss on cocoa sales, the transport strike, and the boycott of imported goods in the British territory, have prevented commercial houses from shipping the quantities expected ". Could the accredited representative give some information about the boycott ?

M. BESSON said that the question was now settled. Prices had been raised, and the prospects for this year were good.

M. GIRAUD referred to the February number of the French Overseas Review (*Revue française d'Outre-mer*), the organ of the Union coloniale. At the meeting on February 13th, 1939, of the Togoland-Cameroons Section (page 74), protests had been made against the application of a special railway tariff to the provident societies. Had M. Besson any information on that point ?

M. BESSON replied in the negative.

M. RAPPARD had been very much struck by the fact that, from the territory's point of view, France was much the most important market, whereas, from France's point of view, Togoland was not a particularly valuable market. The figures on page 82 of the report, showed that the United Kingdom, for example, sold more to Togoland under French mandate than France, whereas its purchases were inconsiderable when compared with French purchases. Moreover, it was curious that Japan, which had regularly been a great supplier of the territory, particularly since the fall of the yen, had suffered a decrease in its exports to Togoland.

M. BESSON pointed out that cheapness was not the only factor taken into consideration by the buyer, even the native buyer.

M. RAPPARD observed that a reader of the report was sometimes misled by the expressions " sells, buys, imports, exports ". In M. Montagné's speech, for example, it was said (page 151 of the report) that England had " imported " such an amount of goods, whereas in actual fact it had exported them to the territory.

M. BESSON replied that the expression should be understood from the point of view of persons within the territory, for whom the transaction represented an import.

M. RAPPARD found in the same speech (page 151 of the report) a reference to the favourable trade balance of the territory. The trade balance had repeatedly been discussed by the Commission, whose attitude was that, generally speaking, no advantage attached to a positive balance, since there was a danger that natural resources would flow out of the territory while the proceeds were often paid outside in the form of dividends. A favourable balance was therefore not a matter for unmixed congratulations.

M. BESSON shared that opinion.

M. GIRAUD said that the *Journal officiel* of May 3rd, 1939, contained a decree prohibiting, as from May 6th, 1939, imports of certain Japanese goods into French territories. Was it proposed to extend that prohibition to the territories under mandate ?

M. BESSON replied that a very recent decree dealt with that matter.

Lord HANKEY, referring to the trade balance, wondered whether the question was not complicated by the fact that the territory's purchases in the United Kingdom and in British colonies had to be paid for in devaluated francs.

M. BESSON thought that that was the case to a certain extent, but that no undue importance should be attached to it.

M. VAN ASBECK said that the *Journal officiel* of June 27th/28th, 1938, contained a decree for the "organisation in French West Africa and French Togoland of the defence before French Courts of the civil interests of natives who were the victims of an offence falling within the jurisdiction of such courts". That decree should have been included in the report, for it showed the mandatory Power's concern to safeguard native rights and interests.

POLICE : DEFENCE OF THE TERRITORY

Lord HANKEY noted that the establishment of the police force had been slightly reduced (page 45 of the report). Was that due to a general improvement in the standard of good order in the territory ?

M. BESSON replied that there was no connection between the two things. Complete calm prevailed in the territory, and no untoward incidents had occurred. The reduction in the police force was merely due to the departure of a few militiamen who had not been replaced.

Lord HANKEY enquired whether the militia was looked upon as a general reserve available for strengthening the native guard in case of serious disturbance.

M. BESSON explained that the native guard was a kind of gendarmerie ; that was also the nature of the militia. In case of disturbance, the native guard would be assisted by the militia and vice versa. There was little difference between the two forces. Posts in charge of an administrator usually had ten, twenty or thirty native guards. At Lomé and other principal centres, there was a militia section, under the command of officers, which was able to proceed to any point where it might be required ; but gendarmerie functions were discharged by the native guard under the direct command of the district administrators.

Lord HANKEY explained that his question had been due to the fact that the militia was chiefly concentrated at Lomé. It had been stated a year previously¹ that the four militia sections were to be stationed there. Did the militia authorities prefer to keep the whole militia force in one spot, so that it could be easily and rapidly transported when required ? Did any significance attach to the fact that one section had been sent back to Anecho, where it had previously been stationed ? Had the situation at Anecho deteriorated ?

M. BESSON replied in the negative to the last question. The only object had been to relieve congestion in the central part of the territory for technical and strategic reasons.

Lord HANKEY asked whether the police force had its own means of transport, or whether it used public services—that was to say, the railways, hired vehicles, etc.

M. BESSON replied that, to the best of his knowledge, the police force had not yet been mechanised. It used lorries and the railways, or else proceeded on foot.

Lord HANKEY expressed pleasure at the statement (page 49 of the report) that relations with the neighbouring British authorities had remained cordial. Did this satisfactory situation also prevail as between the two police forces, and were they in regular communication ?

M. BESSON replied that the French and British police forces were everywhere on the best of terms.

¹ See Minutes of the Thirty-fourth Session of the Commission, page 120.

ARMS AND AMMUNITION

Lord HANKEY observed (page 46 of the report) a slight increase in imports of rifles by natives : fifty in 1938, as compared with twenty-nine in 1937. There had also been some additional imports of cartridges. What types of weapon did the natives own ? Were those arms registered ? Were there any grounds for suspecting that stocks of weapons were maintained or that arms were imported illegally ?

M. BESSON replied that the arms in question were sporting-guns. The system of registration of arms was very thorough, and licences to carry them had to be obtained. There were no grounds for supposing that stores of arms existed or that arms were illicitly imported.

SEVENTH MEETING

Held on Monday, June 12th, 1939, at 3.30 p.m.

Togoland under French Mandate : Examination of the Annual Report for 1938 (continuation).

M. Besson came to the table of the Commission.

WELL-BEING AND SOCIAL DEVELOPMENT OF THE NATIVES : NATIVE PROVIDENT SOCIETIES
(*continuation*) : FRANCO-TOGOLESE CLUBS : WATER SUPPLY : PUBLIC WORKS : TAXATION
(*continuation*)

COUNT DE PENHA GARCIA asked whether the accredited representative had any particulars to add to the information already furnished to the Commission regarding social conditions among the more advanced section of the native population.

M. BESSON said that the position in that connection was satisfactory.

COUNT DE PENHA GARCIA, referring to the fact that the more enlightened men of Togoland were not always able to find girls as civilised as they were themselves when they wished to marry, asked whether the mandatory Administration had done anything to remedy the situation through the schools.

M. BESSON said that there was really nothing new to report in that connection except that the number of girls attending schools was increasing.

In reply to a further question by Count de Penha Garcia, he said that the Franco-Togolese clubs continued to yield good results, and that new ones would, no doubt, be established.

COUNT DE PENHA GARCIA, after briefly describing the system of civil status adopted by the mandatory Power in Togoland, which was a mixed system in that it covered both the advanced section and the more backward section of the population, hoped that the next report would summarise the results obtained in that connection.

M. BESSON pointed out that the system was not a new one, as it was already applied in several French colonies ; he added that the next report would contain the information requested by Count de Penha Garcia.

COUNT DE PENHA GARCIA drew the accredited representative's attention to the statement in the report for 1937 (page 67) concerning the organisation of provident societies :

" The present organisation has, in fact, made it possible to set up in each society sections representing one or more of the economic or political entities composing each subdivision. These sections will become the economic cells of the country, and there is reason to believe that, in many cases, in a country such as Togoland, where economic considerations are tending more and more to outweigh political considerations, they will also become political cells."

Had that forecast proved correct ?

M. BESSON gave an affirmative reply, and said that contact between the members of the provident societies and the mandatory Administration was even closer than it had been hitherto.

COUNT DE PENHA GARCIA asked why Europeans were not allowed to belong to the provident societies.

M. BESSON replied that the provident societies had been established for the benefit of the native peasants, whose interests did not necessarily coincide with those of Europeans. The latter had their own co-operative societies, as well as Chambers of Commerce and Agriculture.

COUNT DE PENHA GARCIA hoped that the next report would contain the fullest possible information on the very interesting question of native provident societies.

Mlle. DANNEVIG referred to the small number of native girls attending secondary schools. In most cases, those schools had only one, two or three female pupils. Did the girls find it difficult to gain admission to those schools, and did those who had done so dislike attending them?

M. BESSON said that the girls had no difficulty in gaining admission to secondary schools, nor did they dislike them. Those who attended the schools usually came from advanced families and were the daughters of teachers, or officials who intended to take up teaching. The principal difficulty was to persuade families to send girls to the secondary schools.

In reply to various questions, M. Besson explained that the more advanced young natives were anxious to marry girls who were equally enlightened, because they wanted their homes to be on European lines. Now that the Administration had practically solved the problem of the education of male natives, it was studying very closely that of the education of native girls.

Mlle. DANNEVIG noted that reference was made in several places in the report to the boring of new wells. She asked if this would lighten the work of the women and children, on whom, she supposed, the heavy burden of carrying water fell in Togoland as elsewhere in Africa. In the more advanced centres, where the men worked on crops grown for profit, was it still the duty of the women to cultivate the crops grown to feed the family?

M. BESSON replied that the division of labour actually depended on the degree of evolution of the population and the kind of crops grown. There was no doubt that, as plant and equipment improved, the work, and especially women's work, was becoming less hard.

M. RAPPARD wished to know whether the object of the boring of wells was to promote the development of the territory or to meet a longfelt need.

M. BESSON explained that wells were being bored in all the African colonies and territories for which the French Government was responsible. The French authorities considered it important to bring water close to the villages, so as to obviate as far as possible the necessity of carrying it, which was extremely heavy work.

Mlle. DANNEVIG thought that this would be beneficial to the natives' health, as well as saving them labour. The boring of wells might supply the natives with pure drinking-water and water for purposes of cleanliness.

M. BESSON said that the question really had a wider scope, because the existence of water made it possible to develop agriculture and stock-raising. Moreover, in Togoland, there were a fair number of streams, and the natives were not lacking in bodily cleanliness.

M. VAN ASBECK referred to the passage on page 34 of the report in which it was stated that the guarantees afforded by the large assets of the Reserve Fund had made it possible to contemplate the execution, over a number of years, of a vast programme of important works intended, on the one hand, to supplement the territory's economic equipment and, on the other, to intensify the progress of civilisation and increase the health and well-being of the native population, by extending the work of the health and education services, supplying drinking-water to urban centres and the rural population, and developing town planning. M. van Asbeck wished especially to draw his colleagues' attention to this passage in the report, in view of the discussions, which, from time to time, had taken place in the Commission on the same question in respect of other territories.

Mlle. DANNEVIG noted on page 15 of the report that the additional tax had been increased for unmarried taxpayers and families without children. Were there many unmarried men, so that the increase amounted to anything more than a trifling sum? If young men could not marry because they had not enough money to buy wives, was it advisable to add to their difficulties by levying a special tax on them?

M. RAPPARD pointed out that the additional tax applied only to comparatively large incomes.

M. BESSON added that the campaign against celibacy had now become a topical question, and not only in colonial territories.

LABOUR

M. GIRAUD pointed out that, according to the information in the report (page 106), only a small number of natives were permanently employed in commercial and agricultural enterprises (1,539 in 1937, 1,481 in 1938). The questions raised by the employment of native labour were therefore relatively of less importance in Togoland under French mandate than in other territories. It appeared from page 105 of the report, that no case had been brought before the Arbitration Board. That total lack of disputes between employers and employees seemed to be a point worthy of mention.

Mr. WEAVER welcomed the information (page 105 of the report) that a decree relating to the fixing of minimum wages and of working-hours had been issued, as well as the information on pages 106 and 107 and pages 142 and 143 concerning the rate of wages fixed under that decree. He would read with interest the information about the results of those decisions which the next report would no doubt contain.

M. BESSON said that that part of the report would be expanded.

Mr. WEAVER said that the circular (page 262 of the report) relating to the placing of unemployed workers constituted an interesting innovation, and he hoped that information concerning the results would be given in the next report.

Mention had been made in earlier reports of a proposal to issue revised labour regulations, and last year, in reply to a question by Lord Hailey,¹ the accredited representative had stated that information would be given in the report for 1938. Mr. Weaver had not, however, found that information in the report. Had the proposal to revise the labour regulations been abandoned?

M. BESSON replied in the negative. A decree on the matter was to be issued very shortly. It would be similar to the legislation that had been introduced in French West Africa.

Mr. WEAVER understood that Togoland under French mandate was one of the few territories in which no local regulations had yet been issued for the application of the Forced Labour Convention. Were such regulations to be issued?

M. BESSON said that he would lay the matter before his Government, although actually there was no forced labour in the territory.

MISSIONS

Mlle. DANNEVIG mentioned that in the previous year M. Palacios had asked for supplementary information about the work done by the missions and their prospects.²

She had not found that information in the report for 1938, and would like to know in particular whether the missions did health work in the territory.

M. BESSON replied that, although each of the missions had its own dispensary, health work in the territory was organised entirely by the Administration.

Mlle. DANNEVIG hoped that the next report would contain fuller information about the work of the missions in general.

HALF-CASTES (*continuation*)

Mlle. DANNEVIG noted on page 131 of the report a reference to allowances to half-caste children. She understood that there were very few half-castes in Togoland.

M. BESSON said that that was so, and added that the number of married Europeans in the territory was steadily increasing.

¹ See Minutes of the Thirty-fourth Session of the Commission, page 122.

² *Ibid.*, page 123.

EDUCATION

Mlle. DANNEVIG said that it appeared from the report (page 109) that, since January 16th, 1938, the territory had again an autonomous education department. The head of that department had been appointed by a decision of January 6th, 1938.

The number of official schools in the territory had increased from 51 in 1937 to 53 in 1938, and the number of classes from 91 to 101. As to the number of pupils attending those schools, the figures were 4,902 in 1938 against 4,486 in 1937 (page 111 of the report). An increase was to be noted in the number of pupils attending the Catholic mission schools : 4,540 in 1938 against 3,643 in 1937. The figures for the Protestant schools were 1,245 and 1,153 respectively (page 112 of the report).

The accredited representative had explained in 1938 that there were no schools in the north of the territory because those areas were less densely populated and the people were more backward.¹ He had added, however, that the missions proposed to establish schools in the northern part of the territory. Had the accredited representative any further information on the matter ?

M. BESSON said that the mandatory Administration was working hand in hand with the missions, from the point of view both of education and of the general activities of those organisations. The missions were certainly willing to extend their activities to the northern part of the territory ; it was only a question of obtaining the necessary funds.

Mlle. DANNEVIG observed that further information was given in the report with regard to the Porto Novo Agricultural Training School (page 110). It seemed that the number of pupils had decreased in 1938.

M. BESSON said that the next report would contain information on the matter. It was possible that the number of young men desirous of attending the school in question was smaller in 1938.

Mlle. DANNEVIG noted (page 109 of the report) that the supplementary course, discontinued in October 1935, had been started again, to the great satisfaction of the population. Could girls attending the secondary schools take that course ?

M. BESSON replied in the negative—the course was intended for boys.

Mlle. DANNEVIG noted the increasing success of the popular evening classes (page 110 of the report), which had been attended by 484 pupils in 1938 against 370 in 1937. Were those courses intended for adults who had received no education during their childhood ?

M. BESSON replied that they were chiefly intended for native clerks, school-teachers, etc., who had already received some education and wished to improve their knowledge of certain subjects. It was possible, however, that natives might attend them in order to be taught to read and write. The courses were held only in the towns.

Mlle. DANNEVIG noted (page 113 of the report) that no pupils had been admitted to the Midwives' School in 1938.

M. BESSON explained that there was a large and extremely well-organised school for midwives at Dakar. Girls preferred to attend that school rather than the local schools for midwives, which were less highly appreciated. This showed the advantage of a system enabling the inhabitants of the territory to profit from institutions in French West Africa.

Mlle. DANNEVIG would like to know how many girls from Togoland were studying at the Dakar school.

She wished to congratulate the mandatory Power on including physical training in the curricula of schools and training colleges. She had noticed on page 264 of the report the regulations for the continuation class established at Lomé. It was a boarding-school for boys and girls where clothing and other requisites were provided.

ALCOHOL AND SPIRITS : DRUGS

Lord HANKEY said that he had endeavoured to discover what was the legal position in regard to liquor and narcotics in Togoland. The League Covenant contained the following passage :

“ Other peoples, especially those of Central Africa, are at such a stage that the Mandatory must be responsible for the administration of the territory under conditions which will guarantee . . . the prohibition of abuses such as the slave trade, the arms traffic and the liquor traffic . . . ”

¹ See Minutes of the Thirty-fourth Session of the Commission, page 125.

He considered it very difficult to prohibit the liquor traffic entirely, and had then consulted the mandate, paragraph 5 of Article 4 of which simply provided for strict control over the trade in spirituous liquors. Various measures had been adopted, particularly in 1922 and 1937, to give effect to that clause, and on page 84 and pages 132 *et seq.* of the report for 1938 would be found particulars, which did not always coincide, concerning imports of wine, liqueurs and spirits. It appeared that brandy, rum and liqueurs had been imported in larger quantities than previously, while the amount of whisky, various alcoholic liquors and gin imported was decreasing. Could the accredited representative explain that phenomenon ?

M. BESSON pointed out that those drinks were chiefly consumed by the white people, as the majority of natives could not afford to buy them. The latter were only just beginning to drink wine.

Lord HANKEY supposed that when the French Administration had taken over the territory it had found that the natives drank a large amount of spirits obtained chiefly from palm-wine.

M. BESSON said that the mandatory Administration had prohibited distillation by natives.

Lord HANKEY referred to the following passage on page 122 of the report : " Alcoholism : a social disease rarely met with in the territory, where the natives are heavy consumers of palm-wine, except among the well-to-do natives in the south, who can afford imported alcohol ". It would be interesting to know the result of the application in Togoland of the Decree of May 12th, 1937, prohibiting the possession and circulation of stills, and of the policy of allowing the natives to consume palm-wine lest they should be tempted to drink stronger alcoholic liquors.

M. BESSON said that he had no definite information on those two points. They would be dealt with in detail in the next report, which would contain a special paragraph on alcoholism and would include statistics. It was, however, impossible to ascertain exactly how much wine and spirits were consumed in the interior, since fraud could easily be practised in a territory like Togoland.

M. RAPPARD thought it impossible for the 410 white inhabitants, from whom 176 women and children should be deducted, to have consumed the 88,000 litres of spirits imported in 1938. The natives must have had some of it.

M. BESSON did not dispute that, but pointed out that, as the territory possessed a port, the floating population was by no means negligible. Nevertheless, it was obvious that the native had a taste for drink, which must be kept in check.

In reply to another question from Lord Hankey, M. Besson said that so far as he was aware, no proceedings had been instituted in respect of the illicit use of narcotics in Togoland, where the natives were not addicted to drugs.

PUBLIC HEALTH

COUNT DE PENHA GARCIA thought that the hospital statistics were reliable, but wondered whether those obtained from other sources were equally trustworthy.

M. BESSON replied that the former covered practically all the cases that occurred.

COUNT DE PENHA GARCIA was glad to note that the health service in the territory had become autonomous (page 11 of the report) ; that the medical personnel of Togoland had been increased (page 118 of the report) ; and that leprosy was being fought even more vigorously than in the past. He would like to know what steps were taken by the Administration to induce lepers to settle in the recently-established leper villages (page 121 of the report).

M. BESSON replied that it was chiefly through the influence of the doctors that lepers went to those villages.

COUNT DE PENHA GARCIA surmised that, apart from the influence of the doctors, there were other more material factors, such as grants, which explained the lepers' readiness to do so.

M. BESSON said that the leper villages had been established barely a year ago ; further information on the matter would be given in the next report.

COUNT DE PENHA GARCIA said that, in any case, the mandatory Power was to be congratulated on the interesting experiment it had made.

He also noted that the means of combating sleeping-sickness had been strengthened and were being efficiently applied (pages 122 and 123 of the report). He hoped to find in the next report information about the results obtained.

M. BESSON said that a special mission had been sent from Paris to Togoland and to territories where the position in regard to sleeping-sickness was more or less the same as in Togoland.

COUNT DE PENHA GARCIA said that he would be very interested to read the report of that mission, if it could be transmitted to the Mandates Commission.

He noted (page 120 of the report) that malaria was still causing considerable ravages in Togoland. Had any attempt been made to destroy the breeding-places of the mosquitoes ?

M. BESSON replied in the affirmative. Breeding-places were destroyed not only in the towns but also around the villages.

COUNT DE PENHA GARCIA noted that out of eighty-six analyses of drinking-water made at Lomé, forty-four were unsatisfactory (page 118 of the report). What had been done to improve the drinking-water there ?

M. BESSON replied that the problem of drinking-water had been practically solved at Lomé, and that considerable efforts were being made to deal with the matter in all parts of the territory.

COUNT DE PENHA GARCIA said that it was stated in the report (page 122) that syphilis was the social disease which caused the most serious harm to the race, especially in the south, because it commonly gave rise to sterility, abortion, still-births and infant mortality. Did preventive treatment offer any special difficulties ?

M. BESSON replied that it all depended on the number of doctors and assistants available.

COUNT DE PENHA GARCIA hoped to find fuller information on the matter in the next report.

LAND TENURE

M. VAN ASBECK said he had found nothing in the chapter dealing with land tenure (pages 77 *et seq.* of the report) concerning cases of the establishment of native property rights; if there had been no such cases, it might be as well to say so. Furthermore, the return of registrations pending at December 31st, 1938 (page 78), was merely a reproduction of the return on page 81 of the 1937 report. Was that purely an error ? On page 79 of the report for 1938, there was the expression "*statut personnel*", which, for his own part, he preferred to the expression "*nationalité*", used elsewhere in the report—on page 77, for instance.

On page 140, there were some very interesting tables. They showed that there had been some rural lands, though very small in extent, registered by natives and acquired by Europeans since the establishment of the present system of tenure.

M. BESSON pointed out that most of the lands in question were on the outskirts of towns.

M. VAN ASBECK remarked that the mandatory Administration admitted (page 137 of the report) that the mortgage system in force in the territory might be "the source of a serious danger" and might lead to sales by auction that would be "disastrous". In some of the previous reports, a more optimistic tone had been adopted. With regard to control by the public authorities over transfers of native landed properties, it was still non-existent in the case of the foreclosure of a mortgage; but M. Besson had said last year, in connection with the Cameroons under French mandate,¹ that the question would be exhaustively investigated, and consequently M. van Asbeck would reserve his remarks on it for the next session. He would like to know whether Circular No. 1745 of September 16th, 1938, to which reference was made on page 138 of the report, represented the latest position in the matter.

M. BESSON said that it did not. Later in 1938, a ministerial circular had been issued calling the attention of the Administration to the provisions of Article 5 of the mandate. When the Commission came to consider the administration of the Cameroons under French mandate,

¹ See Minutes of the Thirty-fifth Session of the Commission, page 132.

it would find that the circular in question had had a certain effect in that territory. The reason why nothing special was reported in regard to Togoland was that there had been no case of the foreclosure of a mortgage against a native.

M. VAN ASBECK pointed out that the Administration had no control over notarial and judicial mortgages, and that its intervention in connection with mortgages constituted by private treaty was purely formal. He would reserve his right to develop the matter further at the autumn session.

M. van Asbeck called the attention of the accredited representative to a passage in the report (page 137) referring to Order No. 113, of March 4th, 1930, in which it was stated that, since Togoland was essentially an agricultural country, when registered properties were mortgaged it was almost invariably for the purpose of guaranteeing businesses run by advanced natives who had adopted the concept of individual property. It should be observed that that Order had been made to render mortgaging unnecessary. Was it not, moreover, connected with the Decree of January 1st, 1938, which, unfortunately, was not mentioned in the report under review ?

M. BESSON answered that the two enactments did not cover the same ground. Order No. 113 of March 4th, 1930, was concerned specially with the question dealt with in the relevant section of the report, whereas the Decree of 1938 was much more general in its scope.

M. VAN ASBECK laid stress on the fact that it was precisely the Decree of January 1st, 1938, which provided that certain individual loans could not be granted without the constitution of a mortgage. He hoped that, at its autumn session, the Commission would be placed in possession of further information on this point, as well as on the system of land tenure generally. He referred to the Commission's observations in 1938¹ regarding the ascertainment and, if necessary, the safeguarding of native rights over vacant lands, and observed that it was not answered in the report.

M. BESSON said that the information had reached Paris too late to be embodied in the report.

M. VAN ASBECK pointed out that the Decree of March 13th, 1926, and the Order of April 1st, 1927, relating thereto, neither of which—it would seem, wrongly—had been mentioned in the list of questions and answers which accompanied the reports, appeared to contain useful information on the questions put by Lord Hailey in 1938.² M. van Asbeck enquired whether it was true that the notices concerning the sale of private property by lots contained the guarantees mentioned by Lord Hailey. He pointed out that, in urban districts, those notices were not brought to the attention of the populations as had been required in the case of the rural districts.

M. BESSON replied that the guarantees were the same in Togoland as in France, and that, if any objection were raised, there was a procedure of appeal.

In reply to another question from M. van Asbeck, he stated that expropriations affecting natives also entailed the publications of notices, and were discussed by the Councils of Notables and finally settled by a decision of the Commissioner.

M. RAPPARD observed that, in 1938, the Commission had noted that, although the legislation of Togoland and of the Cameroons discouraged the transfer to Europeans of properties belonging to natives, it did not entirely prevent it. The explanations given by the mandatory Power this year showed that, from that standpoint, the danger existed more in theory than in practice, owing to the difficulties involved in such alienation. As the question would come up for discussion again in connection with the Cameroons under French mandate it would, it seemed, be better for the Commission to suspend its judgment.

FORESTS

COUNT DE PENHA GARCIA thought that the reforestation of Togoland was of great importance, not only because it would increase the resources of the territory, but also in order to prevent undue soil erosion and also certain hilly lands, the surface of which was arable, from being denuded by water.

M. BESSON said that, in that connection, there was an extremely interesting question with which he hoped to be able to deal in the next report — that of fuel derived from the forests. It would be highly profitable to the territory if charcoal could be made for use in lorries driven by gas-generators.

¹ See Minutes of the Thirty-fourth Session of the Commission, page 230.

² *Ibid.*, pages 131-132.

DEMOGRAPHIC STATISTICS

M. RAPPARD asked what was the basis of the statistics on pages 103 and 104 of the report. Was a census taken every year ?

M. BESSON answered that every district officer was required to furnish annually full particulars of the population of his district. That information was of great value to the revenue authorities, and he might say that it was now very close to the true facts.

M. RAPPARD surmised that the more accurate the statistics became, the larger the number of natives they included, and that it would not be right to conclude from the increase in the figures that there has been an actual increase in the population.

M. BESSON said that the system of identification was perhaps more efficient than it had formerly been, but pointed out that there had been a very marked decline in the general death rate, and especially in the infant death rate. His impression was that the present figures gave a very fairly accurate representation of the facts.

ORIGIN OF THE NAME " TOGOLAND "

The CHAIRMAN asked whether the name Togoland was of European or native origin. In the first case, had the natives adopted it as the name of their country ? Did they realise that the country formed a political entity under that name ?

M. BESSON replied that actually the name Togoland was probably of European origin, but it had been adopted by the natives, and the more advanced among them realised that it was applicable to the whole of the territory, or at any rate to such part of it as they were acquainted with. The name Togoland had entered into everyday language, and a Togolese knew that his status was not the same as, for example, that of a Dahomeyan.

CLOSE OF THE HEARING

The CHAIRMAN thanked M. Besson for the information with which he had been good enough to supply the Commission.

EIGHTH MEETING

Held at Geneva on June 13th, 1939, at 10.30 a.m.

Palestine and Trans-Jordan : Examination of the Annual Report for 1938.

Mr. S. Moody, O.B.E., Deputy Chief Secretary to the Government of Palestine, Mr. A. S. Kirkbride, O.B.E., M.C., British Resident in Trans-Jordan, and Mr. H. F. Downie, C.M.G., O.B.E., Colonial Office, 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, with all of whom the Commission had had the pleasure and the benefit of collaborating on previous occasions.

He congratulated Mr. Kirkbride on the promotion he had received since his last appearance in Geneva and which testified to the confidence reposed in him by his Government.

GENERAL STATEMENT BY THE ACCREDITED REPRESENTATIVE

Mr. MOODY made the following statement :

Mr. Chairman, the accredited representatives very much appreciate your kind remarks ; we shall do our utmost to assist the Commission by giving it as fully and frankly as possible the facts of which we are aware.

The Commission will realise, after reading the report, that, during 1938, measures to cope with the continued disorder and unrest formed the principal preoccupation of the Palestine Administration, and that this state of affairs not only made the execution of constructive work all but impossible but also led to a general curtailment of the public services. In October 1938, the position in regard to public security became so grave that the duty of maintaining

order was delegated by the High Commissioner to the General Officer Commanding ; after this delegation of powers, the District Administrative Staff acted in an advisory capacity to the military commanders in matters relating to public security, and the Palestine Police came under the orders of the General Officer Commanding. This description of the position in Palestine in 1938 applies generally to the whole of that year.

I will now give the Commission a brief summary of events from the end of the period covered by the report to the present time.

During the first months of 1939, interest among all three communities in Palestine—British, Arab and Jewish—was concentrated on the departure for London of the Arab and Jewish delegations to participate in the conferences with the United Kingdom Government which took place in St. James's Palace during the months of February and March. Meanwhile, in Palestine, military and police action was energetically pursued with the object of re-establishing public security and dispersing the armed bands which had been particularly active during the last few months of 1938. By the end of April 1939, these bands had been broken up and many of the leaders had fled the country or had been killed.

In April and May, the question of illegal Jewish immigration into Palestine assumed considerable importance, and after the arrest at sea of certain vessels carrying Jewish refugees with the object of clandestinely landing them on the Palestine coast, the Government enacted special legislation which provided that the number of immigrants illegally landed would, in future, be deducted from the official quota authorised for Jewish immigration. Special powers were also taken to watch the coast, to inflict heavy penalties on the owners of ships engaged in the trade, and to seize the ships themselves.

On May 18th, 1939, the White Paper¹ on the Palestine policy of His Majesty's Government was published simultaneously in London and in Jerusalem. Following its publication, the more extreme Arab elements made an attempt to revive the activity of armed bands in the rural areas and of terrorism in the towns, and on three occasions in the Samaria and Galilee districts troops engaged and dispersed such formations.

An unsigned statement purporting to be made by the Arab Higher Committee was issued rejecting the policy outlined in the White Paper, but it is too early to make any definite statement on the feeling of the Arabs of Palestine in this regard.

The Jewish reaction was more immediate. There were large Jewish demonstrations in Jerusalem, where serious rioting occurred on May 9th and 20th, 1939; in Haifa, the demonstrations passed off without incident, but rioting also occurred at Tel-Aviv. At the same time, leading Jewish political bodies published manifestos urging the Jews in Palestine not to co-operate with the Government in the implementing of the new policy. In the last days of May and the first days of June, certain elements among the Jewish community reacted more violently and there was a series of bomb outrages in Jerusalem.

To meet this campaign of violence, military and police precautions were intensified in the towns and a severe warning was addressed by the Government to the editors of the Hebrew Press, including the *Palestine Post*, which is published in English, against the publication of any matter which would tend to incite to violence or encourage breaches of the public peace.

I turn now to Trans-Jordan.

During 1939, conditions in Trans-Jordan have been generally satisfactory in spite of a number of organised attempts to disturb public security in that territory. Several armed bands entered Trans-Jordan and incited the villagers in the Ajlun district to rebel. They met, however, with practically no response and were eventually dispersed after suffering heavy losses in engagements with the local armed forces. The presence in London of the chief Minister of Trans-Jordan during the recent conferences on Palestine afforded an opportunity for discussing the working of the Agreement which at present governs the relations between His Majesty's Government and the Government of the mandated territory of Trans-Jordan. Certain suggestions were put forward by His Highness the Amir of Trans-Jordan which, he considered, would conduce to increased cordiality between the two Governments, and His Majesty's Government, which has greatly appreciated the friendship and wisdom shown by His Highness and his people in these difficult times, was glad to find itself able to meet His Highness' suggestions in a number of matters which His Majesty's Government believed would contribute effectively to the further progress of Trans-Jordan.

His Majesty's Government agreed in principle to the formation, in the place of the present Executive Council of Trans-Jordan, of a Council of Ministers or Cabinet, each member of which will be in charge of a department and will be responsible to the Amir. Further, His Majesty's Government consented to the deletion from the Agreement of the existing restriction upon His Highness' powers of raising and maintaining military forces in Trans-Jordan, and also to the appointment by His Highness of consular representatives in certain neighbouring Arab countries. In a number of other matters also, His Majesty's Government accepted the suggestions of His Highness the Amir, the general effect of which will be to increase the discretionary authority of His Highness' Government and its officials.

The CHAIRMAN thanked the accredited representative for his statement.

¹ Document C.163.M.96.1939.VI (Cmd.6019), Annex 3.

Palestine : Jewish National Home : Relations between Official Zionist Bodies and the Revisionist Organisation : Jewish Immigration : Shipping and Industrial Undertakings : Relations between Arabs and Jews : Disturbances : Central Defence Committee (Damascus) : Arms and Ammunition : Frontier Control.

M. RAPPARD noticed from page 59, paragraph 3 of the report, that during 1938 " 27,280 dunums of land were purchased by Jews from non-Jews ". Who were the non-Jews mentioned ?

Mr. MOODY replied that in 1938 most of the purchases in question concerned land on the northern frontier of Palestine, the property of Lebanese and Syrian landlords who did not reside in Palestine.

Mlle. DANNEVIG noted that, according to paragraph 2 on the same page of the report, 17,988 Jews had acquired Palestinian citizenship by naturalisation in 1938. She asked whether the Jews who had obtained Palestinian citizenship constituted a large proportion of the Jewish population in Palestine.

Mr. MOODY could not say off-hand, but believed they were in the majority.

Count DE PENHA GARCIA said it was common knowledge that the Jewish Agency, which, under the mandate, was the officially recognised representative of the Jewish population, found its claims to such representation contested by the New Zionist Organisation. He observed also from paragraph 50 (page 33 of the report) that the " strained relations between the official Zionist bodies and the Revisionist (New Zionist) Organisation showed no improvement during the year ". Had those relations improved since ?

Mr. MOODY replied in the negative. The relations between the Jewish Agency and the Revisionist Organisation had become even more strained since the issue of the White Paper to which he had already referred.

Count DE PENHA GARCIA suggested that the reference in paragraph 50 and the accredited representative's reply did not seem consistent with the statement at the end of paragraph 48 (page 32 of the report) about the closer union of Zionist parties on the question of policy in Palestine.

Mr. MOODY pointed out that the reference in paragraph 48 was to the official Zionist bodies only as distinguished from the Revisionist Organisation.

M. VAN ASBECK asked what Zionist parties were referred to in paragraph 48.

Mr. MOODY had no detailed knowledge of the matter, but knew that there existed an official Zionist party and a number of smaller sections in the Zionist party, some with more and others with less pronounced labour views.

Count DE PENHA GARCIA gathered from the reference in paragraph 49 (page 32 of the report) that the ill-treatment of their co-religionists in Germany had stimulated Palestine Jewry to redouble its efforts to get these German Jews admitted into Palestine. Had those efforts been successful ?

Mr. MOODY confirmed that the campaign on behalf of German Jews had greatly increased the proportion of these Jews admitted into Palestine. But the total volume of such immigration was, of course, limited by the restrictions imposed by the Palestine authorities on immigration generally.

Lord HANKEY pointed out that the reference in paragraph 6 on page 60 of the report showed that active efforts had been made to promote the settlement of German Jews in Palestine.

Count DE PENHA GARCIA inferred that, in spite of their efforts and contrary to their expectations, Palestine Jews had not been successful in bringing in large numbers of their persecuted co-religionists.

Mr. MOODY pointed out that no very great expectations could have been entertained in view of the restrictions imposed as a result of the Royal Commission's report.

Mlle. DANNEVIG believed that many Jews in Palestine had to contribute to the support of their destitute co-religionists in Germany. Would the transfer of funds for that purpose affect the economy of the territory to such an extent that it would be preferable, from the point of view of the authorities, to permit the entry of the persons thus supported ?

Mr. MOODY understood that the position was as stated by Mlle. Dannevig, but could express no opinion on the economic aspect of the problem. The basic fact to be borne in mind was that immigration was absolutely restricted.

Mlle. DANNEVIG raised the question of the ban imposed on the entry into Palestine of some 10,000 German Jewish children.

Mr. MOODY pointed out that the problem had arisen just before the London discussions opened in February and March last. In the circumstances, His Majesty's Government had deemed it wise to avoid any prejudice of the discussions which specifically included the crucial problem of immigration, by permitting the entry of the children in question at that stage.

Lord HANKEY noted from paragraph 2 (page 59) that only 2,573 out of 12,868 Jews registered as immigrants in 1938 were working men and women. Was that rather low percentage of labourer immigrants normal ?

Mr. MOODY said that the figure in question was abnormally low—probably due to unemployment. Usually the proportion of working men and women registered as immigrants was higher.

Count DE PENHA GARCIA observed from paragraph 55 (page 33 of the report) that the idea of the Jewish National Home was now being expanded to include shipping activities. Were the new shipping companies being operated on sound lines and were they likely to be successful ?

Mr. MOODY replied that the shipping developments reflected one phase of the Jewish National Home idea and, he believed, were soundly based on the economic requirements of Palestine Jewry.

Count DE PENHA GARCIA asked what flag was flown by the vessels owned by the new Jewish shipping companies.

Mr. MOODY replied that the vessels in question flew the Red Ensign defaced with the name " Palestine " in a circle.

The CHAIRMAN asked whether there was a regular registration system for vessels flying the Palestine flag.

Mr. MOODY replied in the affirmative.

M. GIRAUD drew attention to the figures of the tonnage loaded and unloaded at the ports of Haifa, Jaffa and Tel-Aviv as given in the table in paragraph 5 on page 234 of the report. The striking feature of those figures was that, whereas the tonnage discharged and loaded at Haifa and Jaffa had decreased, there had been a very large increase in the tonnage handled at Tel-Aviv. Was the latter port sufficiently well equipped to deal with such a rapid increase in the traffic ?

Mr. MOODY had no doubt that the facilities at Tel-Aviv could be increased, but did not at present know to what extent.

Lord HANKEY asked whether the new Jewish industrial undertakings referred to in paragraph 12 (page 62 of the report) were able to hold their own in the present difficult period.

Mr. MOODY said that most of the new enterprises had proved successful but, as would be seen from another section of the report, bankruptcies and liquidations had increased in 1938 (paragraph 65, page 36 of the report).

M. VAN ASBECK noted a reference in paragraph 12 (page 62) to certain raw materials which had been exempted from import duty. Were those exemptions and materials the same as those referred to in paragraph 5 (page 66) ?

Mr. MOODY pointed out that the exemptions referred to on page 62 were granted on articles used by Jewish firms. Those for which the Jewish Agency had applied (page 66, paragraph 5) had not in every case been granted. Full particulars of the matter would be found in the comments of the mandatory Power on the annual report of the Jewish Agency, which would be transmitted to the Mandates Commission.

M. VAN ASBECK noted a reference on page 61, paragraph 7, to new Jewish settlements established in Galilee. In that connection, the Commission had heard in 1938 of the rather cordial relations which sometimes existed between Jews and Arabs. Did the Arab population welcome the establishment of these particular settlements? Was it true, as had been stated in the recent House of Commons debate, that they had given active help to the Jewish settlers?

Mr. MOODY recollected the statements made in the House of Commons and House of Lords debates and had asked the District Commissioner concerned for corroboration. The latter had stated that, though no hostility was shown to the new settlers, they were not received by the local Arabs with open arms.

Mr. KIRKBRIDE added the explanation that the Jewish settlements established in Galilee in 1938 were situated on land already owned by Jews but hitherto unoccupied. The reason why no acts of open hostility to the new settlers occurred was that precautions had been taken both by the Jews and the authorities to ensure peaceful occupation.

Mlle. DANNEVIG asked whether it was not true, in general, that greater friendliness and protection were shown to the Jews by the Arab *fellahin* than by the *effendi* class.

Mr. MOODY agreed that Arabs often helped their Jewish neighbours and vice versa, but deprecated the drawing of broad political conclusions from such facts. The relations of Arabs and Jews in Palestine had been carefully analysed by the Royal Commission in 1937 and more recently by the Partition Commission. Their broad conclusions unfortunately remained true.

Mr. KIRKBRIDE pointed out that armed bands were almost entirely recruited from the *fellahin* class.

Mlle. DANNEVIG asked whether the *fellahin* were not often forced to join the rebel bands in order to save their own lives and property.

Mr. KIRKBRIDE thought that few of the *fellahin* who were with the rebels had joined under compulsion.

Lord HANKEY suggested that situations similar to that prevailing in Palestine were not unknown even in Europe, where neighbouring peoples might live in amity for years until some trouble arose which made them mutual enemies. Was that a fair description of the situation?

Mr. MOODY said that the parallel drawn by Lord Hankey was, broadly speaking, correct.

M. RAPPARD commended the painstaking chronological account given in the report of the disturbed situation during 1938. But he was more interested still in what was not expounded in the report. He would be grateful to be informed on such more general topics as the strategy, technical equipment, state of mind, organisation and composition of the Arab rebel bands. Could the accredited representative not give the Commission a fuller explanation of the position in those respects?

Mr. KIRKBRIDE explained that, according to the information in the possession of the authorities, the country was divided up into areas under commanders who, in turn, had under their orders sub-commanders with gangs of twelve to twenty-five men. The co-ordination of activities in an area was usually good, from the rebel point of view, but the co-ordination between one area commander and another was much less perfect. There had been several commanders-in-chief who claimed to be in charge of rebel activities all over Palestine, but each area commander had decided for himself which chief he would obey. Over and above the field organisation in Palestine itself thus outlined, there was a higher organisation, the Committee for the Defence of Palestine, which had its headquarters in Damascus and from which the various leaders derived their authority.

In 1937, the majority of the members of the armed bands were Arabs from neighbouring countries who had been recruited and despatched to Palestine. In 1938, however, 99% of the rebels were Palestine villagers recruited by the sub-commanders from villages in the area under their command. There might be a few individuals who, as Mlle. Dannevig had suggested, were reluctant recruits, but, as the resistance offered to Government troops showed, most of the members of the bands were believers in their cause.

The position as regards equipment and arms was that large quantities of these must have been accumulated secretly before the troubles began. Since that date, there had also been a traffic in contraband arms over the frontier against which all possible measures had

and were being taken. At the Commission's last session¹ he had said that most of the arms and ammunition used by the rebels were of war-time date and pattern. That statement was still true, though small quantities of more modern types of ammunition had been found recently.

As they enjoyed such widespread public support, the armed bands could dispense with large financial resources; funds were, however, received from Damascus and contributions were levied locally, mainly from the inhabitants of towns who took a less active part in the fighting.

M. RAPPARD said he had been struck by the references in the accredited representative's replies to a central organisation with headquarters in a neighbouring territory under the mandate of a friendly Power. It was surely a curiously tolerant attitude on the part of the latter to allow a body resident in the territory under mandate to foment sedition across the frontier, particularly when, as would be generally recollected, the same authorities had ten years previously criticised the Palestine Government in connection with the rising in Syria. Had no efforts been made by the Palestine authorities to secure French co-operation?

Mr. KIRKBRIDE had no authority to speak for the mandatory authorities in Syria, but he could confirm that close touch was maintained between the local administrative officers on the Palestine and the Syrian and Lebanese sides of the frontier respectively. Valuable assistance had been given in checking the smuggling of arms and in preventing individuals from crossing to and from Palestine. All available information on current events was mutually communicated.

As regards the immunity enjoyed by the Committee in Damascus, he imagined that it was difficult to bring any overt offence against Syrian laws to its door; it was notoriously an easy matter to foment disorder from across a neighbouring country's frontier. In this case, the interception of messages and supplies was extremely difficult because of the broken nature of the country through which the frontier line ran and the sympathy shown to the rebels by the Lebanese and Syrian populations.

Mr. MOODY confirmed that the French central and local authorities had done everything possible in a difficult situation to help the Palestine administration.

The CHAIRMAN asked what was the membership of the Central Committee in Damascus.

Mr. KIRKBRIDE said that the Committee was composed of Palestinian and Syrian Arabs.

M. RAPPARD inferred, from the accredited representative's answers, that most of the arms and ammunition used by the Palestine rebels had been in the country since the war. In view, however, of the duration of the uprising, such reserves must surely have been exhausted, particularly in the case of ammunition, which was highly perishable. It would appear from Press reports that the rebels were now using bombs and grenades. Were those war stocks also? The general impression gained was that regular supplies were being received from some source or other.

Mr. KIRKBRIDE reiterated that a large part of the arms and ammunition used had been accumulated before the disturbances began, and that further quantities had since been smuggled over the frontier.

The CHAIRMAN reverted to the question of the impunity enjoyed by the Central Defence Committee in Damascus. It was admitted that no civilised Government could tolerate that shelter should openly be given on its territory to a terrorist organisation operating in any other country. Two years previously a Conference, at which France and the United Kingdom in particular had been represented, had sat in Geneva to discuss and draft an international Convention for the prevention and punishment of terrorism. It was true that no Convention had yet entered into force, but the fact that this Conference had been held showed that the prevention of terrorism was a reciprocal moral obligation upon Governments.

Mlle. DANNEVIG also found it difficult to understand how war stocks of arms and ammunition could still be in use after disturbances of such long duration. Were the arms and ammunition captured from the rebels examined in order to ascertain their exact origin?

Mr. KIRKBRIDE could add nothing to his previous answers which had been to the effect that most of the captured arms and ammunition dated from the period of the recent war and were of German make.

Lord HANKEY thought the last point important, as it was persistently reported that most of the arms used by the rebels came from Germany and Italy.

¹ See Minutes of the Thirty-fourth Session of the Commission, page 63.

Mr. KIRKBRIDE confirmed that practically all the arms were of German origin and dated from the time of the recent war. He recollected having stated in 1938¹ that some French arms dating from 1924 and 1925 and a small quantity of modern German ammunition had been captured; these, however, were exceptions to the rule. There were, in addition, small numbers of war-time British rifles captured from time to time, together with British rifles which had been lost recently by the police.

Mlle. DANNEVIG still failed to understand how the supply of weapons could be maintained unless, possibly, old types of arms were being smuggled into the country so as to be indistinguishable from local stocks.

M. RAPPARD suggested that most of the rifles might possibly be twenty-five years old as the accredited representative affirmed, but that the ammunition was more likely to be of recent manufacture.

Mr. KIRKBRIDE maintained his point that most of the ammunition was not of recent origin. Some cartridge cases had certainly been recapped and refilled with black powder locally, but did not constitute effective ammunition. The bombs were of a home-made variety, prepared with gelignite and dynamite, which had been smuggled over the frontier notwithstanding the strict supervision maintained by the Syrian, Lebanese and Palestinian authorities.

COUNT DE PENHA GARCIA could only explain the continuance of acts of terrorism and the extension of the rebel movement by the consistent tendency on the part of the Palestine authorities to underrate the danger of the situation and a reluctance to take any positive action until the last moment. Were there any reasons to justify that optimistic attitude?

Mr. MOODY suggested that it was easy to be wise after the event. Actually, the High Commissioner and the General Officer Commanding had carefully studied the situation from day to day and had taken every possible precaution to meet emergencies before they arose and in the light of the facts known at the time and to make energetic use of the forces at their disposal. At the present time, there were, in Palestine, two divisions, amounting to some 20,000 men and, as the report showed, considerable success had been achieved. The larger armed bands had been virtually liquidated and disturbances at present were confined mainly to acts of sabotage and sniping by bands and to acts of terrorism in the towns. It was extremely difficult to counter these activities by means of troops.

COUNT DE PENHA GARCIA understood that hitherto the Arabs had usually been the aggressors and the Jews the parties attacked. In view of the strong Jewish reaction to the White Paper of May 1939, was it to be anticipated that the Jews would now become the aggressors?

Mr. MOODY agreed that, hitherto, the Arabs had been the aggressors. He did not think, however, that there was any serious ground for assuming that that rôle would pass to the Jews because some of the younger and more irresponsible elements had reacted violently to the new policy announced.

Lord HANKEY assumed that the position in Palestine could be characterised as a rebellion conducted by guerilla methods. Such disturbances had been known before in the history of the British Empire and were not unknown in that of the French and Netherlands colonial dominions. It was equally common for such rebellions to be rather protracted.

When on a visit to Egypt last January he had been interested to find in an inscription on an old stela, dating from B.C.2500, or possibly B.C.3380, that a similar state of affairs prevailed even at that remote date. The inscription in question (which he read) purported to reproduce the instructions left by Khety III to his successor on how to deal with the "Asiatics" whose characteristics as exponents of guerilla warfare were described. Would that be a fair description of the situation at the present time in Palestine?

Mr. MOODY agreed.

Lord HANKEY had noticed numerous references in the report to attacks on the oil pipeline. Had the line, nevertheless, been kept open without serious interruption?

Mr. KIRKBRIDE explained that, if a repair gang was in the vicinity, the damage could be repaired in a period averaging two hours. The attraction to the rebels of such attacks was the spectacular nature of the results when the escaping oil was ignited and produced a blaze which was visible for miles.

¹ See Minutes of the Thirty-fourth Session of the Commission, page 63.

Lord HANKEY further enquired whether the barbed wire fence had proved successful in preventing the arrival of reinforcements and the escape of armed bands over the frontier.

Mr. KIRKBRIDE said that the results fully justified the expenditure incurred. Armed bands occasionally managed to penetrate the barrier, but contraband traffic had largely been diverted from the section of the frontier in question.

Lord HANKEY asked whether the fence had been completed during 1939.

Mr. KIRKBRIDE confirmed that the barrier was now continuous from the Sea of Tiberias to the Mediterranean.

NINTH MEETING

Held on Tuesday, June 13th, 1939, at 3.30 p.m.

Palestine : Examination of the Annual Report for 1938 (continuation).

Mr. Moody, Mr. Kirkbride and Mr. Downie came to the table of the Commission.

PETITIONS (*continuation*)

The CHAIRMAN observed that a Sub-Committee had been constituted to examine petitions relating to the putting down of disturbances ; questions likely to assist the Sub-Committee in its work might appropriately be put during the present discussion.

He added that the Secretariat had now had official communication of the Arab petitions already sent privately to several members of the Commission. They would also be referred to the Sub-Committee, together with the mandatory Power's observations.

POLICE : TERRORIST ACTIVITIES : DISTURBANCES (*continuation*)

Mlle. DANNEVIG thought that the report indicated less concern on the part of the military for strategy than for tactics. She also wondered why, in cases of abduction, it seemed to be impossible to find and release the victims. How could cold-blooded mass-slaughters by Arab gangsters, such as had taken place at Nazareth, be carried out in a small country studded with military ? Were their hands bound so that such lawless activities could not be followed by immediate punitive action ?

Mr. MOODY pointed out that if the report were to give details of all the counter-attacks and punitive measures carried out by the military, it would run to many hundreds of pages. In no case had an act of lawlessness not been followed by positive action. The slaughter at Tiberias, for instance, had been followed by an attack on the bands responsible the very same night, in which they suffered severe casualties.

Mlle. DANNEVIG asked whether the Arab police were wholly reliable.

Mr. MOODY replied that it had been found necessary wholly to disarm the Arab police effectives in 1938.

Mlle. DANNEVIG asked how the loss had been made good. Had Jewish police been appointed in their place ?

Mr. MOODY said that the regular police forces numbered about 5,000—approximately 3,000 British and 2,000 Palestinian, the Arabs being disarmed. There were also about 5,000 temporary additional police, who were Jews, and about 8,000 unpaid Jewish special constables to whom arms were not issued. Finally, some hundreds of supernumerary police were maintained by institutions and private persons. These were mainly Jews.

He added that the additional Jewish police were only used for defensive action. Offensive action was carried out solely by the regular forces, who were British.

Mlle. DANNEVIG said that she had read of Jewish complaints that the additional forces were not allowed to follow up their aggressors after an attack, and that the regular forces generally arrived on the scene too late. Was that true ?

Mr. MOODY thought that no responsible Jew would agree with such a statement. The defence of the Jewish settlements had been organised most carefully, by military and police officers, in co-operation with the Jewish Agency and the settlers ; there was no question as to its adequacy. The settlements had frequently repelled attacks though, of course, not always without loss.

M. RAPPARD felt convinced that both police and military were acting efficiently and conscientiously in very difficult circumstances. It was not for the Commission, sitting quietly in a city of peace, to criticise. He was, however, surprised at the ferocity shown by the armed rebel bands. Recent history did not reveal the Arab as warlike ; yet the rebel leaders were not only brave, but ruthless, not hesitating to kill their own folk to further their cause. Were they heroes seeking glory, brigands bent on loot, or fanatics defending their faith with fire and sword ?

Mr. KIRKBRIDE pointed out that M. Rappard's history was at fault ; there had been many bitter revolutionary movements in the Arab world in recent times, of which the trouble in Palestine was the most recent. As to the bands, they included heroes, brigands and fanatics ; nor did the three types always see eye to eye, even among the leaders ; some of the latter were honourable men, others mere cut-throats. He mentioned instances of both.

M. VAN ASBECK asked why the insurgent bands had included so many foreigners in 1937 and so few in 1938.

Mr. KIRKBRIDE explained that the leaders had found it necessary, in the early days, to import mercenary fighters ; later, these were no longer required.

He added that the distinction between armed bands and individual terrorists which had been made during an earlier session, still held good. Military action against the bands had proved signally successful, and as a result there had been a recrudescence of acts of terrorism in towns, a form of activity which it was more difficult to suppress. The acts of terrorism were committed by individuals who had the same degree of public support amongst the Arab population as in the case of the bands operating in open country.

Lord HANKEY asked whether the armed bands habitually wore uniform. He supposed that after each attack or outbreak, they would disperse and mix with the local population to escape capture.

Mr. MOODY said that that was the usual practice ; it made it very difficult to find the guilty among a large innocent mob. The rebels had a kind of khaki uniform, which they wore when carrying out a concerted attack, and of which large hidden stores had been discovered on several occasions.

M. VAN ASBECK enquired as to the normal peace-time police effectives. Where had the additional units been recruited ?

Mr. MOODY said that the normal strength of the British police was about 850-1,000, as compared with the present total of about 3,000. The new ranks were recruited mainly from among ex-soldiers in the United Kingdom.

M. VAN ASBECK then drew attention to Jewish acts of reprisal. Were they centrally organised, and if so, had they the backing of a certain part of the Jewish community ?

Mr. MOODY thought that he could reply in the negative to both questions.

ATTITUDE OF ARAB LEADERS DEPORTED IN OCTOBER 1937

M. GIRAUD referred to the five Arab leaders deported to the Seychelles and released in December 1938 (paragraph 44, page 30 of the report). What was their present attitude ? Where were they now, and did they still support the rebels ?

Mr. MOODY said that one of the five was at present in Geneva ; the others were either in Beirut or Cairo. Officially, they denied all connection with the rebels ; they had, however, explicitly rejected the White Paper policy.

ATTITUDE OF OFFICIAL RELIGIOUS CIRCLES : ATTITUDE OF MODERATE ARABS

M. RAPPARD enquired as to the attitude of official religious circles. Did the mosques lay it as a duty upon the faithful to support the rebellion, to fight and to resist attempts at pacification ?

Mr. KIRKBRIDE said that there had been a few cases of open incitement by the mosques ; but the penalty was immediate imprisonment, and most of the encouragement to rebellion given by the religious leaders was not, therefore, public in its character.

M. RAPPARD concluded that the Moderates (the Nashashibis, etc.) were looked at askance by orthodox religious circles, and as suspects by the faithful.

What was the position of those who still sold land to the Jews ?

Mr. KIRKBRIDE replied that the Moderates had suffered an eclipse in 1938, and had been looked upon as traitors. Only quite recently had they dared to raise their voices once again. The sellers of land to Jews were residing safely in Syria or Lebanon.

Mlle. DANNEVIG drew attention to the memorandum submitted to the High Commissioner by Fakhri Effendi el Nashashibi (paragraph 43, page 30 of the report), claiming that 75% of the interests of the country and well over half of the Arabs supported his moderate attitude. Jewish circles also claimed that a great many Arabs were disgusted with the terrorist campaign. How far were those claims well-founded ?

Mr. MOODY said that neither at the time when the memorandum referred to had been submitted, nor since, had there been any freedom of opinion among the Arabs, all of whom were afraid of savage reprisals if they ventured to counsel moderation. It followed that the degree of support claimed by Fakhri el Nashashibi was purely conjectural ; for his own part, he could not but feel that it was exaggerated.

Mlle. DANNEVIG said that the point was of great importance. She observed that Mr. Moody did not categorically deny Fakhri's claim. Even if no more than half the Arabs were opposed to terrorism, then surely that fact added to the strength of the Jewish case.

M. RAPPARD thought that, in the circumstances of the case, it was more than probable that the author of the memorandum had exaggerated the extent of his following.

Mr. MOODY said that although he was unable, for obvious reasons, to disprove the claim made in the memorandum, he was equally unable to say that it was likely to be true.

Mlle. DANNEVIG observed that, if there were freedom of opinion among the Arabs, the moderate party might well potentially be very much larger than was at present assumed.

Mr. MOODY said that, were freedom of opinion to be restored, the moderate point of view might gain supporters. It would be altogether wrong to assume that the Nashashibi party in any way supported the Jewish case. The essential fact was the impossibility, in existing circumstances, of ascertaining the real state of opinion.

Lord HANKEY thought that the situation was somewhat similar to that in various European countries where a minority had assumed control by force and had gradually won acceptance from the population, partly through intimidation and partly through the fact that no opposition was tolerated. In those circumstances, it was impossible to judge the true state of opinion.

Mlle. DANNEVIG thought that it was nevertheless significant that a certain unknown proportion of the Arab population might be prepared to collaborate with the Jews. It might follow that the deadlock was not quite so complete as might be thought.

IDENTITY CARDS

Lord HANKEY pointed out that in most European countries, though not in the United Kingdom, people were required to carry identity papers. Had that system been considered in Palestine ? Now that " Tegart's wall " was complete, the system might prove effective.

Mr. MOODY drew attention to the system of voluntary identity cards referred to on page 21, paragraph 14 (3) of the report. The Administration had considered a compulsory system but rejected it because of the ease with which such a scheme could have been boycotted. The Jews would have feared that illegal immigrants could thus easily be detected; as to the Arabs, even the voluntary scheme had provoked an edict from the rebel leaders imposing the death penalty on any Arab found in possession of a card.

Holders of identity cards were given various facilities; thus, they alone could receive traffic passes in areas where martial law was in force. Many thousands of cards had now been issued, and the scheme had, generally speaking, succeeded in its objectives.

PRESS : PROPAGANDA

M. VAN ASBECK asked whether any European newspapers had been excluded from Palestine in addition to Syrian, Lebanese and Egyptian newspapers (paragraph 27, page 25 of the report). He also asked what had been the effects of radio propaganda among the Arab population.

Mr. MOODY said that one or two communist papers from Poland and elsewhere had been banned. As for anti-British propaganda, there had been, as the Commission doubtless knew, a great deal. He did not think that the number of listeners in the rural areas of Palestine was considerable.

QUESTION OF THE LOYALTY OF JEWISH AND ARAB OFFICIALS : CRIMINAL INVESTIGATION DEPARTMENT : ATTITUDE OF THE YOUNG PEOPLE

M. VAN ASBECK said that on two previous occasions¹ the question of the loyalty of officials employed by the Administration had been discussed. Was there anything further to say in that connection with regard to 1938? The Commission had just heard that it had been found necessary to disarm the Arab police units. Had there been any further instances of a disloyal attitude on the part of officials?

Had the work of the Criminal Investigation Department been satisfactory in 1938?

Mr. MOODY replied that a number of officials, both Arab and Jewish, had had to be discharged during the year, in addition to the Arab police units who had been disarmed. The report stated that ordinary police work had practically come to a standstill. That statement covered the work of the Criminal Investigation Department in the sense that the ordinary investigation of common crime had become practically impossible. The disturbances involved, of course, much crime: such as murder, arson, looting, etc. It was the sad truth that much of it went undetected. If the statistics of crime given in the report showed a drop as compared with previous years, the reason was merely that the work of investigation and detection had, to a great extent, been held up.

The military courts had continued to function very effectively. They made use not only of the troops, but, where suitable, of the civilian mechanism for preventing lawlessness.

In reply to a question, Mr. Moody said that he did not think youth associations and the younger classes generally had been very influential.

IMMIGRATION : ILLEGAL IMMIGRATION : PRINCIPLE OF ECONOMIC ABSORPTIVE CAPACITY : PETITIONS (continuation)

M. VAN ASBECK drew attention to the deportation (paragraph 38, page 29 of the report) of over 1,100 persons to Syria and Egypt: Had those deportees been guilty of illicit entry into the country, or were they rebels?

Mr. MOODY replied that they included both types, since both would be considered as undesirables. Persons were deported to Syria if there were grounds for supposing that they had originally come from that country.

Mlle. DANNEVIG mentioned the many accounts in newspapers of attempts to introduce immigrants illegally into Palestine. Thousands of Jews were thrust out of European countries without papers or means of subsistence, and many attempted to land in Palestine. Public opinion was shocked by accounts of unseaworthy ships being turned away from the coast and of cases in which such ships had been fired at with some loss of life. What truth was there in those accounts?

¹ See Minutes of the Thirty-second (Extraordinary) Session of the Commission, pages 76 *et seq.*, and Minutes of the Thirty-fourth Session, page 35.

Mr. MOODY said that no one could close their eyes to the distressing situation of many thousands of Jews expelled from Europe. Since, however, the maximum number of immigrants into Palestine had been fixed for 1938 and 1939, the authorities had no option but to do everything necessary to prevent illegal entry. Many ships did, in fact, appear along the coast, and the administration did not always succeed in preventing the landing of their passengers. In every case, however, everything possible was done for the comfort of those on board ; where necessary, food, water and medicine were given before the ships were turned back.

Mlle. DANNEVIG feared that there were many ships carrying these "illegal" Jewish immigrants which were trying to find some corner where they might land their human cargo ; they were turned away also from a country which was to facilitate Jewish immigration. The conditions seemed to be almost as bad as those prevailing in the Middle Ages, and might partly be ascribed to the immigration policy now followed. It seemed to her that something must be done at once to remedy this appalling situation ? What had the accredited representative to say about it ?

Mr. MOODY said that that question should be addressed to the conscience of mankind.

M. RAPPARD thought that, if a limit were placed upon immigration, then obviously the authorities had the duty of ensuring that that limit was respected, and therefore of preventing illegal landings. To his mind, the paramount question was that of the advisability of a strict limitation, especially where the level—imposed for political reasons, as in the present case—was lower than the level corresponding to the economic absorptive capacity of the country. Manifestly, the placing of a limit of 10,000-12,000 per annum on immigration was attended by many disadvantages. What were the corresponding advantages ? If Arab discontent and the campaign of rebellion had thereby come to a stop, the measure would have been amply justified. But that had not been so : the level now imposed angered both Jews and Arabs, for diametrically opposed reasons. Meanwhile, the economic interests of the country were clearly prejudiced. How then did the mandatory Power justify its standpoint ?

He realised that as regards the future, this was a fundamental issue which would have to be discussed when the Commission came to study the policy outlined in the White Paper. For the moment, he was only concerned with the past. The mandatory Power itself had described the present limitation as only tolerable provisionally. The Commission had already criticised the measure. He would be glad if the accredited representative would justify that policy—though, in the circumstances, he did not wish to press the point.

Mr. DOWNIE said that, confining himself, as M. Rappard suggested, solely to the past, the justification for the limit imposed on the number of immigrants was that given in the Government's despatch of March 10th, 1938, reproduced on pages 56-58 of the report for 1938. Quite clearly, during the interim period, when the partition proposal was being studied, some limit lower than the theoretical economic absorptive capacity had to be imposed. The authorities had been guided by the actual figures for the previous few months in placing the limit at about 1,000 a month. Later, when the London Conference was about to meet, it had been decided to maintain the provisional restrictions in order not to prejudge one of the main questions for discussion. The mandatory power had decided, on both occasions, that the restrictions were justified for the reasons stated.

As to the failure of that step to lead to pacification, it must be remembered that the limitation so far imposed had been purely temporary. It had, in fact, hardly been hoped that it would pacify Arab opinion. The limits proposed in the White Paper were quite a different matter, as they would be of a permanent character.

M. RAPPARD said that, if it had not even been expected that the limit imposed in 1937, and maintained ever since, would appease Arab opinion, then he could see no justification for it whatsoever. The mandate itself, considerations of humanity, and the economic interests of the country all called for an increase in the number of immigrants. He could not but feel that the attitude of the mandatory Power stood self-condemned. Had the economic capacities of Palestine not permitted of a higher rate of immigration, the Administration had only to say so and its attitude would have been understood. But that had not been so ; the mandatory Power had repeatedly spoken of a "political high level" of immigration quite distinct from, and lower than, the economic level.

Mr. DOWNIE said that these temporary restrictions by no means represented the adoption of the "political high level"—proposed by the Royal Commission in Part II of its report.¹ The justifications for the restrictions imposed were those contained in the despatch of March 10th, 1938, and particularly paragraph 5 of that despatch (page 57 of the report).

¹ Document C.495.M.336.1937.VI (Cmd. 5479), page 306.

Mlle. DANNEVIG, nevertheless, could not help feeling that M. Rappard was justified in saying that a different policy might have been adopted, which would have alleviated the sufferings of the Jews in many parts of Europe.

M. RAPPARD suggested that the whole question might fairly be stated as follows : for sixteen years, the permitted level of immigration had been based on the economic absorptive capacity of the country. The Royal Commission had then suggested the adoption of a political level or limit. While considering that suggestion, and also during the period of the London Conferences, the mandatory Power had introduced a third factor—that was to say, a limit which was neither economic nor political but which was admittedly arbitrary but obviously influenced by political considerations.

Mr. DOWNIE thought that he could accept that interpretation of the facts. He again drew attention to the considerations set out in the despatch of March 10th, 1938. The temporary limit now in force was admittedly one influenced by political circumstances, but the mandatory Power was not at that stage primarily interested in appeasing Arab opinion. The limit corresponded to the actual figures of immigration in the early part of 1937, and it was a mere coincidence that it also corresponded to the " political high level " suggested by the Royal Commission.

Count DE PENHA GARCIA thought that the mandatory Power might draw on the memorandum for 1938 of the Jewish Agency for facts showing that, despite all the difficulties, the economic position of Palestine had improved, and that all the progress achieved was ascribable to Jewish efforts. The Agency's report made it quite clear that, if a higher level of immigration had been allowed, there would have been further economic advantages to the whole country including, of course, the Arab population.

Were the relations between the mandatory Power and the Jewish Agency—a body recognised in the mandate itself—still normal ? He put that question because it was quite clear that the economic strength of Palestine depended wholly upon the Jews. He would like to be reassured that the mandatory Power had kept that fact in mind when taking decisions which, according to the Jewish Agency, had had the effect of crushing further effort and preventing further economic expansion.

Mr. DOWNIE said that the mandatory Power had always appreciated the economic importance of the Jewish National Home and the material benefits which it conferred, not only on Jews, but also on Arabs. The report of the Woodhead Commission, for example, showed that, under partition, the Arab State would have a large deficit on its budget and the Jewish State a large surplus. The White Paper itself paid, he thought, full tribute to the economic importance of the Jewish National Home.

Count DE PENHA GARCIA welcomed those assurances, but still thought that the political aspects of the problem had been allowed to obscure the economic, to the detriment of the country.

Mr. MOODY said that admittedly immigration had been restricted for non-economic reasons. But the authorities still kept in close contact with the Jewish Agency on all economic questions.

Lord HANKEY reverted to the statement that the limits imposed on immigration had not succeeded in assuaging Arab opinion. What would have happened if the opposite step had been taken and if immigration up to the full level justified by economic absorptive capacity had been tolerated ?

Mr. MOODY questioned whether the level of immigration would have been so very much greater if a purely economic yardstick had been adopted. Lord Hankey's question was hypothetical. Certainly, the exasperation shown by the Arabs would have been still greater, although he was bound to admit that matters could not well have developed in a worse way than in fact they had.

M. RAPPARD noted with interest that the economic limit might perhaps not have been very much higher than the political. Surely then, the mandatory Power ought to have abided by the economic yardstick, and thus avoided giving rise to the passionate protests of the Jews.

NATIONALITY

M. GIRAUD observed that the number of applications for naturalisation in 1938 was less by about a quarter than in 1937 (paragraph 3, page 89 of the report), though it was still higher than the average for the preceding three years. This decline was doubtless due, as suggested in the report, to the disturbed conditions which had prevailed throughout the year. As in previous

years, the great majority of applications came from Jews (98.5%). The report stated that candidates for Palestinian nationality had in some cases deferred their applications on grounds of economy (paragraph 4, page 2). Was it not, therefore, possible that the fee asked (500 mils) (paragraph 2, page 89) was too high for certain classes of applicants?

Mr. MOODY thought not. Very much higher fees were charged in most other countries. The deferring of applications for naturalisation was only "in some cases" due to motives of economy.

Replying to Lord Hankey, he said that many of the Jews leading a communal life in colonies and settlements had very little cash at their disposal, though he would not describe them as destitute or even badly off.

M. GIRAUD drew attention to the case of persons born in Palestine and possessing Turkish nationality who once resided, or still resided, abroad (particularly in Central America) and who had not exercised their right of option within the prescribed period. The report mentioned (paragraph 10, page 90) that the Royal Commission's suggestion that the Palestinian Citizenship Order 1925 should be amended, in so far as it affected such cases, was still under consideration. Could it be hoped that the problem would be settled in the near future?

Mr. MOODY hoped that a decision would have been taken by the time the next report was published.

Mlle. DANNEVIG said that many of the Jews exiled from Germany and Poland had no nationality. Did they meet with any difficulties in acquiring Palestinian citizenship after having fulfilled the necessary conditions?

Mr. MOODY said that no difficulties whatever arose, provided they had entered the country legally.

M. RAPPARD referred to hopes in the past that the existence of a Palestinian nationality open both to Arabs and Jews would in due course give rise to a feeling of loyalty to the country, common to both races. Had any sign of such a feeling emerged?

Mr. MOODY replied in the negative. Palestinian nationality was a mere question of passports. It had no moral basis.

Mlle. DANNEVIG believed that the possibility of acquiring a definite nationality was one of the main reasons for the Jews' desire to establish a State of their own. They would then be able to grant Jewish nationality even to persons not resident in the country, and thereby to help their persecuted brethren elsewhere powerfully.

Count DE PENHA GARCIA asked why so few Arabs applied for Palestinian nationality as compared with Jews.

Mr. MOODY explained that Palestinian Arabs who were Ottoman subjects in 1924, and of course all those born within Palestine since that date, automatically acquired Palestinian nationality without making application for it, whereas the Jews, who were immigrants into the country, had to take steps to acquire it.

JUDICIAL ORGANISATION : PRISONS : PETITIONS (*continuation*)

M. VAN ASBECK felt some difficulty in putting questions on this subject when a part of the judicial system had practically broken down. The report spoke (pages 96 and 98) of many courts burned down or closed, and he could only express admiration for the fact that the authorities could still give a coherent survey of the judicial system.

He observed (paragraph 16, page 113 of the report) that a large number of non-indictable offences had become indictable under the Defence Regulations and therefore judicable as crimes before a full court. Had not that resulted in making the proceedings more cumbrous and successful prosecutions more difficult?

Mr. MOODY replied that, although non-indictable offences could in normal times be dealt with summarily and expeditiously by a magistrate, many indictable offences were now dealt with by the military courts, whose procedure was rapid and simple.

M. VAN ASBECK thanked the mandatory Power for replying (paragraphs 11 and 12, pages 96 and 97 of the report) to a number of questions he had put a year previously.¹ He noticed that the Ottoman Penal Code had now been repealed, and replaced by a code based on English

¹ See Minutes of the Thirty-fourth Session of the Commission, page 64.

law (paragraph 11, page 96). There was, therefore, no possibility in that connection of provisions repugnant to the terms of the mandate still being enforced. He believed, however, that certain of the Ottoman land laws were still in force and might be held to conflict with the mandate. Was that the position ?

Mr. MOODY replied that the High Commissioner had power to repeal any enactment held to be repugnant to the terms of the mandate ; that power would certainly have been exercised if the circumstances referred to had arisen.

M. VAN ASBECK referred to the provision (paragraph 12, page 97 of the report) under which accused persons could apply for trial by a British judge sitting alone. Was that application automatically granted in every case ?

Mr. MOODY said that he believed that was so in practice.

M. VAN ASBECK then referred to the institution (paragraph 45, page 163 of the report) of juvenile courts in which cases were heard in camera. He believed this only applied to boys, and asked whether a similar system was applied to girl offenders.

Mr. MOODY did not think there was a parallel system for girls. Young female offenders were generally handed over to private welfare organisations, of which there were a considerable number, regularly inspected by a woman Government welfare officer. Young girl offenders would, of course, also be tried in camera.

Mlle. DANNEVIG asked whether those welfare institutions looked after both Arab and Jewish girls.

Mr. MOODY replied that the Jewish community maintained a number of very complete social service organisations of all types. This was not the case with the Arabs, although doubtless Arab girls also committed offences. There were no special penitentiaries for young girls in Palestine.

Mlle. DANNEVIG said that she had read accounts—perhaps unfounded—of ill-treatment inflicted upon prisoners, more particularly young political offenders, both Jews and Arabs, in the Palestine prisons. It had been alleged that political offenders were imprisoned in company with common criminals, and that some had even been beaten and ill-treated. It had further been alleged that, in many cases, it had been almost impossible for the relatives of Jewish prisoners to visit them at Acre for fear of Arab molestation.

Mr. KIRKBRIDE affirmed that at Acre the Jewish political prisoners were always kept in a separate part of the prison. They were allowed to obtain food from outside the prison and were provided with a Jewish cook. Although no provision existed in Palestine law for the special treatment of political prisoners, the detainees were not treated as convicts, and he did not believe that there had been cases of ill-treatment. It was true that it was difficult for relatives to visit Jews detained in the prison at Acre, having regard to the state of public security, but the authorities were obliged to make use of the prisons in existence.

M. VAN ASBECK had heard complaints that Arab political prisoners were placed in camps where they enjoyed a certain degree of freedom, whereas the Jews were sent to prisons and closely detained.

Mlle. DANNEVIG asked if Arab warders were placed in charge of Jewish prisoners.

Mr. KIRKBRIDE had no knowledge of any such discrimination as had been suggested by M. van Asbeck. As to the warders, here again the authorities had to take things as they found them ; the higher staff in all prisons was, however, British and there were also British sergeants.

M. RAPPARD referred to a petition containing a long statement of complaints from the Seychelles deportees. Some of their complaints were trivial, or of such a character that no remedy could reasonably be expected. They also indulged in a final flight of rhetoric and described themselves as "imprisoned, gagged and buried alive"—a statement obviously at variance with the facts. It was well known, however, that the climate of the Seychelles was unfavourable, and he would like to be reassured as to the health of those persons.

Mr. MOODY said that a British doctor had been sent over from East Africa to examine the deportees. He had done so very carefully, and had reported that not a single one had seriously suffered in health as a result of his deportation. All those sent to the Seychelles had been released, as the Commission knew, in December 1938.

ECONOMIC EQUALITY : COMMERCIAL AGREEMENTS : QUESTION OF OBTAINING ADDITIONAL
MARKETS FOR PALESTINE PRODUCE

COUNT DE PENHA GARCIA said that this subject was dealt with very adequately in the report, and that he had only a few points of detail to raise. The report referred (paragraph 40, page 295) to a number of applications for concessions to prospect for petrol, which were under consideration. Had any decision been reached, and what was the nationality of the applicants ?

The report also referred (page 105) to the provision of free zones in the port of Haifa, mainly for the benefit of the Government of Iraq. Were the same facilities available to other countries applying for them ?

Mr. MOODY undertook to make enquiries about the petrol concessions, and said that he believed the facilities at Haifa to be available to any country applying for them.

COUNT DE PENHA GARCIA then referred to complaints, put forward by the Jewish Agency, of difficulties placed in the path of the commercial development of the country. In that connection, the Royal Commission had suggested that Article 18 of the mandate might require amendment.¹ A year previously,² the accredited representative had told the Mandates Commission that that suggestion was being studied. Had any decision since been reached ?

Mr. MOODY replied in the negative. The question was still under consideration.

COUNT DE PENHA GARCIA noted with satisfaction that the mandatory Power was making every effort to foster Palestine trade in the commercial treaties it concluded with other countries. The report made special reference to the recent trade agreement with the United States (paragraph 70, page 37). That agreement, however, granted most-favoured-nation treatment to a number of United States products, including, he believed, citrus fruits. That might prove very detrimental to Palestine, four-fifths of whose exports consisted precisely of such fruit.

M. GIRAUD thought it was not without interest, in that connection, to point out once more how much the principle of commercial equality enshrined in the mandate appeared, in present conditions, to be working to the detriment of the country. He had calculated that for the three-year period 1936-1938 three countries—Germany, Roumania and the United States—to mention only a few of the main suppliers, had sold to Palestine £P13,081,000 and purchased only £P777,000 of goods from it, so their sales and purchases stood in a ratio of approximately 100:6. Did not such figures, which spoke for themselves, show that it was a matter of vital interest that additional outlets should be found for Palestine's produce ?

M. RAPPARD said that it should not be overlooked that, as a counterbalancing factor to the very large import surplus of Palestine, there was a tremendous flow of capital into the country in the form of gifts from the United States and also—though for very different reasons—from Germany and Roumania. Economists would hold that this accretion of capital must necessarily be accompanied by a very considerable excess of imports over exports.

M. GIRAUD said that that might be so ; but it was imperative, nevertheless, to find additional outlets for Palestine produce and more particularly for citrus fruits, the production of which was continually increasing.

ECONOMIC SITUATION : IMPORTS AND EXPORTS : AGRICULTURE : INDUSTRIAL PRODUCTION

M. GIRAUD, reviewing the economic position, noted that the information contained in the report showed that, from the agricultural standpoint, the year 1938 had been a very varied one. Wheat, the main cereal, had suffered heavily from an attack of rust (paragraph 3, page 276 of the report) and the harvest which, in 1937, had amounted to 127,000 tons, fell in 1938 to 44,000 tons of poor quality wheat. Fortunately, other agricultural food crops were satisfactory ; citrus exports were maintained at approximately the same level, but market prices were lower than in 1937.

As a result of the prevailing insecurity in the country, industrial activity was carried on in obviously unfavourable conditions. The building (paragraph 20, page 245 of the report) and oil industries (paragraph 18, page 244) were among those most affected ; there was also

¹ Document C.495.M.336.1937.VI (Cmd. 5479), page 368.

² See Minutes of the Thirty-fourth Session of the Commission, page 57.

some slackness, though less marked, in the textile industry. Other branches were, however, more active than in 1937, and it was encouraging to note that, despite the disturbed situation throughout the year, exports of local industrial products showed a further considerable increase in 1938 of approximately 15%. Potash exports also rose in value by more than £P110,000 (page 250 of the report).

As regards foreign trade, there was a very sharp fall in imports of most articles (paragraph 22, page 246 of the report), local traders preferring, as a general rule, in view of the uncertain situation, to use up existing stocks rather than place fresh orders. The reduction exceeded £P4,000,000, representing a decrease of more than a quarter as compared with 1937, and exports were better maintained. Except for cereals, the production of which, as already mentioned, was considerably below average, the amounts exported were not less than those of the previous year, and though the value of exports dropped by nearly £P800,000 (paragraph 23, page 248 of the report), that was mainly due to the fall in citrus prices, representing a decrease of £P548,000 in 1938. As regards the balance of trade, it was worth noting that the once wide margin between imports and exports continued to decrease steadily; in 1934, the ratio of imports to exports was as 100:21, but was now only 100:44.

Railway and port traffic was less than in 1937. Rail tonnage fell by 30% and goods handled at ports by 10%. Mention should be made of the expanding activity of the new port of Tel-Aviv, whose share in the total tonnage handled in Palestine improved from 9% in 1937 to nearly 16% in 1938, an increase of 72,000 tons (paragraph 5, page 234 of the report).

On the question of finance, the main points to be noted were the following. Though the territory's budget for the financial year 1937/38 showed a deficit—it could hardly be otherwise in view of the political events of the year—revenue was, nevertheless, higher by £P256,000 than in the year 1936/37 (page 210 of the report). Between December 31st, 1937, and December 31st, 1938, the currency circulation was raised from £P4,800,000 to £P5,500,000. According to the Jewish Agency, capital investment by Jews amounted to £P4,700,000, as against £P6,000,000 in 1937. Finally, deposits in banks and the principal co-operative societies reached £P17,650,000 at December 31st, 1938, as against £P16,000,000 at December 31st, 1937.

These indications, necessarily very brief, showed that though Palestine's economic activity in 1938 was inevitably influenced by the disturbances from which the country had suffered, it had, nevertheless, been maintained at a pitch which, all things considered and without being unnecessarily optimistic, could certainly be regarded as satisfactory.

M. Giraud asked how it came about that, in view of the fact that the wheat harvest (page 48 of the report) was the smallest recorded for many years, flour imports showed a sharp falling-off (page 246).

Mr. MOODY said that that was doubtless due to the fact that the 1937 wheat crop had been very large, and that the poor 1938 crop would only be reflected in the level of flour imports in 1939.

Replying to a further question on the production of methylated spirits (paragraph 14, page 243), he said that this was used for industrial and commercial purposes. Large quantities used formerly to be imported from Syria.

WATER SUPPLY

M. GIRAUD, referring to the question of water supplies, recalled that last year¹ the accredited representative had stated that the Administration had prepared two Bills, one for the control of surface waters and the other for the control of underground water, but that, before they could be passed as ordinances, ownership of public waters had to be vested in the High Commissioner by means of an amendment to the Palestine Order-in-Council which would enable the High Commissioner to issue the necessary regulations. The accredited representative had added that the amendment in question had been communicated to the Colonial Office, which had referred it to the Palestine authorities for additional study on one or two points of detail. This year's report mentioned (page 91) a Water Survey Ordinance in respect of the discovery and raising of underground water, which had been enacted in 1938 and which vested the High Commissioner with powers incidental thereto. M. Giraud asked what had happened to the proposed regulation regarding surface water.

Mr. MOODY replied that no enactment had yet been made in regard to surface water. It would be necessary to amend the Palestine Order-in-Council—the fundamental law of Palestine—in order to give the High Commissioner powers of control: this legislative step would necessarily require some preparation.

¹ See Minutes of the Thirty-fourth Session of the Commission, page 60.

CATTLE

M. GIRAUD then drew attention to a wide discrepancy in the figures for imports of sheep and goats in 1938 on pages 247 and 281 (paragraph 31) of the report.

Mr. MOODY explained that the lower of those two figures, that on page 247, referred to net imports, whereas the higher figure on page 281 included a number of cattle crossing Palestine on the hoof, on their way from Iraq to Egypt. Provided pasture was available in Trans-Jordan, large quantities of cattle made this long journey every year. Flocks were even sometimes brought from the Nedj, spending up to three months on the road. This was only possible when the rainfall was adequate. The practice was to take the flocks across Palestine into Egypt.

TENTH MEETING

Held on Wednesday, June 14th, 1939, at 10.30 a.m.

Palestine : Examination of the Annual Report for 1938 (continuation).

Mr. Moody, Mr. Kirkbride and Mr. Downie came to the table of the Commission.

ECONOMIC EQUALITY (continuation) : NEGOTIATION OF SPECIAL AGREEMENTS WITH CERTAIN STATES : PETITIONS (continuation)

M. GIRAUD noted from paragraph 67 (page 36 of the report) that, in September 1938, the Palestine Government had given six months notice of the termination of the Syria-Palestine Customs Agreement of 1929, but that, as later it became clear that negotiations for a new agreement could not be concluded by March 1st following, the period of the notice of termination had been extended until June 1st, 1939. Could the accredited representative give the Commission any information concerning the negotiations in progress between Palestine and Syria ?

Mr. MOODY replied that the negotiations had not yet been terminated ; a Palestine delegation had visited Beirut recently for the purpose. Meanwhile, the old Agreement had been further extended until August 31st, 1939.

M. GIRAUD recalled the petition of March 21st, 1938, submitted by the Arab Alcohol Agency, Jerusalem, protesting against an order by the High Commissioner prohibiting the importation of denatured alcohol into the country. The order had been published after the Agency had already contracted for considerable imports of that commodity from Syria. In reply to the Agency's claim for compensation, the United Kingdom Government had pointed out that it was not the practice of Governments to pay compensation to private enterprises whose interests might be affected by import prohibitions, but it had added that the High Commissioner had been requested to enter into negotiations with Syria with a view to the replacement of the import prohibition by a suitable protective duty on denatured alcohol coming from Syria. Had the negotiations in question actually been initiated, or would the matter be settled in connection with the conclusion of the new Customs agreement ?

Mr. MOODY said that the matter was one of those discussed by the Palestine delegation sent to Beirut and would, it was hoped, be finally regulated in 1939 in connection with the new Customs agreement.

COUNT DE PENHA GARCIA recollected that the Jewish Agency had objected to certain provisions of the trade agreement with Syria, which it considered detrimental to Jewish agricultural interests, particularly as regarded imports of eggs and vegetables. Would it be possible to meet the objections raised to the duty-free importation of such produce ?

Mr. MOODY said that the Palestine authorities agreed generally with the views expressed by the Jewish Agency, and had included the question on the agenda of the Beirut discussions. It was hoped to reach a settlement by the end of August 1939.

M. GIRAUD recalled that the question of the improvement of commercial relations with Egypt was already an old one. The report for 1937 mentioned (paragraph 83, page 31) the visit of a trade delegation from Egypt in June 1937, and added that, as a result of the meetings held between the Egyptian delegates and the representatives of Palestine, proposals for developing trade relations between the two countries on the basis of reciprocal concessions had been submitted to the Governments concerned. The same report added that the proposals were still under consideration, but that it was hoped that the result would not be long delayed.

The report for 1938 (paragraph 66, page 36) showed that the position was the same as before. It did not even say, as did the report for 1937, that it was hoped that the matter would be settled shortly. Were there any special reasons for the delay which, it would seem, was beginning to be rather abnormal ?

Mr. MOODY replied that public security considerations had prevented the Palestine Administration from actively pursuing the negotiations initiated. It was hoped, however, to bring them to a conclusion in 1939.

Count DE PENHA GARCIA asked, further, whether the Jewish Agency's complaints regarding the discrimination shown by several countries against Palestine exports and the damaging effect on the latter trade of frozen credits would be taken up by the central authorities.

Mr. MOODY agreed that new arrangements would be necessary in view of the provisions of Article 18 of the mandate. He would see also that the question of frozen credits was brought to the mandatory Power's attention.

ECONOMIC SITUATION (*continuation*) : IMPORTS AND EXPORTS (*continuation*) : CITRUS INDUSTRY

Lord HANKEY noted from paragraph 23 (page 248) that exports of citrus fruit had declined in value in 1938 by £P548,000. The importance of those exports was evidenced by the figures in the table on page 249. He had seen it alleged that the success which had attended Zionist efforts to improve the cultivation of citrus fruit had led to a big drop in prices which, in turn, had seriously affected Arab growers in particular. Was there any truth in the latter assertion ?

Mr. MOODY said that the facts of the situation were that Jewish growers had introduced great technical improvements in citrus-growing and that the Arabs had benefited by copying Jewish methods. The industry itself, however, was probably over-capitalised, owing to the very high prices which had originally been paid for the land. He doubted whether the inference in the statement referred to by Lord Hankey was justified, as the present season's large crop was being marketed at good prices.

Lord HANKEY concluded that, on balance, the Arabs had gained.

Mr. MOODY said that that was true as regards both the technical methods of cultivation and the system of marketing. In the latter respect, the Arabs had advanced considerably, though they were still behind the standard set by the Jews.

Lord HANKEY asked whether the Citrus Committee referred to in the report (paragraph 12, page 278) contained Arab members also.

Mr. MOODY said that, since the disturbances began, he thought that such Arab growers as were in any way organised had set up an organisation of their own.

M. GIRAUD supposed that, in view of their smaller overhead charges, Arab growers produced citrus more cheaply than Jewish growers and could therefore earn larger profits on the basis of equivalent selling prices.

Mr. MOODY believed that the cost prices of Arab citrus-growers were higher, in view of the superior technical facilities at the disposal of Jewish growers. The cost of the land was also an important factor ; Jewish growers had probably originally paid prices which were now uneconomic.

M. RAPPARD said he had been greatly impressed, in studying the import and export tables on pages 254 and 255 of the report, by two facts.

In the first place, the decline in imports by some 25% had not been accompanied by a corresponding fall in the exports.

In the second place, though the United Kingdom absorbed some 50% of the exports from Palestine, it accounted for only some 14% of the exports to Palestine. Clearly, therefore, the United Kingdom was not using its control of the Palestine export market to the detriment of other supplying countries ; it was thus honouring the economic equality principle both in the letter and the spirit.

It was rather remarkable also to see from the table on page 249 that the exports, for instance, of citrus fruit had been so well maintained and were still considerably in excess of all years prior to 1937, notwithstanding the continued disturbances. He questioned whether there was any other case in history of a country which could show such a record of economic prosperity after two years of virtual revolution. That prosperity was obviously due to the efforts made by the Jewish population and was a factor which should be given due weight when considering the possible reactions on this population of the new policy recently announced.

The CHAIRMAN had also been impressed by the apparently superficial effect exercised by the disturbances on the economic life of Palestine. Did not the fact that agriculturists, in particular, had been able to continue their daily occupations and produce larger harvests than usual indicate that the disturbances were the work of a small number of unruly persons, and that they did not deter the mass of workers from pursuing their daily occupations ?

Mr. MOODY warned the Commission against the danger of drawing over-optimistic conclusions from the economic statistics in the 1938 report ; that would be seriously to underestimate the state of affairs revealed by that document itself and by the report of the Royal Commission also. It should be realised that the mandatory Power was spending millions of pounds for the maintenance of public security and that the economic results to which the Chairman properly referred could not have been achieved without the employment of large army and police forces at the cost of the British taxpayer.

M. RAPPARD agreed that the indefinite continuance of the present situation would certainly be intolerable.

The CHAIRMAN thought that the explanation given was not liable to modify the impression received from a perusal of the report.

HOLY PLACES

M. GIRAUD noted from this section of the report (pages 106 and 107) that the various Christian communities continued to disagree as to the repairs required by their sacred buildings.¹

The 1937 report (pages 102 and 103) had already referred to the need for repairing the Basilica of the Holy Sepulchre, which, according to the 1938 report also (paragraph 2, page 107), was still in an unsatisfactory condition, so much so that the Government had had to close the building to the public before Easter Week. It had subsequently been decided to carry out certain urgent repairs, pending the consideration of a scheme for its permanent restoration. Had the urgent repairs been completed ?

Mr. MOODY replied that temporary bracing of the Basilica was being carried out, but was not yet completed. The Public Works Department was expediting the repairs as much as possible.

M. GIRAUD asked when it was thought that the permanent restoration scheme would be put in hand.

Mr. MOODY said that the technical details had been settled, but no financial scheme had yet been worked out. It was hoped to put the permanent restoration scheme into operation before it became necessary to undertake another temporary scheme of repairs.

M. GIRAUD, with reference to paragraph 3 (page 107 of the report), asked whether the work on the Al Aqsa mosque described on page 31 had been undertaken.

Mr. MOODY replied that the work had been put in hand but was not yet completed.

M. GIRAUD recalled that, according to Parliamentary Debates of July 4th, 1938, the Secretary of State for the Colonies had denied the rumours current in certain quarters that Jews had designs on the Al Aqsa mosque and other Moslem holy places. Could the accredited representative say what might be the origin of those rumours ? What parties were likely to be interested in circulating rumours of that kind ?

¹ See Minutes of the Thirty-fourth Session of the Commission, page 60.

Mr. MOODY had no information on the point. Such rumours, however, were an ordinary weapon of propaganda in such disturbed circumstances as prevailed in Palestine at present. Designs on Moslem holy places were no part of Jewry's political objectives, though the whole world knew that the restoration of the Temple was a millennial hope of many devout Jews.

M. GIRAUD asked whether the rumours in question had affected the minds of the people or helped to aggravate the situation in Palestine.

Mr. MOODY replied that such propaganda was intended rather for Moslems outside Palestine itself, but had played an important part in the disturbances of 1929.

FREEDOM OF CONSCIENCE

Lord HANKEY said that, in view of the exhaustive statements made by the accredited representative, he need not put a number of questions on that subject. He noticed, however, that the list of terrorist activities on page 19 of the report made no reference to attacks by Arab insurgents on churches or synagogues. Had any such attacks occurred?

Mr. MOODY said that there had been one or two isolated cases of Arabs attacking Jewish synagogues; the disturbances in Palestine were more of a political than of a religious character.

Lord HANKEY asked if instructions had been given to the officers commanding detachments to interfere as little as possible with public worship and freedom of conscience.

Mr. KIRKBRIDE referred the Commission to the statement which he had made in connection with the petition submitted by certain people of Acre regarding the prohibition originally imposed on searches in churches and mosques.¹ Definite instructions were given to troops to respect all places of worship.

Lord HANKEY asked whether the Wailing Wall Order-in-Council referred to in paragraph 2 (page 109 of the report) had worked satisfactorily in 1938.

Mr. MOODY replied that certain restrictions had been imposed by the police and military forces at a time when the Old City was almost entirely in rebel hands. During the last Jewish feast, however, thousands of Jews had practised their devotions at the Wailing Wall without interference.

FUNDAMENTAL LAW OF THE ORTHODOX PATRIARCHATE OF JERUSALEM

Lord HANKEY inferred from the statement in paragraph 4 (page 109) that no progress had yet been made in amending the present Fundamental Law of the Orthodox Patriarchate of Jerusalem.²

Mr. MOODY replied that in the light of representations received from the Patriarchate and the lay authorities, amendments had been agreed upon and a new draft law published in July 1938.

NEGOTIATIONS BETWEEN THE VAAD LEUMI AND AGUDATH ISRAEL

Lord HANKEY asked whether the negotiations between the Vaad Leumi and Agudath Israel referred to during the examination of the 1937 report³ had made any progress.

Mr. MOODY said that the negotiations had been held up by the general disturbed situation of Palestine and the difficulty of reconciling conflicting views. A full reference to the subject would be included in the next annual report.

ADMINISTRATION OF THE AWKAFS : WORK OF THE TEMPORARY COMMISSION APPOINTED ON OCTOBER 16TH, 1937

Lord HANKEY asked whether the *modus vivendi* concluded between the Commission of Control and the Supreme Moslem Sharia Council referred to in paragraph 46 (page 31)⁴ was still in force.

Mr. MOODY replied in the affirmative and added that the relations between the Commission and the Council were satisfactory.

¹ See page 86.

² See Minutes of the Thirty-fourth Session of the Commission, page 61.

³ *Ibid.*, page 62.

⁴ *Ibid.*, pages 48-49.

DISTURBANCES (*continuation*): POLICE: CO-ORDINATION OF MILITARY AND POLICE ACTIVITIES

Lord HANKEY noted from the table on page 211 of the report that expenditure on defence had decreased from £P1,297,000 in 1936/37 to £P789,738 in 1937/38. Extraordinary expenditure on the Trans-Jordan Frontier Force had risen from £P9,944 to £P12,828 for the same periods and expenditure on police and prisons from £P744,619 to £P941,975. The total net reduction on all three items was some £P307,000.

Had the arrangements for bringing the police forces and other civil administrative officials under the control of the General Officer Commanding, as described on page 111, paragraph 3, and page 27, paragraph 32 of the report, worked smoothly, and had the behaviour of the military and police forces given satisfaction?

Mr. MOODY explained that, as the situation had worsened in 1938, numbers of ex-soldiers were brought into Palestine to act as policemen and to assist in suppressing the disturbances. As unity of command thus became important, the General Officer Commanding had been put into control of the larger forces thus created. The arrangement had worked efficiently. The relations between military and civilian officials were excellent.

Lord HANKEY asked whether the Jewish temporary additional police and special constables had proved efficient.

Mr. MOODY explained that the Jewish temporary additional police should not be confused with the special constables. The former were paid by the Government and trained by army and police officers. Their functions were to guard railways under the command of British officers, defend settlements, co-operate with armed units solely for the defence of static points and working parties, and act as warders in prisons. Generally speaking, these police officials had proved very efficient both for the duties described and for general police work under the British police officers. They wore the ordinary uniform of the Palestine police force.

PROPAGANDA (*continuation*)

Lord HANKEY noticed a reference in paragraph 19 (page 114 of the report) to Communist activity having continued to engage police attention. This presumably referred to revolutionary Communism and not to the colonies conducted on communist principles in Palestine.

Mr. MOODY agreed that "subversive activities" would have been a more correct heading for this paragraph.

M. RAPPARD asked whether there were any ordinances or regulations directed against Communism as such.

Mr. MOODY replied in the negative. The Criminal law in Palestine was only concerned with seditious and subversive activities. The communal colonies were purely economic enterprises operated by peaceable and respectable settlers.

Mr. DOWNIE pointed out that Palestine law required societies to be registered subject to compliance with certain conditions. The Palestine Communist Party had not been able to comply with those conditions and was therefore an illegal organisation. Possibly the persons referred to in paragraph 19 (page 114) were members of such illegal societies.

Count DE PENHA GARCIA asked whether Communist propaganda publications were allowed to enter Palestine.

Mr. MOODY said that such publications were prohibited and, where possible, stopped in transit.

M. VAN ASBECK asked whether other extremist propaganda—for example, from Fascist or National Socialist sources—was similarly prohibited.

Mr. MOODY replied that any subversive propaganda—Jewish Revisionist, Fascist or National Socialist—came under the prohibition.

M. RAPPARD asked whether since the conclusion of the Anglo-Italian Agreement anti-British propaganda from Bari in Arabic had ceased. Had it perhaps been replaced by other similar propaganda in Arabic ?

Mr. MOODY confirmed that the Bari wireless station was no longer transmitting anti-British propaganda, but replied in the affirmative to M. Rappard's second question.

BROADCASTING

Mlle. DANNEVIG observed from paragraph 25, page 276, of the report, that village receiving sets were maintained in eighty-eight villages and that the number of licences had increased to 35,708. Did that mean that there was a large number of listeners ?

Mr. MOODY replied that wireless listeners in the villages could only hear the Jerusalem station.

INTERNATIONAL CONVENTIONS

Count DE PENHA GARCIA noticed among the agreements listed in the report (pages 118 *et seq.*) a Convention of Good Neighbourly Relations concluded by the United Kingdom on behalf of Palestine and by France on behalf of Syria and Great Lebanon (page 118). Had the Convention been concluded partly as a result of the disturbed situation in Palestine ?

Mr. KIRKBRIDE replied that the agreement referred to was merely an amendment of an earlier agreement which bore no relation to the present disturbances.

ANTIQUITIES

Count DE PENHA GARCIA gathered from a perusal of this section of the report (pages 125 *et seq.*) that the disturbances had not seriously affected archæological activities. The numbers of visitors to the Palestine Archæological Museum and of new licences issued for excavations were quite impressive. He enquired why the Museum had had to be closed for two weeks in October on account of its occupation by military forces (paragraph 3, page 126 of the report).

Mr. MOODY explained that the number of troops in Jerusalem had had to be greatly increased, and, as little suitable accommodation was available, the Museum had to be used temporarily for quartering troops.

The large number of licences issued by no means implied that archæological excavation work had been actively pursued, as outside the main towns the military authorities would not allow any excavations to be made in view of the prevalence of brigandage and sabotage.

OFFICIAL LANGUAGES

M. VAN ASBECK noted from paragraph 4 (page 128 of the report) that Arabic and Hebrew characters continued to be used in transmitting inland telegrams. Did that mean that a larger number of post offices were now handling such telegrams ? No information on this point was given in the report for 1938, although, as was well known from a petition discussed in 1936,¹ Jewish opinion was very much interested in it.

Mr. MOODY believed that the number of offices accepting telegrams in Hebrew had been increased, but did not know exactly when the relevant regulations had been issued.

M. VAN ASBECK would welcome further information in future reports.

LAND TENURE : QUESTION OF LANDLESS ARABS

M. VAN ASBECK noted from paragraph 40 (page 82 of the report) that land holdings registered in the Beersheba sub-district were in the form of scattered parcels, not solid blocks. Did the mandatory Power not intend to adopt the Royal Commission's recommendation in favour of the latter form of holding ?²

¹ See Minutes of the Twenty-ninth Session of the Commission, pages 159, 172 and 189.

² Document C.495.M.336.1937.VI (Cmd.5479), page 366.

Mr. MOODY replied that the Beersheba land holdings in question had been bought some time previously. The recommendation referred to had not been followed in that case, but the question would arise later in connection with the discussion of the United Kingdom Government's White Paper.

M. VAN ASBECK asked, with reference to Jewish land purchases in the Lake Huleh district (paragraph 41, page 82 of the report), whether the present position was the same as in 1938.

Mr. MOODY replied in the affirmative. The financial situation of Palestine had worsened in 1938, and no assistance for such projects could be contemplated at present. When the disturbances had been liquidated, however, a complete financial survey would be made, and the scheme would also be reconsidered.

Mr. DOWNIE confirmed that the mandatory Power attached very great importance to this particular scheme and would consider it simultaneously with other urgent proposals.

M. VAN ASBECK asked, with reference to the purchase of 27,280 dunums of land by Jews from non-Jews (paragraph 3, page 59 of the report) whether those purchases had been made under the Protection of Cultivators Ordinance and without the eviction of any Arabs.

Mr. MOODY confirmed that the purchases had been made subject to the ordinance in question.

M. VAN ASBECK recalled the reference made in the 1937 report to settlements of landless Arabs (paragraph 75, page 80). Had any such settlements been made or applications submitted in 1938?

Mr. MOODY replied in the negative.

QUESTION OF THE ESTABLISHMENT OF A DRY-FARMING EXPERIMENTAL STATION

M. VAN ASBECK asked whether any progress had been made in the scheme for the establishment of the Dry-farming Experimental Station referred to on page 56 of the Palestine Partition Commission's report.

Mr. MOODY confirmed that no further action had been taken in that matter.

Petitions (continuation).

PETITION, DATED SEPTEMBER 22ND, 1938, FROM M. ABDALLAH AL-JAZZAR, MUFTI OF ACRE, AND OTHER MEMBERS OF THE CHRISTIAN AND MOSLEM RELIGIOUS COMMUNITIES OF ACRE

M. VAN ASBECK thought it could be assumed that most of the complaints in the petition had been satisfactorily disposed of by the United Kingdom Government's reply.

With reference, however, to the complaint in paragraph 6, that it was "the practice of the troops to compel motor-cars with all the passengers therein to precede military cars, and thus expose them to many dangers during engagements with armed men", he would ask whether there was any legal basis for compelling, as stated in paragraph 4 of the Government's reply, "Arabs suspected of or under detention for analogous offences to precede them (the troops) along certain roads". Was such an extraordinary measure really justified by military necessities?

Mr. KIRKBRIDE desired to preface his reply by a general statement on the subject of accusations of having committed atrocities levelled against British troops.

At the present time all conflicts, whether armed or not, usually involved the use of propaganda, and Palestine was no exception to that rule.

All specific allegations or reports of atrocities by British troops or police in Palestine had been investigated, and, if the troops or police were found to have exceeded their powers, disciplinary action was always taken. Most of the allegations had been proved to be unfounded or grossly distorted.

When searches or military operations were being conducted, the officers in command exercised the strictest control, and in order to forestall the commonest form of complaint, that of theft, troops engaged in making a search were themselves searched and a clearance certificate obtained from the Mukhtar before the village or area was evacuated. Mr. Kirkbride himself knew of one case where, during a search in the Safed quarter, an Arab Government official complained that a sum of £300 in notes was missing. On investigation it was ascertained that the officer in charge of the search had actually found the notes in question, counted them and handed them over to a servant who was the only person in the house at the time and who, on being cross-examined, admitted that she had appropriated the money herself.

In another case, where a search had to be made in a remote village five miles distant from the nearest motor road, a villager accused a soldier of having stolen three heavy copper cooking-pans, though it was most unlikely that any British soldier would contemplate carrying such unwieldy and valueless vessels over five miles of difficult country.

Another common complaint was that copies of the Koran had been torn to pieces in the mosques, and photos of such desecrated books had often been published. In one case, the facts were as follows: in the course of operations in a village near Nazareth the officer commanding took particular care to visit the mosque at the outset of the search and, after satisfying himself that everything was in perfect order, placed a sentry opposite the door to see that no soldiers entered the building. When the search was completed, the village Mukhtar reported that the Koran had been damaged by the troops. The mosque was inspected and the torn Koran found on the floor. When the sentry was called up, however, he identified the Mukhtar himself as the only person whom he had seen enter the mosque.

In reply to M. van Asbeck's specific question, Mr. Kirkbride explained that British troops had suffered heavily from land mines. The General Officer Commanding had therefore decided that Arabs detained on suspicion of participation in rebel activities would travel in the first car of a military convoy. The result was that no further mines were laid in the areas where this precaution was taken. He believed that the wide powers given to the General Officer Commanding under the Defence Regulations would cover the action described.

M. RAPPARD assumed that the saving of innocent lives could be regarded as justifying the drastic measure taken, but thought great circumspection should be exercised if the Arabs were not actually guilty, but merely suspected, of laying such mines.

He noticed from the petition that the imposition of curfew prevented Moslems from attending Friday midday prayers. Did that mean that Arabs were prevented from performing their religious duties?

The petition also appeared to suggest that churches had been violated in more than one case. Was the practice really so general?

Mr. KIRKBRIDE confirmed that there had never been any deliberate intention to interfere with Moslem Friday services. It was the practice that, whenever a murder was committed, a curfew was immediately imposed on the area irrespective of the day of the week, and raised only when the subsequent searches for the guilty were completed.

In 1937, orders had been issued not to search churches or mosques. It was found, however, that churches and mosques were being used by terrorists as places of refuge, and the order was rescinded and permission given to the troops to search such places in the presence of an officer. The results fully justified the decision taken, as offenders had, on occasion, been found concealed in such unlikely places as pulpits.

M. RAPPARD attached little importance to a petition which expressed no condemnation of terrorist acts. He himself felt, in fact, a good deal of sympathy with the British troops in the unpleasant duties which they were forced to perform.

Lord HANKEY presumed that the practice referred to in paragraph 4 of the mandatory Power's reply had been instrumental in saving the lives of troops and civilians and in mitigating the unfavourable effects of traffic interruptions.

Mr. KIRKBRIDE agreed.

Lord HANKEY suggested that the occasional emergency search of churches and imposition of curfew order in the circumstances described by Mr. Kirkbride was justified by the words in the first sentence of Article 15 of the Palestine mandate, "subject only to the maintenance of public order".

Mr. KIRKBRIDE concurred.

COMMUNICATION, DATED JULY 25TH, 1938, FROM M. FAHMI EL HUSSEINI, MAYOR OF GAZA,
AND TEN OTHER INHABITANTS OF THAT TOWN

COUNT DE PENHA GARCIA asked whether there was any truth in the complaint contained in this communication that the Palestine authorities had armed the Jewish population and thus aggravated the animosity felt towards the latter by their Arab neighbours. Would the tension not be greatly relieved if there were a completely impartial police force ?

Mr. MOODY confirmed that where considered necessary by the police and soldiers Jews had been supplied with arms for the defence of their own homes and settlements against Arab aggression. The necessary arming of some Jews in self-defence was not the cause of the bomb-throwing at Haifa. He did not think that the fact of the Jews being armed in any way increased the animosity felt by the Arabs. Indeed, the existence of that animosity was the principal reason for arming the Jews.

In reply to the last question, he would point out that 2,000 additional British police officers were now operating in Palestine in co-operation with the armed forces. Jewish police, it should be emphasised, were used solely for defensive operations.

ELEVENTH MEETING

Held on Thursday, June 15th, 1939, at 10 a.m.

Palestine : Examination of the Annual Report for 1938 (continuation).

Mr. Moody, Mr. Kirkbride and Mr. Downie came to the table of the Commission.

HOLY DAYS

Mlle. DANNEVIG said that the appendix on page 420 of the report gave a long list of Moslem, Christian and Jewish festivals. It seemed as if they did not coincide. Some of the Moslem festivals did not occur on the same days each year, being based, it was said, on the lunar calendar. Did these constant interruptions cause dislocation in the ordinary work of administration ?

Mr. MOODY replied that the vast majority of the public officials in Palestine were either Arabs or Jews. When one group was absent on holiday, therefore, the other could carry on. British officials, unfortunately, often had to remain on duty all the time, even on their own holidays.

LABOUR

M. GIRAUD said that the labour market had naturally been affected by the disturbances, but less than might have been feared. On the Jewish side, unemployment in the towns had reached its maximum point towards the middle of the year and had then decreased up to December, at which time the Jewish Agency estimated that there must be about 3,100 workers who were unemployed. Unemployment amongst the Arabs seemed to have been serious in almost all the urban centres. The building trade had been particularly hard hit ; in agriculture, owing largely to the expansion in citrus fruit production, an increased number of labourers had been able to find work, but the citrus fruit industry varied considerably according to the seasons, and at certain periods a reduced demand for labour left many workers without employment.

M. Giraud put the following questions (prepared by Mr. WEAVER, who was absent).

The report (pages 129 *et seq.*) reflected the valuable work done by the Office of Statistics and the General Federation of Jewish Labour. He hoped that there would be further development of the statistical activities, in order to provide, in due course, complete indices of employment, the cost of living, unemployment and the level of wages.

The available information indicated that unemployment had affected both Arab and Jewish workers, and, as regards the former, had reached serious proportions in the towns. Had the Government been able to do anything to provide relief or opportunities of employment for Arabs, or had all such measures been left to non-official bodies ?

Mr. MOODY said that before replying to Mr. Weaver's specific question, he might perhaps tell the Commission that, from July onwards, the Administration had employed some 5,000 Jews as paid policemen, a fact which had certainly reflected on the employment situation. Further, in 1938/39, orange-picking in Jewish groves had been carried out for the first time entirely by Jews—a factor which must have affected the Arab labour market considerably also.

With regard to unemployment among Arabs, the question was largely one of relief—confined, owing to the disturbances, to the towns. There was much poverty and under-nourishment among Arabs in urban centres ; the High Commissioner had taken a number of steps to remedy the position.

Replying to Lord Hankey, Mr. Moody agreed that the construction of " Tegart's Wall ", which had been placed in the hands of Jewish contractors, must also have contributed to the easing of the unemployment situation. On the Arab side, moreover, large sums had been spent during 1938 on building military roads ; this had provided employment in rural areas.

M. VAN ASBECK asked why it had not been possible (paragraph 7, page 66 of the report) to continue the allocation of a fixed proportion of public works to Jewish labour.

Mr. MOODY gave three main reasons : in most rural areas it had become impossible to employ Jews ; the public works budget had had to be cut down drastically ; and a great many Jews were now employed for purposes of defence.

M. Giraud put the following question, prepared by Mr. WEAVER : Wage rates had continued to fall (paragraphs 17 *et seq.*, page 135 of the report), but the cost of living—in so far as the existing index was reliable—had been slightly lower in 1938 than in 1937.

No new labour legislation had been enacted (paragraph 26, page 138 of the report) and the draft Ordinances published as bills in 1935 and 1936 were still under consideration. The same paragraph of the report added that there had been no sittings of the Labour Legislation Committee. Mr. Weaver did not propose to put any questions on those matters, but expressed the hope that it would soon be possible for the Government to give renewed attention to the development of Palestine's rudimentary labour legislation.

He asked whether Miss Nixon, the infant welfare inspector and inspector for the Employment of Women and Children, who had retired, had been replaced.

Mr. MOODY said that Miss Nixon's place had been filled by a capable young woman, Miss Thompson, who was fast acquiring experience and had already done good work.

ALCOHOL AND SPIRITS

Lord HANKEY pointed out that, in answer to enquiries made in 1938,¹ the present report gave, on pages 268 and 269, details of the number of detentions for contraventions of the Merchandise Marks Ordinance. As far as wines and spirits were concerned, those contraventions were very few in number. He thought it would be useful to repeat the information in future reports.

According to the table given on page 139, there had been a considerable decrease in the domestic output of intoxicating liquors and spirits, with the sole exception of arak. What was the reason for that decrease ?

Mr. MOODY pointed out that production in 1937 had been abnormally heavy. It was likely that surplus stocks had accumulated. The 1938 figures were much nearer the average level of the years before 1937.

Lord HANKEY noted that the number of convictions for drunkenness (page 140 of the report) had been more than halved between 1937 and 1938. Was he right in thinking that the main reason lay in the fact that the police were very much employed on other and more urgent duties ? Were the Jewish supplementary police, lately recruited, given the duty of apprehending drunkards as well as other normal police functions ?

Mr. MOODY agreed that it was unlikely that drunkenness had actually diminished. As the police were almost wholly engaged in pursuing brigands, their normal peace-time activities were less efficiently conducted. The Jewish supplementary police would certainly arrest drunkards in Jewish areas.

Lord HANKEY observed that there had been a very large fall in imports of beer, wines and spirits as compared with the previous year (1938 report, page 139 ; 1937 report, page

¹ See Minutes of the Thirty-fourth Session of the Commission, page 65.

133). The report for 1938 added that the figures did not include imports by the military and by the Navy, Army and Air Force Institution. The figures found in the 1937 report presumably included such imports. It might be better to revert to the earlier practice.

Mr. MOODY said that the import of alcoholic beverages for military use had only become important as a result of the large increase in military establishments in 1938.

Replying to M. Giraud, he said that the reason for the absence of exports of beer was that the brewing industry had only quite recently been established in Palestine and that, up to the present, consumption largely exceeded production.

DRUGS

Lord HANKEY noticed a considerable reduction in the quantities of drugs imported into the country—this was no doubt one of the few positive compensations for the disturbances. The report stated (paragraph 9, page 141) that codeine had recently become an important item of importation, but that the quantities involved to a large extent represented the working-stocks of manufacturers.

Despite the disturbances, the vigilance of the police in the matter of narcotic drugs had been maintained. The number of seizures of drugs was less than in 1937, though still above the figure for 1936 (paragraph 10, page 141). The same paragraph mentioned sixty-one prosecutions with forty-six convictions and ten cases still awaiting trial in connection with illicit traffic in drugs. To what nationalities did the offenders belong, and had the ten cases awaiting trial now been settled?

Mr. MOODY explained that the bulk of the illicit traffic in drugs was across Palestine, from Syria and Lebanon to Egypt. The traffickers were therefore mostly inhabitants of the first two countries. If the vigilance of the police had not abated, the reason was that large numbers of officers were stationed on the frontiers to prevent the illicit entry of arms. In searching for weapons, they often found drugs.

He assumed that the ten cases of illicit traffic pending at the end of 1938 had now been tried.

Lord HANKEY was glad to conclude that the stipulations of the mandate in regard to narcotics were still being fully observed.

EDUCATION

Mlle. DANNEVIG, noting the very detailed chapter on education, pages 142 to 163, was grateful for the information given on page 150 of the report in reply to her questions put a year previously.¹

She pointed out that there was still but a low proportion (about 50%) of Arab applicants who could be admitted to Government schools (page 142). The detailed percentages given on page 146 were particularly striking. Was there any prospect of an increase in the near future, especially in regard to girls in villages, of whom only 4% received any school education. She recalled the fact that practically all Jewish children received at least an elementary education.

Mr. MOODY replied that, unfortunately, the prospects for the future were now rather worse than they had been, as the financial position of the territory had made it necessary to reduce the expenditure on education in the 1939/40 budget. It followed that even the normal process of expansion would come to a stop.

Mlle. DANNEVIG was sorry that the unrest in the country had had such a result.

The figures given on pages 144 and 145 of the report showed that the Jews received a Government subsidy for their schools of £58,360, representing 23.66% of what was spent on Arab education. Besides that sum, they spent about £350,000 on their own private schools and colleges and that money was provided by taxes, local subventions and school fees. Naturally, they complained of the insufficiency of the Government subsidy, all the more because they provided about two-thirds of the Government revenue. There seemed to be a discrepancy between the percentages regulating the subsidy (page 145). She asked how that was to be explained?

Mr. MOODY replied that the Jewish community received every pound to which it was entitled in accordance with the existing formula. There were bound to be discrepancies in any one year; while the total amount spent by the Department of Education was easily ascertained,

¹ See Minutes of the Thirty-fourth Session of the Commission, pages 65 and 66.

other departments (Public Works, Health, etc.) made contributions to educational facilities which had also to be brought into the reckoning. This often took some time, and, for that reason, adjustments were subsequently made to render the allocations to the two communities exactly proportionate.

M. RAPPARD considered the method of allocation complex and unusual, though he realised that the jealous watch kept by each community on expenditure for the benefit of the other made it necessary.

It appeared to him that since the Jews were obviously much more interested in education, and maintained a number of secondary and higher establishments in respect of which they received Government assistance, the amount granted them in respect of primary education—which was, of course, the paramount consideration—was proportionately less than that granted to the Arabs. That result, if true, was certainly odd, though he fully realised that there might be no alternative.

Mlle. DANNEVIG pointed out that, in 1938, the Jewish community had been granted £P59,352 in respect of 49,920 children, whereas the Arab schools had received £P246,228 in respect of a slightly smaller number of pupils—namely, 48,563 (page 144 of the report).

Mr. DOWNIE explained that the Administration's policy was to leave the Jews free to manage their own schools. They received by way of assistance a grant equal to the expenditure the Government would have incurred if it had itself educated the same proportion of the Jewish school-age population—at the same cost *per caput*—as of the Arab school-age population.

Only a fraction of the Arab children of school age actually attended; it was on the basis of the attendance of Arab children that the grant payable to each community was calculated. One consequence was that, if a greater proportion of the Arab school-age population attended, the Jews would benefit by receiving a larger grant.

Mlle. DANNEVIG asked whether, among the Arab children who attended school, there was a considerable number who were Christians.

Mr. MOODY replied in the negative; many of the Christian Arab children attended private schools conducted by the churches.

Mlle. DANNEVIG asked whether either school attendance or inspection had been affected by the disturbances in 1938. In 1937, the interference with education, largely due to the quartering of troops in school buildings, had been serious.

Mr. MOODY replied that repercussions of this type had been fewer in 1938. A number of schools had been occupied by the troops. In many cases, alternative accommodation had been found for the schools. The Arab attitude towards school attendance in general had also noticeably improved. School inspections, however, had suffered severely, and many schools were not inspected at all. He could not, therefore, say whether schools were used as centres of agitation. It was unfortunately true to say that the whole population, both Arabs and Jews, both old and young, were affected by politics.

M. RAPPARD observed that politics had permeated into schools in many other countries. Did not the absolute segregation of Arab and Jewish children make the situation worse? If mixed schools were in existence, surely some degree of collaboration or at least mutual tolerance might be achieved.

Mlle. DANNEVIG asked whether any grants were made by the Government to the Hebrew University, which, according to the facts given on page 158 of the report, was a flourishing and promising institution responsible for much valuable research, even on subjects appertaining to purely Arab culture.

Mr. MOODY said that grants had been made on various occasions, but not on a regular annual basis. He heartily agreed that the Hebrew University deserved encouragement and support; but, while the Government was only educating one-fifth of the total number of Arab children, every effort had to be concentrated on primary education and very little money could justifiably be diverted to higher studies.

Mlle. DANNEVIG asked whether the health of school children had suffered as the result of the disturbances, and whether any increase in the number of defectives had been observed (paragraph 41, page 162 of the report).

Mr. MOODY thought that the children's health had remained good and that defectives were not on the increase. There was very little insanity among the Arab population; as for the Jews, he thought that, despite the troubled situation in Palestine, their life there was still perhaps happier and saner than in many other countries.

PUBLIC HEALTH

Count DE PENHA GARCIA said he had been glad to learn from the very full chapter in the report (pages 164 *et seq.*) that health services had generally been maintained on a satisfactory footing in spite of the disturbances. There had even been one or two striking improvements, especially in connection with food control and drainage (page 168).

The statistics of diseases were also satisfactory (page 167 of the report), though there was reason to fear that they might not be quite complete. The memorandum of the Jewish Agency for 1938, however, confirmed the satisfactory character of the situation.

Count de Penha Garcia was particularly glad to learn that Government hospitals and clinics throughout the country had not been molested (page 171); he supposed that the murder of a woman in Gaza Hospital, reported on page 16 of the report, was an isolated incident.

Mr. MOODY said that that was so.

Replying to Mlle. Dannevig, he added that there had been one case of a Jewish medical assistant killed at Bethlehem and one further case of a Jewish doctor who had been wounded at Safad.

Count DE PENHA GARCIA said that the Jewish Agency had complained that not enough licences to practise as doctors, dentists, etc., were granted by the Administration. The report (page 170) gave the proportions of doctors and dentists to the population—the total population, he presumed—of the country.

Mr. MOODY said that the proportions were based on the total settled population, excluding nomadic Bedouins. The proportion of one licensed practitioner to every 670 persons was higher than in any other country in the world.

Count DE PENHA GARCIA observed that the proportion of one dentist to every 2,000 of the population was not quite so satisfactory; moreover, no licences appeared to have been granted to dental practitioners in 1938.

He then referred to a reply given in the House of Commons by the Secretary for the Colonies, who had stated that the findings of the Palestine Department of Health, showing that the medical inspection of Government schools was inadequate and that the scheme for hospitals, sanatoria and clinics had been postponed, were now being considered by the Palestine Government in connection with the 1939/40 estimates. Had any decision been reached?

Mr. MOODY said that here again he was unfortunately compelled to inform the Commission that financial stringency had made it necessary to reduce the public health budget; the improvements referred to would therefore not be possible.

Count DE PENHA GARCIA said that the Jewish Agency had complained that, whereas no racial discrimination was made in Jewish hospitals, Government hospitals only admitted Arab patients. It was further alleged that the Jewish hospitals had been refused any assistance in respect of the cost of treatment of victims of disturbances.

Mr. MOODY said that it was not a fact that only Arabs were admitted to the Government hospitals. Jews, however, preferred to be treated in their own hospitals, and as that was also preferable from the standpoint of public security, Jewish patients were generally transferred to Jewish hospitals at the earliest possible moment.

As for financial assistance to the Jewish hospitals, no claim could reasonably be allowed where the patient could have received free treatment in a Government hospital. The Administration had, however, agreed to make grants in respect of Jewish victims of disturbances equivalent to the assistance given in the case of certain classes of public officials. Admittedly, those grants did not cover the full cost of treatment.

Count DE PENHA GARCIA said that he was glad some help, even if insufficient, was given, since the Jewish hospitals afforded free treatment for both Jews and Arabs.

Mr. MOODY added, in reply to Mlle. Dannevig, that Jewish, Arab and British doctors were all employed in Government hospitals.

Lord HANKEY referred to the passage on nutrition on page 177 of the report (paragraph 20). He was glad that a scheme for the collection of statistics had now been introduced, and hoped that it would be actively pursued. In several colonial territories far more backward than Palestine, a great deal was now being done in the way of educating natives in correct nutritional principles, especially with regard to the diet of children. The League of Nations had carried out much work of vital importance on that subject, and he hoped that the recommendations of the League nutrition committees would receive careful consideration by the Palestine authorities.

Mr. MOODY said that the collection of statistics was being actively proceeded with in the towns. He doubted, however, whether the financial situation would allow of anything important being done to improve the diet of the population, or even of the children. Much was being done in the way of educating the population in nutritional principles by welfare centres. The Department of Health also maintained a number of centres in which mothers were trained in the care of infants. Some details would be found in paragraph 22, pages 177-178 of the report.

Mlle. DANNEVIG asked whether anything was done to reduce the incidence of diseases of the eye among children who were not attending school.

Mr. MOODY replied that the Government clinics referred to on page 171 of the report treated all sections of the population, and were additional to the treatment facilities provided in the schools.

M. GIRAUD said that the morbidity and mortality tables on page 167 of the report seemed to show an appreciable improvement in the situation; some of them—for example, those relating to infant mortality—were the lowest for several years. Did the figures of deaths include deaths directly due to the disturbances?

Mr. KIRKBRIDE said that for purposes of comparison the figures should be accepted with caution, as the system of registration, particularly of deaths, had not been regular in its working during 1938. Deaths due to the disturbances were included in the figures given in the report, in so far as they were known, but the Commission would be aware that the actual number of victims was unknown.

Mlle. DANNEVIG pointed out that the Economic Research Department of the Jewish Agency claimed that morbidity and mortality rates were lowest in those areas where the Jews owned most land and were most closely settled; in areas inhabited preponderantly by Arabs, and with a less condensed population, the rates were higher.

PUBLIC FINANCE

M. RAPPARD said that the financial situation in 1937/38 was surprisingly good, in view of the circumstances (page 182 of the report). There was an increase in revenue, and the addition of over £P1,000,000 on the expenditure side was, he gathered, largely due to the new system, described on page 186, under which capital expenditure and even expenditure on loan account was debited to the current accounts for the year in which it was incurred. That system was so safe as almost to deserve the epithet pessimistic; at all events, it removed any sort of anxiety as to the future. Was it now being generally applied in all British colonies and territories? Why had it been adopted?

Mr. DOWNIE understood that all colonial administrations had been requested to adopt the new system, and that most had done so. The object was to clear the accounts of any advances, appropriations, etc., which were not readily realisable in character. In that way, the actual effective assets of the colony could more easily be ascertained.

He would give an example relating to Palestine. Some time previously, Parliament had authorised a loan of £P2,000,000 which, owing to the disturbances, had not actually been issued. The work for which the loan was intended had been undertaken by means of advances taken from the surplus balance of the country. Up to recent times, that surplus balance had nevertheless been shown as intact in the accounts. Under the new system, the £P1,500,000 spent would no longer appear as part of the surplus balance, which would only be restored to its original level by an appropriation to revenue when the loan was actually issued.

M. RAPPARD thought that, in the existing circumstances, the system worked somewhat harshly, since it resulted in a swelling of the expenditure figures. Nevertheless, it was justified by reason of the wise provision it made for the future.

On page 215 of the report, there was a statement of the Government's investments held by the Crown agents. The money had been placed very prudently, and the yield was correspondingly low. On page 207 (paragraph 20), the report referred to a Palestine 5% Guaranteed Loan of nearly £P5,000,000, the service of which was at a much more onerous rate than that of the interest on the securities held as investments. Why had the Administration borrowed money at this high rate when its investments were still available as security for expenditure ?

Mr. DOWNIE said that the 5% Guaranteed Loan had been floated in 1926/27, mainly to meet the cost of building Haifa harbour. The investments had been made much later.

M. RAPPARD drew attention to the Nizam of Hyderabad's donation for the maintenance of a Moslem university in Palestine (paragraph 18, page 206 of the report). The amount was small, and was earning very little interest. Unless further money became available, it did not seem that the Moslem university could take shape before many years had elapsed.

Mr. DOWNIE said that the scheme for a Moslem university had been adumbrated for some years, but that there was very little prospect of its taking concrete shape in the near future. It had, in fact, been questioned whether there was any demand for such a university.

M. RAPPARD wished to add one general comment with regard to public finance : the efforts of the Jews, and the large amount of capital they had brought into the country, had given it prosperity and had led to the accumulation of a handsome surplus. Now, owing to the rebellion, all those advantages were vanishing, and the surplus was fast being squandered unprofitably. He felt that this was a most painful dilemma for all those in charge of the country's welfare.

Lord HANKEY said that he was glad to note (page 183) that, in spite of attacks on the pipe-lines, the number of tons of oil loaded at Haifa had only fallen off very slightly in 1937/38.

DEMOGRAPHIC STATISTICS : QUESTION OF " FAKED " MARRIAGES

M. RAPPARD said that he had been most interested to learn from the figures given on page 226 of the report that, throughout the period of heavy Jewish immigration, the natural increase of the non-Jewish population (adding together Moslems and Christians) had been greater than the increase in the Jewish population. Were it known, that fact might greatly surprise public opinion.

He was startled to find that, according to the divorce statistics given on pages 229 and 230, about half the marriages between Jews ended in disaster. Was that really so ?

Mr. MOODY said that a regular ramp had developed : certain persons acted as professional husbands, with the object of taking advantage of the provision under which the wife of a Palestinian citizen automatically became Palestinian herself. As soon as the woman had gained admittance to the country, the marriage was dissolved and the " husband " began again. Steps were now being taken to put down that abuse, but an amendment would be required in the Palestine Nationality Order-in-Council—a step which might require some time.

Mr. KIRKBRIDE, replying to Mlle. Dannevig, said that the number of deaths of Moslems given in the table on page 227 of the report was certainly below the truth, owing to incomplete registration.

The CHAIRMAN said that the examination of the annual report on Palestine was now completed.

Petitions (continuation) : Letter, dated June 12th, 1939, from M. Jamaal Hussein, President of the Palestine Arab Delegation.

Mr. DOWNIE said that one of the two petitions from M. Jamaal Hussein, dated June 12th, 1939, dealt with alleged atrocities committed in Palestine. This document had been examined by the accredited representatives of the mandatory Power, who now wished to ask the Commission to postpone consideration of the petition so as to allow the United Kingdom Government to prepare written observations in the normal way, after consultation with the Palestine Government.

The CHAIRMAN said that, in the circumstances, the Commission was ready to allow the petition in question to be struck off the agenda of the present session.

Trans-Jordan : Examination of the Annual Report for 1938.

REACTION OF PALESTINE DISTURBANCES IN TRANS-JORDAN

The CHAIRMAN, referring to the accredited representative's opening statement at the eighth meeting,¹ observed that that statement and the report itself (paragraph 8, page 309) mentioned that the incursion of armed bands had taken place from Palestine into Trans-Jordan. Was the object of those bands to recruit further help for the rebels in Palestine, or was it to create a diversion by stirring up a parallel insurrection in Trans-Jordan?

Mr. KIRKBRIDE replied that the Arab rebels in Palestine had throughout endeavoured to extend the rebellion to Trans-Jordan. They had failed, because the Amir of Trans-Jordan had wisely made every effort to dissuade the population of his country from taking any part in the movement. The Amir's attitude had led the rebel chiefs to conclude that their best course would be to shake the authority of the Amir and his Government. The incursions of armed bands were the result. It would be noticed that the objectives were nearly always rural police posts—that was to say, the visible symbols of the Amir's authority in the more remote parts of his country.

There had been a number of further incursions during 1939, but they had been successfully countered, and he was glad to be able to say that, on the date of his departure from Trans-Jordan a few days previously, no armed bands remained within that territory.

M. RAPPARD observed that the whole question was of great importance. The object of the Palestinian rebels was to make the Arabs sole masters of Palestine, or, in other words, to establish there a regime similar to that which existed in Trans-Jordan. That object was well understood and sympathised with in the latter country. It was therefore a little surprising and paradoxical to find the Palestine rebels attacking the country they sought to emulate. Was there some further hidden motive in their action?

Mr. KIRKBRIDE said that all Arabs in Trans-Jordan sympathised with the objectives of the Palestine Arabs and had endeavoured to assist them by proper means during the London Conferences and elsewhere. They did not wish, however, to jeopardise what they had won for themselves as a result of twenty years effort by participation in the insurrectionary movement. That attitude was inspired by His Highness the Amir, and it was for that reason that the Palestine rebels had turned against him, in the hope that some help might yet be forthcoming from Trans-Jordan.

TWELFTH MEETING

Held on Thursday, June 15th, 1939, at 3.30 p.m.

Palestine : Policy laid down by the United Kingdom Government in the Document entitled "Palestine—Statement of Policy", of May 1939 : Preliminary Statement by His Britannic Majesty's Secretary of State for the Colonies.

The Right Honourable Malcolm MacDonald, M.P., Secretary of State for the Colonies, Sir Grattan Bushe, K.C.M.G., C.B., Legal Adviser to the Secretary of State, and Mr. Downie, accompanied by Mr. Moody and Mr. Kirkbride, came to the table of the Commission.

WELCOME TO MR. MALCOLM MACDONALD AND SIR GRATTAN BUSHE

The CHAIRMAN, on behalf of the Commission, welcomed the Right Hon. Malcolm MacDonald, Secretary of State for the Colonies, and Sir Grattan Bushe. The responsibilities at present weighing on the British Cabinet imposed manifold duties upon its members and the Commission was the more grateful to the Secretary of State for having wished personally to take part in its work. The Commission interpreted his presence as a further tribute to the institution which the Mandates Commission represented.

In 1937, Mr. MacDonald's distinguished predecessor had appeared before the Commission in similar circumstances; at that time, already Palestine was in a state of effervescence, and a comprehensive solution of the country's different problems seemed imperatively necessary. The solution then seemed to have been found. To-day, as on the previous occasion, the preliminary condition for that solution was appeasement; and real appeasement, that of hearts and minds, was always based on a respect for right.

The Chairman invited the Secretary of State for the Colonies to make the preliminary statement which he had expressed the desire to present to the Commission.

¹ See page 63.

PRELIMINARY STATEMENT BY MR. MACDONALD

Mr. MACDONALD thanked the Chairman and members of the Mandates Commission for the very cordial greeting extended to him, and assured them of his extreme anxiety to meet them in person in order to convey to the Commission, as authoritatively as possible, His Majesty's Government's intentions in promulgating the policy recently announced with regard to Palestine. Before making a formal statement on that subject, he wished to express his great appreciation of the Chairman's comments on the difficulty of the problems to be solved in Palestine, and the hopes generally entertained for an equitable and happy solution of those problems. He was certain that the discussions about to be opened would help both sides to understand the problem and arrive at a just judgment of what its solution should be.

Mr. MacDonald continued as follows :

I welcome this opportunity of meeting the Permanent Mandates Commission and giving to it an account of the policy which His Majesty's Government, with the approval of Parliament, have decided to pursue in Palestine.

The members of the Commission have followed with special care developments in Palestine during the past seventeen years, for they have a certain responsibility in connection with this most difficult of all the mandates. The main burden of responsibility for carrying out the mandate naturally rests upon His Majesty's Government. They have not regarded their work in Palestine primarily as a load which it was troublesome to support, but as the fulfilling of a great trust which Britain, as the original author of the Balfour Declaration, viewed with sympathy even before the many other nations which subsequently approved it. But undoubtedly the administration of the mandate has brought in its train difficulties, the consequences of which other nations have watched with anxiety, but which Great Britain alone has actually had to face in the practical sphere. Only Great Britain has spent her treasure—to the extent of many millions of pounds—in the execution of the mandate ; and only Great Britain has had large numbers of her civilian officers and soldiers killed in its defence. It is proper that the nation which is entrusted with the duty of fulfilling this international promise to the Jews and the Arabs, and which gains such benefits as may accrue to the Power which administers Palestine, should bear the hardship and loss associated with the work. But that nation is also entitled to receive from the others which have supported the objectives of the mandate, but which have no direct responsibility in attaining them, a ready understanding, and a willingness to give full weight to the practical difficulties which have arisen in the execution of this peculiarly difficult task.

The members of the Mandates Commission have watched with growing concern events in Palestine during the past few years. They are aware of the reasons for delay in arriving at the clearer definition of policy which is now contained in the new White Paper. The announcement of this policy is the final act of a prolonged consideration of a stubborn, contrary problem.

After the enquiries following the serious disturbances of 1929, His Majesty's Government proposed to make another move in the direction of giving a measure of self-government to the people of Palestine, and they announced their intention to set up a Legislative Council generally on the lines indicated in the White Paper of 1922. It was then hoped that the participation of representatives of both sections of the community in a Legislative Council would begin to introduce a spirit of co-operation between the Jews and the Arabs. In 1935, after a reformed system of municipal government had been given a trial, a detailed scheme for a Legislative Council was produced. The plan was laid before Parliament early in 1936 and, after severe criticism in the House of Commons, withdrawn. The Arabs interpreted this withdrawal as due to powerful pressure from the Jews, who had bitterly opposed the proposal for a Legislative Council ; and the incident was one of the causes that precipitated the general strikes and disorders which broke out again in the spring of 1936.

A Royal Commission was appointed to enquire into the underlying causes of the disturbances ; to ascertain whether, upon a proper construction of the terms of the mandate, either the Arabs or the Jews had any legitimate grievances as to the manner in which the Mandate was being implemented ; and to make such recommendations as it thought necessary for the removal of grievances and the prevention of their recurrence.

The report of the Royal Commission made it clear that the main cause of the trouble was Arab fear of Jewish domination, due to uncertainty about the extent of future Jewish immigration ; and as a remedy for the situation which had arisen the Commission unanimously recommended a scheme of partition which would have divided Palestine into two sovereign independent Arab and Jewish States, whilst other areas of the country were to be retained under mandatory administration. This proposal was approved in principle by His Majesty's Government, subject to the working out of a practical scheme. But it involved the abrogation of the existing mandate, and therefore required the approval of the League of Nations. And so, following Parliamentary debates in London, the partition proposal was discussed at meetings of the Mandates Commission and of the Council and Assembly of the League two years ago, when His Majesty's Government received authority to explore the practical application of the principle.

Last year, a Commission under the Chairmanship of Sir John Woodhead was appointed for the purpose of ascertaining whether a practicable scheme of partition could be devised ; but, after a careful examination of the economic, financial and other implications of the proposal, the Partition Commission came to the conclusion that if it was to adhere strictly to its terms of reference it had no alternative but to report that it was unable to recommend boundaries for the proposed division of the country which would give a reasonable prospect of the eventual establishment of self-supporting Arab and Jewish States.

After considering this report, His Majesty's Government announced their conclusion that the political, administrative and financial difficulties involved in the proposal to create independent Arab and Jewish States inside Palestine were so great that this solution was impracticable. Therefore they would have to devise some alternative means of meeting the requirements of the Palestine situation. His Majesty's Government, at the same time, announced their intention to invite Jewish and Arab representatives to confer with them in London, in an effort to secure some kind of agreement between the two peoples in Palestine which would be the best of all foundations for conducting future policy ; but His Majesty's Government made it clear that if the London discussions did not produce agreement within a reasonable period of time they would take their own decision and announce early the policy which they proposed to pursue.

You are aware that no agreement was reached in the London Conferences. The policy which has now been published has been framed in the light of the reports of the Royal Commission and the Partition Commission and also of the London discussions. Whilst conforming to their obligations to the Jews and the Arabs under the mandate, His Majesty's Government have been concerned to remove, as far as is possible at the present time, that uncertainty about future developments which is one of the causes of the tragedy now being enacted in Palestine.

The mandate is closely related to the Balfour Declaration of 1917, which was itself afterwards enshrined in the preamble to the mandate. The Balfour Declaration made a promise to the Jewish people, and also contained an assurance to the existing non-Jewish communities in Palestine. From the very beginning, therefore, policy in Palestine has been erected on a foundation of obligations to the Jews, on the one hand, and to the Arab and other non-Jewish communities in Palestine on the other. The Mandates Commission in 1930 endorsed the view that " the obligations laid down by the mandate in regard to the two sections of the population are of equal weight " and also the view that these two obligations " are in no sense irreconcilable " ; His Majesty's Government hold firmly to these important opinions. There can be no just solution to the problem which belittles either of these two sets of obligations. Many people who have engaged in this Palestine controversy start from what may be called either a pro-Jewish or a pro-Arab standpoint, and each partisan group tends to place special emphasis on the undertakings to their own friends, and to underestimate—or in some cases even to ignore—the claims of the other party. That way lies injustice and a breach of the mandate. Also, at each stage of the controversy documents have been presented by the Jewish Agency and by bodies representing the Palestine Arabs respectively. Often these rival cases are ably argued. But they are necessarily *ex parte* statements ; however conscientiously the Jewish leaders may argue the Jewish case and the Arab leaders argue the Arab case, they must each tend to place special emphasis on those factors in the history and documentation of the matter which support their own particular claims. The arguments so presented are often logical and impressive, but they leave out a part of the picture.

The United Kingdom Government and the British people as a whole are impartial as between the claims of the Palestine Arabs and the Jews. They are sympathetic and friendly to both the Arab and the Jewish peoples. British friendship for the Arabs has been abundantly shown in the decisive help which we have given them, in war and peace, in attaining their prized object of freedom over a large part of Arabia. Our friendship for the Jewish people has been expressed in the absolute equality of treatment with other British citizens invariably accorded to large Jewish populations in many parts of the British Empire, and latterly in our conspicuous support both in word and deed of the cause of the Jewish National Home in Palestine. In Palestine we are sympathetic to the position of both peoples. The Arabs and the Jews have different characteristics and gifts ; they each have distinct contributions to make to the well-being of their common land ; our paramount desire is to deal fairly by both peoples and to help them to live in peace and concord together.

The authors of the Balfour Declaration and of the mandate who envisaged duties towards the Jews and duties towards the Arabs, which should be of equal weight, cannot have supposed that those duties would be in conflict, but that they would be mutually reconcilable. They cannot have intended that these two sets of obligations should contradict each other, and meet only in a violent clash. What then are these obligations ? On the one hand was the promise of " the establishment in Palestine of a National Home for the Jewish people " and on the other was the assurance that " nothing shall be done which may prejudice the civil and religious rights of existing non-Jewish communities in Palestine ". These general undertakings of the Balfour Declaration were afterwards enlarged upon and given more practical interpretation in the articles of the mandate.

Let me examine these undertakings further. First, the term "National Home" which is used throughout the Declaration and the mandate, is somewhat ambiguous and has been open to various interpretations. It has been claimed that it meant that Palestine should ultimately become a Jewish State. There can be no doubt that the possibility of a Jewish State was not excluded; it was regarded as a definite possibility by some of the leading statesmen who were familiar with the intentions of those who drew up the Balfour Declaration. Thus President Wilson spoke early in 1919 of laying in Palestine "the foundations of a Jewish Commonwealth", and General Smuts towards the end of the same year foretold an increasing stream of Jewish immigration into the country and "in generations to come a great Jewish State rising there once more". His Majesty's Government accept that the possibility of Palestine becoming a Jewish State was not precluded.

Yet in the Balfour Declaration and the mandate the terms Jewish State and Jewish Commonwealth are not employed. Instead, a term which was without precedent in constitutional charters, a term which lacked clear definition, the term "Jewish National Home" was used. It was deliberately used. For clearly statesmen engaged in waging war, still uncertainly situated in the middle of Armageddon—and even the statesmen gathered later in peace at Versailles and Geneva, attempting to create a new world—could not foretell with any confidence the result which would flow from the Balfour Declaration and the mandate. That must depend on others; it must depend in the first place on the response made by the Jews themselves to the historic opportunity offered to them. The Jewish effort might be small or it might be great. It might meet with unforeseeable difficulties. Those responsible for the Balfour Declaration and the mandate were aware of these uncertainties hidden in the future, and so they chose deliberately to describe this part of their objective in Palestine by a phrase—"a Jewish National Home"—which might mean either a Jewish State or else something very much less.

If the extent of the effort which the Jews would make in re-establishing a National Home was one of the main factors which would determine ultimate developments in Palestine, the attitude of the existing Arab population was the other. When the mandate was framed, there were only some 80,000 Jews settled in the country; but there were already more than 600,000 Arabs, whose forefathers had been in occupation of the land for many centuries. From the beginning, the Balfour Declaration recognised certain duties to the non-Jewish population. While promising the Jewish people a National Home, it declared that "nothing shall be done which may prejudice the civil and religious rights of the existing non-Jewish communities in Palestine". This principle is reflected in the operative clauses of the mandate where—for example, in Article 2—it is laid down that "the civil and religious rights of all the inhabitants" are to be safeguarded, and in Article 6 that "the rights and position" of the non-Jewish sections of the population are not to be prejudiced.

There has sometimes been controversy as to what these phrases were intended to mean. Some exponents have sought to minimise the significance of the words and to suggest, for instance, that "civil rights" meant little more than civic rights. That is an untenable position. The provisions in the mandate must be regarded as giving effect, not only to the Balfour Declaration, but also to the spirit of Article 22 of the Covenant. The Arabs were a people whose well-being and development was to form a sacred trust of civilisation. They were a people who has been settled in a country for many centuries, but in whose land there was to be created a home for another people.

There can be no doubt that the rights of the Arabs which were to be safeguarded included all those political and social rights which a free people in such circumstances were entitled to retain. Should any doubt still remain upon the point there exists contemporary evidence contained in the message communicated to King Hussein early in 1918, which indicates authoritatively what the British Government had in mind when it spoke of protecting the civil rights of the non-Jewish communities in Palestine. This message was delivered only a few weeks after the publication of the Balfour Declaration itself. That pronouncement, with its promise to the Jewish people, came as something of a shock to the Arab world. British advisers in the Near East were even fearful lest it should cripple the great Arab revolt itself. And so the British Government sent a representative, one Commander Hogarth, to explain to King Hussein the significance of the Balfour Declaration. It was a frank explanation. It did not seek to minimise the extent of British sympathy with Jewish aspirations in Palestine, nor Britain's determination to do whatever she properly could to help in the achievement of those aspirations. It was an honest and balanced description of what was intended regarding both the Jews and the Arabs. Commander Hogarth stated that Jewish opinion in the world favoured a return of Jews to Palestine, that the British Government viewed with favour the realisation of this aspiration, and that the Government was determined that no obstacle should be put in the way of the realisation of this ideal. But he stated categorically that this was only to be done "in so far as is compatible with the freedom of the existing population, both economic and political", and he added that the British Government was determined that, so far as Palestine was concerned, "no people shall be subject to another".

I would point out that it was not a new Government which gave this explanation of the Balfour Declaration. It was the same Government, with Mr. Lloyd George in 10, Downing Street, and Mr. Balfour at the Foreign Office. There can have been no misunderstanding;

there can have been no confusion of thought. The Hogarth message does not add anything to the substance of the Balfour Declaration ; it is an authoritative explanation of its content. It does not purport to be additional to anything which was afterwards put into the mandate. It is merely evidence that the words " civil and religious rights " and " rights and position " in the Balfour Declaration and the mandate were intended by those primarily responsible to include the normal political rights of a people.

That assurance to the Arabs must surely mean that Palestine could not one day become a Jewish State against the will of the Arabs in the country.

So if the Jews did not respond sufficiently to the opportunity afforded to them, or if the Arabs objected to their country becoming a Jewish State, the conception of a Jewish National Home in Palestine was to be interpreted as something less than a Jewish National State. And indeed, already in the White Paper of 1922, which was drawn up concurrently with the framing of the mandate itself, the nature of this less ambitious Jewish community was described. I quote the whole passage :

" During the past two or three generations, the Jews have recreated in Palestine a community, now numbering 80,000, of whom about one-fourth are farmers or workers upon the land. This community has its own political organs ; an elected assembly for the direction of its domestic concerns ; elected councils in the towns and an organisation for the control of its schools. It has its elected Chief Rabbinate and Rabbinnical Council for the direction of its religious affairs. Its business is conducted in Hebrew as a vernacular language, and a Hebrew Press serves its needs. It has its distinctive intellectual life and displays considerable economic activity. This community, then, with its town and country population, its political, religious and social organisations, its own language, its own customs, its own life, has, in fact, ' national ' characteristics. When it is asked what is meant by the development of the Jewish National Home in Palestine, it may be answered that it is not the imposition of a Jewish nationality upon the inhabitants of Palestine as a whole, but the further development of the existing Jewish community, with the assistance of Jews in other parts of the world, in order that it may become a centre in which the Jewish people as a whole may take, on grounds of religion and race, an interest and a pride. But, in order that this community should have the best prospect of free development and provide a full opportunity for the Jewish people to display its capacities, it is essential that it should know that it is in Palestine as of right and not on sufferance. That is the reason why it is necessary that the existence of a Jewish National Home in Palestine should be internationally guaranteed and that it should be formally recognised to rest upon ancient historic connection."

That was written in 1922. Since then, Jewish development in Palestine has proceeded apace. The Jews have responded magnificently to their opportunity. They have achieved a creative work which can only be accounted for by the fact that, for many of them, the mandate was an inspired summons back to their historic homeland. I need not describe their performance ; it is well-known to the members of the Mandates Commission who have followed it so sympathetically from year to year. The mandatory Power has been carrying out its duty. The Jews have been able to acquire a very large proportion of the best cultivable land in the country. The Administration has facilitated immigration so that over 300,000 new settlers have entered the country since the White Paper of 1922 was written. The Jewish community is no longer a small and weak minority. It counts some 450,000 souls and amounts to almost a third of the population. Its strength is out of all proportion to its numbers. It is skilful and self-confident ; it is well disciplined ; it has an economic power which makes its position in the country decisive. It has achieved to a degree which renders them a permanent part of the life of Palestine all those characteristics which the 1922 White Paper described as essential to the Jewish National Home. The Jewish National Home is established, and given reasonably peaceful conditions, it is secure and will grow as the years go by.

But, in the intervening years, the Arabs' attitude to this change has been more and more sharply defined. It has become evident beyond a shadow of a doubt that they would resent most bitterly the extension of this Jewish National Home into a Jewish National State. There is nothing inconsistent with the mandate in His Majesty's Government's declaration that it is no part of its policy that Palestine, against the will of the Arab population, should become a Jewish State.

I will return later to the constitutional problem in Palestine. First I would say something regarding His Majesty's Government's policy on immigration. It has been said in some quarters that our new proposals constitute a breach of the mandate. That is a matter to which His Majesty's Government gave most careful consideration before reaching a conclusion, for they were aware of the view held by some people that a breach of the mandate might be involved. It is urged that the mandate is broken when the mandatory Power changes the time-honoured practice of settling the number of immigrants to be admitted to Palestine according to the country's economic capacity to absorb them.

But I would point out in the first place that " economic absorptive capacity " is never mentioned in the mandate. The mandate instructs that Jewish immigration is to be facilitated " under suitable conditions ", and so long as " the rights and position of other sections of the population are not prejudiced ". These are the important conditions regarding immigration laid down in the mandate, and they are the sole conditions.

It is true that the British Government at the time of the framing of the mandate itself laid down that "immigration should not exceed the economic capacity of the country to absorb them". That was in order to give the Palestine Administration more precise guidance as to the method by which, in the circumstances of the time, immigration should in practice be determined. I may remark in passing that the author of that phrase in the 1922 White Paper, Mr. Winston Churchill, has himself more than once repudiated the suggestion that it meant that immigration should always be permitted right up to the economic absorptive capacity of the country. He has urged that the term was designed so as to allow other relevant considerations to be taken into account. Nevertheless, it is true that from 1922 until 1936 the flow of immigration was in practice regulated strictly by the Administration's view of the country's economic absorptive capacity; and Mr. Ramsay MacDonald, in his letter to Dr. Weizmann in 1931, stated that this principle should be the sole criterion in considering the admission of immigrants. That principle received the approval of the Council of the League of Nations.

But His Majesty's Government do not regard any of these past statements as meaning that for all time and in all circumstances Palestine's economic absorptive capacity should be the sole factor taken into account in determining immigration policy. They do not regard the mandate as requiring any such rigid practice. Indeed, in certain circumstances—such as those which have arisen recently—they would regard strict adherence to that practice as contrary to the mandate.

It is reasonable that in one set of circumstances the unqualified adoption of the economic absorptive capacity principle might be appropriate, whilst in totally different circumstances it would be inappropriate. In the early stages of the mandatory regime, and especially so long as conditions in Palestine were comparatively peaceful, it was proper that as many Jewish immigrants should be admitted as the economic progress of the country would permit. There was no reason for any other limitation. The task of building up the Jewish National Home was being undertaken. The immigrants were harming no one; indeed, they were helping to develop the country, which was incidentally in the interests of the population generally. And if peaceful conditions had always persisted in Palestine, there would have been no reason to alter this practice.

But there was always some Arab hostility to the Jewish immigrants. Occasionally, it broke out in acts of violence; and, during the past decade, the situation had been tense, until, throughout the past three years, a stubbornly sustained movement of greater violence than ever has received widespread support.

In our view, this steady growth of genuine Arab hostility is relevant in considering immigration policy. It may be argued that always, even in the early years, the Arabs have, in some form or other, protested against immigration. If we felt justified in ignoring their opinions then, why should we pay such special heed to them now? I would make three points in answer to that question. First, whilst the Jewish population in Palestine was comparatively small and powerless, the rights of the Arab population were not seriously prejudiced if fresh Jewish immigrants were permitted, even in the face of Arab protests. Secondly, it was our positive duty under the mandate to facilitate the establishment of a Jewish National Home which would have the strength in Palestine to maintain for ever those national characteristics described in the 1922 White Paper. The Jewish community in the early years had not that strength; but to-day, with its vigorous population of close on half a million citizens, it has. Thirdly, we have always hoped that—although, at first, Arab hostility to the introduction of large numbers of Jews into their country was natural and inevitable—the Arab population generally would in time learn to appreciate the material benefits which Jewish development brought in its wake for the whole population. The industrial expansion, the swollen revenues of the administration, and the consequent extension of social services, have had a beneficial effect upon the Arab inhabitants as well as the Jews. We felt justified therefore, in the interests of the Arabs themselves, in persevering with Jewish immigration on a large scale, in the hope that the other section of the population would become reconciled to it.

But that hope has been disappointed: As the proportion of the Jewish population in the country grew, Arab hostility grew also, and became harder and more bitter, until it has now expressed itself in the movement of revolt which has been maintained ever since 1936. Immigrants who could be economically absorbed cannot be politically absorbed. Who will say that if an immigrant cannot be economically absorbed that is a relevant consideration, and he should be kept out; but that if he cannot be politically absorbed that is a matter of no importance, and he should be let in? In the former case, some other individual may lose his employment; in the latter, some other individual may lose his life. In His Majesty's Government's view, this consideration is a matter of great relevance.

What is the reason for this intense Arab opposition? It is not that the Arabs are incapable of enjoying the material advantages which the development of their country will bring to them. They are human, and in other circumstances they would appreciate this. But they are not thinking of material things. They are thinking of something more precious to them than any material advantage. They are thinking of their freedom. They recognise the industry and the skill and the wealth of the Jews, which are superior to those of most peoples, and they fear that the time is soon coming when the Jewish population will dominate them in their native country not only economically, but socially, politically and in every way.

So their protest has swelled until large numbers of Arabs have shown themselves prepared to lay down their lives in what they regard as the defence of their people. Sooner or later, the time must come when the mandatory Power, which is charged to safeguard "the rights and position" of the Arabs, is in duty bound to take serious note of this passionate protest. Sooner or later, the time must come when to continue ignoring it would be to infringe the specific instruction of the mandate. If the protest had merely been the disreputable action of terrorists and bandits, then it could pass unheeded, except by our soldiers and policemen. But although the movement of revolt has been disgraced by many acts of murder by bandits of the worst type, it has also borne the undeniable stamp of a wide, patriotic, national protest.

The words of the Balfour Declaration on the matter are strong. "*Nothing* shall be done which *may* prejudice the civil and religious rights of the existing non-Jewish communities". The mandate says that the Administration "while ensuring that the rights and position of the other section of the population are not prejudiced, shall facilitate immigration under suitable conditions". The rights referred to are the normal political rights of a people. And, normally, those rights would include the power to have their voice heard against a flow of immigration which threatened to relegate them to a position of virtual inferiority in their own country. It seems to His Majesty's Government that the rights guaranteed to the Arabs in the mandate would be definitely prejudiced if, now that immigration has made the Jewish population a vast proportion of the whole population, and given it a position already of economic dominance, the mandatory Power were to continue to permit indefinitely a flow of further immigration against a strong national protest which is supported by every articulate section of Arab opinion.

Of course, the point at which it is decided that there shall be no more immigration without Arab acquiescence must to some extent be fixed arbitrarily. The mandatory Power, which is responsible for administration and the restoration of law and order in Palestine, is the proper and best judge of when that time has come. The Arab representatives have urged upon us that immigration should be completely stopped forthwith. But we cannot accept that proposal. There are Jewish settlements in which more immigrants are required to develop the land. There are Jewish industrial enterprises which have been established in the expectation of a further immigration of money and men. It would be unfair on the Jewish National Home to allow no time for a gradual adjustment to new circumstances. An abrupt stoppage of immigration now would cause an upset in Jewish industry and produce economic and financial results which would affect adversely the well-being of the population generally. But also, His Majesty's Government are concerned to help in any way that they properly can the settlement in new homelands of Jewish refugees from Europe. They would not consider it right that the doors of the National Home in Palestine should now be closed to these refugees. Although the authors of the mandate can never have contemplated that this extraordinary pressure would be added to the urge of Jews to return to Palestine, and although it is generally agreed that, even in the best circumstances, Palestine could not provide a home for more than a proportion of Jewish people who wish to fly from Europe, His Majesty's Government believe that room should be found in Palestine for a further substantial number of refugees.

In view of all these considerations, they have decided that, if the economic absorptive capacity of the country permits, another 75,000 immigrants should be admitted during the next five years. But after the next five years, further Jewish immigration will take place only if the Arabs of Palestine are prepared to acquiesce in it.

I would draw attention to some other considerations. Under Article 2 of the mandate His Majesty's Government is made responsible for "placing the country under such political administrative and economic conditions as will secure the establishment of the Jewish National Home". That is one of the major obligations of the mandate. What is the effect on it of the events of recent years? Arab hostility towards the Jews in Palestine has been whipped up to a passionate heat; there is no security of life or limb for the citizens of the Jewish National Home; their orange groves have been destroyed; countless acts of sabotage have disturbed and hampered the economic life of the community, which is only being maintained at its present level by an extraordinary expenditure of money and lives; the material losses resulting from the troubles which have already taken place have not yet been fully felt; and the hostility towards the Jewish National Home is spreading steadily in the countries beyond the Palestine border. These circumstances do not add to the economic or the political security of the Jewish National Home; they detract from it. And if this evil situation were to be indefinitely prolonged and the deep and bitter feeling which it arouses were to become intensified, then indeed would the threat to the Jewish National Home be constant. These are the hard facts which we have to face. We are not dealing simply with an argument on paper but with a practical political problem. If the Arabs of Palestine feel that immigration into their country is to be continued indefinitely, then their desperation will grow sharper; and the sympathy of their fellow Arabs in surrounding countries will become more active. To allow it to develop would be to encourage a situation which was gravely prejudicial to the political and economic security of the Jewish National Home.

Nor would the danger be confined to Palestine itself. The hostilities there threaten to become a cause of permanent unrest and friction throughout the Near and Middle East. In some ways, it is remarkable that Trans-Jordan has not before now been directly involved in the disturbances. In countries even farther afield there might be evil consequences. His

Majesty's Government is compelled to take a most sober view of the consequences which policy in Palestine may bring in countries beyond its own borders.

Moreover, what is the alternative to the policy of seeking and requiring Arab acquiescence to further immigration after five years? It is the policy of continuing to facilitate Jewish immigration despite Arab hostility. That means ruling Palestine without the consent of a large proportion of the governed. It means altering steadily and to an important degree the position of the Arab population in their native country, against their own strongly expressed will. It means making this vital change in Palestine by force. I cannot bring myself to believe that the mandate intended that. Certainly, it seems to me to be contrary to the spirit of the League of Nations. The League was brought into being precisely so that political and territorial changes might not be accomplished by force, but to provide a means by which necessary changes could be achieved by consultation, negotiation and consent between peoples. That is the method that we are proposing in the future in Palestine. His Majesty's Government have not said that after another five years there shall be no more Jewish immigration into Palestine. They have said that after that period such immigration will require Arab acquiescence.

His Majesty's Government are charged by Article 6 of the mandate to encourage close settlement of Jews on the land, provided that the rights and position of other sections of the population are not prejudiced. Since 1921, land sales in Palestine have been uncontrolled, and a considerable part of the best agricultural land in the country has come into Jewish hands. So long as this process did not threaten the position of the Arab population, which is mainly dependent on agriculture, the Administration did not contemplate any restrictive legislation.

But, during recent years we have received repeated warnings from Commissions of Enquiry that the position of some small Arab landowners already required special protection. The members of successive Commissions have held this view unanimously. They have reported that, in some parts of the country, the Arab population was so congested that, with its present methods of cultivation, there was no room for further land alienation without a loss of livelihood to Arab cultivators; and they recommended that, in those places, there should be a statutory prohibition of land sales. In other areas, they reported that the situation was such that land sales should be restricted if the risk of Arab land shortage on a serious scale was to be avoided. We have to keep in mind the natural increase which will take place in the Arab population.

His Majesty's Government are anxious that the development of the Jewish National Home should be as unhampered as possible by barriers placed in the way of further agricultural settlements. But their duty under the mandate is clear. They have to safeguard adequately the rights and position of the Arab population which is primarily dependent on agriculture; and so they have decided to give the High Commissioner powers to prohibit or restrict land sales in any part of Palestine.

There will be areas where prohibition is enforced; there will be other areas where land sales will be permitted, subject to the authority of the Government being obtained; and there will be other areas where land sales continue to be uncontrolled. As far as conditions permit, the Government's policy will be one of dynamic agricultural development. The Government will encourage the improvement of methods of cultivation, so that congested areas may become less congested; and it is not impossible that, as the situation develops, an area which was at first a prohibited area may become one in which only restriction applies and a restricted area may become free.

I return then to the constitutional proposals in our policy. It is suggested that by them we hand over a Jewish minority in Palestine to the rule of an Arab majority. Were we to do this I agree that we should be committing a breach of the mandate. But I am encouraged to believe that our White Paper does not propose anything of the sort, by the knowledge that the Arab representatives at the recent London Conference rejected these proposals precisely because they did not give an Arab majority control.

We are charged by Article 2 of the mandate with "placing the country under such political, administrative and economic conditions as will secure the establishment of the Jewish National Home". To place unqualified power in the hands of an Arab majority would defeat that purpose. Let me give one example of the way in which, easily and swiftly, an Arab majority in a legislature might, if it were so minded, destroy the National Home. It is an example which I have often quoted to leading Arabs, to show them the impossibility of their demand for unrestricted rule by an Arab majority. Much of the Jewish economy is dependent on secondary industries; these industries are almost entirely Jewish concerns and the Arabs are not directly interested in them; but much Jewish capital is sunk in them and large numbers of Jews are dependent upon them for their livelihood. So they would be a good target for anti-Jewish attack. These industries depend on protected tariffs. It would be possible for an Arab majority in a single legislative act to reduce or abolish these tariffs, and so to render destitute large numbers of the citizens of the National Home. Critics are apt to retort that to withhold from an Arab majority the right to enjoy the normal privileges of a majority is a negation of democratic principles. But there are many democratic States in which special provision is

made to protect the interests of racial and other minorities. And though the Jews may be a numerical minority in Palestine, they are not an ordinary minority. They are an extraordinary minority. One of the purposes of the Balfour Declaration and the mandate was to facilitate the establishment of a Jewish community in one country in the world where it would not suffer the insecurity and disabilities of a minority. Whatever the number of its citizens, the Jewish National Home has a special status in Palestine. As long ago as January 1918, Commander Hogarth, in his message to King Hussein delivered on behalf of the British Government, laid down the principle that "so far as Palestine is concerned . . . no people shall be subject to another". That principle seemed to be acceptable to the Arab leader then. It is a principle which must be carefully maintained in any constitutional arrangements in Palestine.

His Majesty's Government is bent on preserving it in the developments which it proposes. One of our instructions under the mandate is to create "such political, administrative and economic conditions as will secure . . . the development of self-governing institutions". We have endeavoured from time to time to make a start with these institutions; but our efforts have been frustrated. For twenty years, the animosities produced by our steady achievement of the obligation to establish the Jewish National Home have barred all progress with the fulfilment of this other obligation, which is so characteristic and essential a part of the whole mandate system. Whenever we have made a proposal, it has been rejected either by the Arabs because they thought it too favourable to the Jews, or else by the Jews because they thought it too favourable to the Arabs.

We think the time has come to make another effort. We propose that, as soon as peace and order have been sufficiently restored, Arabs and Jews should begin to be officially associated with the work of central government. We contemplate a transitional period, and at the end of it the creation of an independent Palestine State. I need not trouble the members of the Commission in this opening statement with a recital of the safeguards for Jewish interests which will characterise the constitutional arrangements during the transition period. They are indicated generally in the White Paper.

But I must refer to the proposal for the creation eventually of an independent State. Its constitution is not sketched in the White Paper. The body which is to be set up to consider the constitution of an independent Palestine will not even meet until some five years from now, when it may be hoped that conditions in Palestine, and relations between the Jews and Arabs, will be happier than they are to-day. Time is needed for hatred and suspicion to be removed, for the Jews and Arabs to accustom themselves to the fact that they *have* to live side by side in Palestine, and for tolerance and co-operation to grow between them; it is too early to speak with any confidence of the form of constitution which will be appropriate when the peoples of Palestine are ready to become self-governing.

But the White Paper declares what must be the fundamental principle of the independent State. It must be one "in which the two peoples in Palestine, Arabs and Jews, share authority in government in such a way that the essential interests of each are secured". Thus the principle of non-subjection of one people to the other is written firmly into His Majesty's Government's statement of policy. Again, His Majesty's Government, who will be represented in the work of constitution making, have declared in the White Paper that, before the mandatory Power withdraws from responsibility for government in the country, it must be satisfied that "adequate provision has been made for . . . the special position in Palestine of the Jewish National Home".

As I say, it would be premature now to attempt even to sketch the constitutional provisions which would be most appropriate to secure "the essential interests" of the Arabs and the Jews. It may be that the State should be formed on a unitary basis; it may be that it should be a federal state. It may be that the best arrangement would be to establish a predominantly Arab province or provinces, and a predominantly Jewish province or provinces, and to give to each of these political units a large measure of local autonomy under a central government dealing with matters of common concern between them. What is essential is that each people, both the Arabs and the Jews, should be free to live its own life according to its own traditions and beliefs and genius. Only by means of that freedom to each people can peace, friendship and prosperity be restored and placed upon permanent foundations in Palestine. His Majesty's Government do not claim that the policy they have announced will achieve these ends in the near future. The animosities of the past few years have gone too deep for that. But they have decided on this policy because they believe it to be the best calculated to turn events towards the great objectives and hopes which all who are concerned for Palestine must have in their hearts.

The accredited representatives withdrew.

Palestine: Procedure to be followed in Future Debates.

After an exchange of views, *the Commission decided* that, at the next hearing, the questions put to the principal accredited representative would, in the first place, be directed to elucidating the relation between the policy outlined in the White Paper and the terms of the Palestine mandate.

· THIRTEENTH MEETING

Held on Friday, June 16th, 1939, at 10.30 a.m.

Palestine : Policy laid down by the United Kingdom Government in the Document entitled " Palestine—Statement of Policy " of May 1939 (continuation) : General Discussion.

The Right Honourable Malcolm MacDonald, Sir Grattan Bushe and Mr. Downie, accompanied by Mr. Moody and Mr. Kirkbride, came to the table of the Commission.

The CHAIRMAN stated that the Mandates Commission proposed to take the 1939 White Paper as a basis for the discussion, dealing in turn with the three sections into which it was divided, but not quite in the same order ; it would start with " Immigration " ; Section 2, then passing on to " Land " , Section 3, would finish with " Constitution," Section 1.

Before studying the White Paper in that order, the members of the Mandates Commission wished to ask certain questions in connection with Mr. MacDonald's preliminary statement.

M. RAPPARD was very much interested in the presentation of the new policy by the Secretary of State for the Colonies. He admired his optimism in speaking of the statement as the final act under consideration. M. Rappard found it extraordinarily difficult to believe that it was a final act, not only on account of the substance of the policy, but also on account of the uncertainty prevailing all over the world and particularly in the Near East. It was of the greatest possible interest to the Mandates Commission, which was called upon to examine the administration of Palestine in the light of the mandate, which had been applied in an appreciably different spirit for the past seventeen years.

One point which struck M. Rappard in Mr. MacDonald's statement was his comment on the meaning of civil and religious rights, which limited the action of the mandatory Power in its obligation to establish in Palestine a National Home for the Jewish people. Mr. MacDonald defined those civil and religious rights as those political and social rights which a free people in such circumstances were entitled to retain. M. Rappard felt some difficulty in accepting that meaning. Was it not a matter of principle that in interpreting a text one should so construe it as not to make it self-contradictory ? The fundamental political and social rights of a free people surely included the right to object to the establishment, within the boundaries of their country, of a national home of another people. To say that it was a duty to establish a National Home for the Jews in Palestine without doing anything which might prejudice the political and social rights that a free people should be entitled to retain did not make sense, because that free people was bound to object. M. Rappard was inclined to believe therefore that the intention of the authors was to put a narrower meaning on the term " civil and religious rights ". The same terms were used in the Preamble and in Article 2 of the mandate where they applied to " all the inhabitants of Palestine, irrespective of race and religion ". M. Rappard thought they should naturally be taken in the same sense in both passages.

How could there simultaneously be two entirely free peoples within the boundaries of the same country ? He thought that all the circumstances, including past history, would lead one to interpret civil and religious rights in a more restricted sense—namely, the individual and also collective rights which a community enjoyed, such as those which were recognised in minority treaties as fundamental—the right to property and respect of the person, for example. Such an interpretation was compatible with political action of the very drastic nature entailed by the establishment in a country of a national home for another people.

M. Rappard therefore found it difficult to accept Mr. MacDonald's interpretation. It was not a verbal quibble, but something fundamental, because, if the authors of the mandate were to make of the establishment of a national home an obligation only in so far as it did not prejudice the political and social rights of the existing inhabitants, Palestine could certainly not become the living home of another numerous and energetic people : for that would be incompatible with the complete freedom of the native inhabitants.

Mr. MACDONALD said he was grateful for the point which M. Rappard had made about what he called his optimism in speaking of a final act. He would like to correct that impression. Mr. MacDonald could see that the text of his statement was a little ambiguous, but the sentence in question spoke of the statement of policy being the final act of a prolonged consideration of the problem. What he meant to convey was that, during the past two or three years, His Majesty's Government had been uncertain as to what the more clearly defined policy within the mandate should be. They had considered the possibility of partition and various other policies during those three years. The statement of policy was the final act at this stage of attempting to define policy more clearly and to set a course more definitely towards the next stage : it certainly was not the final act of the drama.

M. Rappard doubted whether the interpretation which had been put upon the phrase "civil and religious rights" was not too wide. Mr. MacDonald thought the members of the Commission would appreciate that he had been referring in his statement to the expression "civil and religious rights" as used in the Balfour Declaration and in the preamble to the mandate. He quite agreed that, if there were no other evidence as to what civil and religious rights meant in the Balfour Declaration, it would be open to the narrower interpretation which M. Rappard had put upon it. On the evidence of those words alone in the Balfour Declaration, the balance of the argument might well be on the side of M. Rappard; but there was evidence as to what the authors of the Balfour Declaration intended by that phrase because a message had been sent some two months afterwards to King Hussein which purported to interpret the Balfour Declaration, and (as he had pointed out in his statement) it was a very honest interpretation.

If this had merely been a piece of political juggling—something done behind the scenes of which other people should not know—he would have supposed that the British Government's messenger would have sought to whittle down the promise made to the Jews; but it was clear that his instructions had been not to whittle it down. Commander Hogarth said perfectly frankly that the Jews had this urge to go to Palestine. It was a constant factor. The British Government had great sympathy with that urge, and were determined that no obstacle, subject to certain conditions, should be put in the way of their return; and, if he might use the phrase, the full-blooded way in which the messenger spoke to the Arab leader of the British Government's promise to the Jews was, Mr. MacDonald thought, evidence that this was an absolutely honest, fair and balanced statement of what the British authors of the Balfour Declaration had in mind.

He thought, therefore, that great importance must be attached to what Commander Hogarth was instructed to say in the matter of civil and religious rights. The latter was instructed to say that the return of the Jews to Palestine would be encouraged to the full by the British Government in so far as it was compatible with the freedom of the existing population, both economic and political. That word "political" did give a much wider meaning, therefore, to the words "civil and religious rights" than M. Rappard had suggested should be put upon them.

The Mandates Commission was concerned much more with the mandate than with the Balfour Declaration; but the United Kingdom Government had had a great deal to do with the drafting of the mandate. Mr. MacDonald was quite sure that other Governments which were concerned with the mandate were anxious to put into it the spirit and intention of the Balfour Declaration. He therefore thought it of real importance to try to ascertain exactly what His Majesty's Government had in mind in putting those words into the Balfour Declaration. But, when it came to the mandate itself, he did not base his case simply upon the words "civil and religious rights" in the preamble and in one of the articles. It might well be that in the article which referred to "civil and religious rights" the phrase had a narrower meaning because, in Article 6, the word "rights" without any qualification was used; and he contended that the word "rights" there and the complete expression "rights and position" ought to be read as having the full political meaning which he had suggested.

It seemed to Mr. MacDonald that this could be fairly, properly and convincingly contended, because it had to be recognised that this particular mandate had to conform to the whole spirit of the mandates system. It had to conform to Article 22 of the Covenant of the League. He thought that the spirit of Article 22 required a mandate to pay heed generally to the wide political rights, the wide natural rights, belonging to a people who had been settled, as the Arabs had been, in Palestine for many centuries. He entirely agreed that this was not a simple question—indeed that it was an extremely difficult one—and that possibly there was room for the suggestion that there was a conflict between the one obligation to the Jews and the other to the Arabs. He would only say that it had been the view of the Mandates Commission—as it had always been the view of the United Kingdom Government—that those two sets of obligations were reconcilable.

Mr. MacDonald quite agreed that, to some extent, the obligation to protect the rights (as he thought, wide rights) of the existing population in Palestine, was affected by the obligation to establish the Jewish National Home; and, in practice, this necessarily meant some modification in the protection of the political rights of the Arab population. The latter could not be protected absolutely, because there was the other obligation to facilitate the establishment of a Jewish National Home, and to create conditions under which it was politically, economically and administratively secure. That was why, for nearly twenty years now, His Majesty's Government had felt that that obligation to establish the Jewish National Home forced it into a position of ignoring the strong views of the Arabs, often violently expressed, about the incoming people building their home in Palestine. What had to be done was to find the point at which the obligation to the Jews and the obligation to the Arabs to protect their rights could be reconciled. It was a difficult point to find, he admitted; but it seemed to him that it was to be found round about the moment when there had been established in Palestine a National Home for the Jews which had all the characteristics described in the 1922 White Paper to a degree, and with a strength, which enabled it to maintain itself permanently in Palestine. When that point had been reached, it had to be recognised that, if the Arabs felt extremely strongly about further Jewish immigration, it

followed that to expand the National Home further against Arab wishes must necessarily involve prejudice to Arab rights.

It was a difficult situation to deal with ; but there must come a point where a reasonable compromise between the obligations to the two sides should be found ; and it seemed to Mr. MacDonald that in the policy upon which His Majesty's Government had now decided they had, as fairly as could be, reconciled the obligation to the Jews and the obligation to the Arabs.

M. Rappard had suggested that, in taking action of this kind, which secured what he would call the political rights of the Arabs, His Majesty's Government were to that extent prejudicing the political rights of the Jewish population, and that, if the words "civil and political rights" in the mandate covered the political rights of the Arabs, they also covered the political rights of the Jews. That, Mr. MacDonald agreed, was a point of considerable importance. The political rights of the Arabs must be protected and also the political rights of the incoming Jews. That was the constitutional problem which had been set, and which His Majesty's Government were approaching in the White Paper. He would only say that he did not think it was true that it was impossible to assure political freedom to the Arabs and also to the Jews. But he thought that, before the details of that problem could be worked out, time must be allowed for the situation to develop a good deal further, time for tempers to cool, and time for the Arabs and Jews to get together more than they had as yet.

But it should not be impossible to devise, for instance, a federal constitution under which the Arabs would have an immense amount of freedom in the province or provinces which belonged to them, while the Jews would have the same freedom in the provinces allotted to them. Mr. MacDonald did not say that this was a final solution ; but he felt it was perfectly possible, under such a constitution, to give both peoples the political freedom to which they were entitled according to both the letter and the spirit of the mandate. There were other federal constitutions in countries situated not very far from Geneva, where there were different racial groups, and a compromise had nevertheless been reached. Whilst the problem in Palestine was admittedly more difficult, he did not believe it was impossible of solution.

M. RAPPARD thanked the Secretary of State for the Colonies for his observations and for the spirit in which he had spoken.

It must be realised that the Mandates Commission was entrusted with a very difficult task and was not approaching it in any contentious spirit. It was not seeking to find fault. In fact, it was seeking not to find fault ; but that was not a very easy task ! The Commission had always done its best to approve the efforts of the mandatory Power, and had been almost acrobatic in its attempts to agree with the fluctuations of the latter's policy. When Mr. MacDonald said that in the view of the Mandates Commission the two sets of the obligations in the mandate were reconcilable, he used an expression to which M. Rappard preferred the one Mr. MacDonald had himself used on the previous day, when he had said that the Commission had endorsed the view of the mandatory Power. The Commission had always done its best to endorse the views of the mandatory Power.

In the present case, however, M. Rappard could not help finding very great difficulty. He did not propose at present to discuss the legal value to be attached to the Hogarth declarations—of which a great deal was now being made after some seventeen years of silence ; but, even taking them at their face value, he attached particular importance to the last part of the statement made by the accredited representative in which the latter said that, in the view of the United Kingdom Government, a state of affairs should be set up in Palestine in which neither of the two elements should be subjected to the other. That was the fairest interpretation of the mandate. If the Jews objected to the immigration of Arabs, he could understand the mandatory Power intervening to say that, since neither of the two elements should be subject to the other, the Jews had no right to object to the influx of Arabs, even if the latter were attracted by the economic conditions created by the Jews. In any case, M. Rappard did not see how the immigration policy—with which the Commission would deal later—could be made to depend on the wishes of the Arabs, since that would be subjecting one of the elements of the population to the other.

In a speech in the House of Commons, Mr. MacDonald had said that it would be wrong to assume, supposing the inhabitants of Palestine were Englishmen, Frenchmen or Americans, that those inhabitants would have no right to object to Jewish immigration beyond a point into their native country. M. Rappard thought that these inhabitants would never have agreed in the first place to be put in such a situation. It was true, however, that since the Arabs became articulate, they had never agreed to the establishment of a National Home for the Jews in their territory.

It was for that reason that M. Rappard found it difficult to endorse the views put forward by the Secretary of State for the Colonies. The latter's interpretation was contrary to his own reading of the mandate : it was contrary to all the previous interpretations of the mandatory Power, and it was contrary to the interpretations of the surviving members of the group responsible for the drafting of the Balfour Declaration : it was contrary to the views of the Jews, and it was also contrary to the views of the Arabs, because the Arabs had from the start objected to the Balfour Declaration and to the mandate itself and, if the mandate and the Balfour Declaration had been susceptible of an interpretation which would have allowed a limitation in deference to the views of the Arabs, M. Rappard did not think they would have objected to the policy.

He therefore found in the Arabs' consistent and continuous objection to the mandate and the Balfour Declaration a confirmation of the view that those two documents meant something to which the Arabs would have had reasons to object, whereas the interpretation at present put upon them, which secured a very definite preponderance of the will of the Arabs over the Jews, would have been much less objectionable from the Arab point of view. No one would be happier than M. Rappard if, under the influence of the new policy, Palestine could be transformed into a kind of Switzerland; but, great as was the harmony between the various elements of the Swiss population, he was sure that if, for instance, the Swiss German majority were to say at a given moment that there were enough French Swiss in Switzerland and no more would be allowed, it would be the end of that harmony. The analogy with Switzerland therefore showed that that kind of Federation was possible only if there were the widest possible tolerance of all its members for the others; and the first manifestation of such tolerance was the tolerance of immigration.

Mr. MACDONALD appreciated that M. Rappard's remarks were more in the nature of comments than of questions which required answers. Accordingly, he would deal later with M. Rappard's reference to the Hogarth message. But, on the main point raised by M. Rappard, he would like to say something at once.

In the first place, M. Rappard had referred to a speech made by Mr. MacDonald in the House of Commons in which he asked whether, if Palestine (instead of being inhabited by a million Arabs whose forefathers had lived in the country for centuries) were inhabited by a million British, American or French people who were similarly circumstanced, it would be claimed that they had no right to object to further immigration beyond a certain point. M. Rappard agreed that it would not be possible to claim that those people would not have the right; but he went on to say that the Americans, British or French would never have agreed in the first place to the establishment of a Jewish National Home in their territory. But that was precisely the position of the Arab population.

A great deal had sometimes, quite properly, been made of the agreement between Dr. Weizmann and the Emir Feisal, in which the latter did consent specifically to the building of a Jewish National Home in Palestine. But in consenting to that, it should be pointed out, the Emir Feisal was consenting to the whole of the Balfour Declaration—which covered the civil and religious rights—and he was no doubt aware also of the assurance given by Commander Hogarth as to what that phrase meant. But, even so, the Emir Feisal's agreement was not valid to-day for the reason that he attached to it certain conditions regarding Syria which had not subsequently been satisfied, and it was therefore invalidated.

Furthermore, the Arabs of Palestine, as M. Rappard had said, had, from the beginning objected to the establishment of a Jewish National Home and were therefore in exactly the position of the British, the American or the French whom one had tried to imagine living in Palestine. If, therefore, the supposed British, French or American population would have had certain rights, it must be admitted that the Arabs had the same rights.

To make the analogy absolutely complete, suppose there were British, American or French people in Palestine who had the Jewish National Home imposed upon them against their will by allies who had been victorious in a war. Obviously, such an imposition by force must interfere to some extent with what would otherwise be the perfectly natural rights to which M. Rappard and he himself had referred, and must modify those rights to some extent. But, surely, in the case of the supposed British, American or French people, as in the case of the Arabs, a point must sooner or later be reached in immigration beyond which the population would say it could not go, and beyond which it would be impossible to continue to ignore their very strong feelings.

Mr. MacDonald hoped the Commission would forgive him for making a reference to Scotland, which perhaps presented as close an analogy as could be found in the world to-day. Scotland was a comparatively small country with a comparatively small population; in the highlands there was any amount of room for economic development, and there the Jews, with their genius for economic creation, might be able to carry out great developments, which would incidentally benefit materially the whole population. There was also a further analogy. A Scotsman did not have to stay in Scotland: he could go to England, to Australia, to Canada—all over the world—and enjoy political freedom and be a citizen of the same Empire. He was therefore in a very similar position to the Arab of Palestine who, we were told, was able to settle in other Arabian countries and be at home there. Scotland therefore presented a fairly complete analogy. Mr. MacDonald could not, however, conceive that, if the Balfour Declaration had been written about Scotland, anyone would have said that the Scots had no right to protest at a moment when the Jewish population reached the position of economic dominance and immense size which it had reached in Palestine to-day. He believed that it would be said that the Scots' civil and religious rights should be interpreted as fully qualifying them to say, at a given moment, that they could allow no further Jewish immigration without prejudice to their position.

M. RAPPARD pointed out that the wisdom or the justice of the Balfour Declaration was not being discussed, but rather its application and the obligations which flowed from the mandate in which it was enshrined. He was very ready to take the analogy of Scotland in

regard to the point that the Scots would never have accepted the Balfour Declaration. But the Arabs were subjected to the Balfour Declaration at the same time as they received their independence. That was an historical, constitutional fact. If the Scots had been consulted, for instance, about the choice of a climate for their country, they might perhaps have objected to the climate which they had ; but the climate was a fact beyond discussion. The Balfour Declaration was, so to say, the climate of Palestine !

It was perfectly clear that, if Scotland were compared with Palestine, one would be led to admit that the Scots would object to the establishment in their country of a national home for another people just as the Arabs had done. But such had not been the historical destiny of the Scots. The Arabs, on the other hand, had been obliged to submit to that fatality.

M. Rappard repeated that the task of the Mandates Commission was not to judge the wisdom or justice of the Balfour Declaration or its consequences, but merely to examine the administration in the light of the mandate in which the Balfour Declaration was enshrined.

Mr. MACDONALD said he could accept that position. What was under discussion was the Balfour Declaration, which was reproduced in the preamble to the mandate, and the mandate itself ; and the issue, as M. Rappard had pointed out very clearly, was the meaning of the words " civil and religious rights " and of the words " rights and position " as used in the Balfour Declaration and/or the mandate. Mr. MacDonald contended that it was known what the words " civil and religious rights " were intended to mean because of the evidence he had referred to, and that the words " rights and position " which appeared only in the mandate itself must be interpreted in the light of the Covenant and Article 22.

It must be recognised that the Arabs of Palestine, like any other people who came under the mandatory system, were protected by Article 22 of the Covenant ; and it seemed to him that, if the spirit of Article 22 really did apply to the Arabs of Palestine, even with the modification in practice caused by the obligation about the Jewish National Home, then the words " rights and position " meant something wider than the limited interpretation put upon them by some people. Otherwise, the Arabs of Palestine were being treated differently from all other peoples, such as the natives of Africa, which could not have been what the authors of the mandate intended.

Count DE PENHA GARCIA said he had followed with great interest the statements made on behalf of the mandatory Power. It seemed to him that there was not so much a change of policy as a change in the way of considering the duties of the mandatory Power towards the two peoples in Palestine and towards the mandate. The question of the legal interpretation of the mandate was, of course, both interesting and important.

Two years ago, the mandatory Power had taken the view that the mandate did not correspond to the needs of Palestine, and had expressed the opinion that it had become almost unworkable. The mandatory Power had conducted several experiments ; but the tragic situation had persisted ever since the beginning. In other words, the assent of the Arab population to the constitution of a Jewish National Home had never been forthcoming. On the contrary, there had always been keen and violent resistance which had made necessary the employment of the armed forces of the mandatory Power in order to restore peace.

Count de Penha Garcia thought this proved that the actual creation of a Jewish National Home in Palestine must be regarded as a political error and perhaps as an economic error—a political error, because the project of the creation of the home was carried through without securing the assent of the population already inhabiting Palestine, and an economic error, because the great economic success of the Jews, which had been the cause of the economic solidity of the country, had not greatly impressed the Arabs or altered their attitude. The Arabs might have derived great advantages from the inflow of capital and from the activity and the intelligence of the Jews ; but what they desired was their liberty, and the view they took of their own situation was one which prevented them from appreciating the advantages which might be derived from the present situation.

He thought the historian of the future would be bound to take the view that it was a political error to contemplate the creation of a Jewish National Home in such circumstances. The mandatory Power had made the most praiseworthy efforts to solve the problem, which sometimes seemed impossible of solution. The Arabs were quite clear as to what they wanted : they did not want the mandate but complete independence. The answer of the Jews was equally clear : they wanted a Jewish National Home, and, in that connection, Count de Penha Garcia would like to ask the accredited representative of the mandatory Power whether, if the latter succeeded in creating a Jewish National Home which could not be expanded and renewed from time to time by immigration, and if a stop was put to the acquisition of land by the Jews, he did not think it would become, in reality, a " dead " home.

Mr. MACDONALD said that Count de Penha Garcia had observed that it might have been a political error to launch the project of building up a Jewish National Home in Palestine without the consent of the Arab people. He did not wish to answer " yes " or " no " on that point. He would only say that strenuous efforts had been made to obtain Arab consent. Dr. Weizmann conducted negotiations with the Emir Feisal, to which he had already referred, with the object of securing Arab consent, and there was a moment—the brightest moment in the history of Palestine in the past twenty years—when both he and His Majesty's Government thought that agreement had been secured. Mr. MacDonald wished with all his heart that the

spirit of agreement and co-operation with which that project had been launched had lasted and he thought it was fair to say that it had not been the fault of the Jewish leaders that the agreement had not continued. Other political factors had come into play, and he entirely agreed that the whole picture would have been different if the initial co-operation between the Jewish and Arab leaders had been continued. He did not believe that on the basis of this policy it would be impossible, probably some years hence, to obtain an agreement between the Jews and the Arabs. That was His Majesty's Government's aim all the time, and Mr. MacDonald thought that the policy in the 1939 White Paper had a better chance than any other of securing that agreement. He did not say the chance was a very high one, but it was better than any others. It would perhaps be possible to work towards agreement when present passions had cooled down and he still thought that the objective should be to obtain an agreement between the two parties.

Count de Penha Garcia considered that the policy contained in the White Paper was perhaps not so much a change of policy as a different attitude towards the problems which the mandate had set. Mr. MacDonald could not admit that there had been any contradiction in His Majesty's Government's policy. It was quite true that there had been an apparent contradiction: he did not believe it was a real one. It was perfectly true that, hitherto, His Majesty's Government had laid stress on economic absorptive capacity and had said that to allow immigration up to economic absorptive capacity was a proper policy under the mandate. But it had never said that that would be the proper policy for all time; and he thought that its statements of policy on that matter had to be read as statements of policy for the time being, and for the conditions of that time. He still believed that His Majesty's Government had been absolutely right during many years in saying that economic absorptive capacity should be the criterion. He also felt the Government was right now in modifying that policy, the reason being that the situation in Palestine was a developing one.

The first duty had been to build up a Jewish National Home. In order to build it up, it was reasonable that economic absorptive capacity should be a deciding factor. Under that principle, the Jewish National Home had increased to its very considerable present dimensions; and it seemed to Mr. MacDonald and to His Majesty's Government that there had been established a Jewish National Home of enduring strength, which, given normal circumstances, reasonable peace and adequate security, would be a permanent factor in Palestine's life; it was a home which would gradually increase. In reply to the question put to him by Count de Penha Garcia, Mr. MacDonald said that the home was not a dead thing, but a living thing. The age-groups of citizens in the Jewish National Home were comparatively low, and the natural increase of the Jews in Palestine after a period of years was expected to exceed in proportion the natural increase of the Arabs. The home would grow and become stronger and stronger, physically, culturally, economically and, no doubt, politically also, as the years and generations went by. It seemed to Mr. MacDonald that it was the task of statesmen not to consider the next few years, but to consider fifty years, a hundred years, generations hence. The Jewish National Home was a living factor in Palestine, whether immigration continued to be possible or not.

Count de Penha Garcia had called attention to another change of front which he attributed to the mandatory Power. Mr. MacDonald was not answering in a spirit of contention, just as he knew that Count de Penha Garcia had not brought up the point in a spirit of contention. The latter had said that there appeared to be a change of front because, two years previously, the mandatory Power had said the mandate was almost unworkable—indeed, it had asked for a change of mandate, so that Palestine might be partitioned into a sovereign Arab State and a sovereign Jewish State with an "enclave" which should remain under mandate. That change of front might be more apparent than real. It might be that the final solution of the problem was something on the lines of what had been proposed two years previously. Then His Majesty's Government was asking for a partition requiring the creation of two independent sovereign States, which would have involved a change in the mandate. Its further enquiries had convinced it that this was impracticable for economic and financial, as well as for political, reasons. But supposing that the best solution should prove to be a federal system of government involving the creation of Arab and Jewish provinces with a great deal of local autonomy. Such a solution was not in principle dissimilar from the solution which His Majesty's Government had recommended so strongly two years ago.

Mr. MacDonald passed next to the specific question which Count de Penha Garcia had asked regarding the creation of a Jewish National Home. Count de Penha Garcia had said that, if His Majesty's Government had succeeded in the creation of the home in Palestine, as it claimed it had, and if that home could not be renewed by immigration and by the possibility of further purchases of land, would it not be a dead national home? Mr. MacDonald did not think it would. He hoped it was not a false analogy, but he would refer to Scotland in that connection. Scotland was not constantly renewed by Scottish immigrants coming from different parts of the world. The population remained fairly steady, and there was even an exodus from Scotland; but it remained a living home for the Scottish national people. He repeated that even without further immigration the Jewish National Home would, it seemed to him, by the laws of ordinary natural increase, be a living thing, and that it would continue to flourish and become more and more powerful as the years went by, provided it was secure from attacks by enemies. It was part of His Majesty's

Government's policy that that security should be offered it. But apart from that, British policy did not exclude the possibility of further immigration, and it definitely provided for further land sales to Jews.

Count DE PENHA GARCIA said he appreciated the frankness and clarity with which Mr. MacDonald had replied to his remarks. From his Parliamentary reputation, the Secretary of State would seem to be a difficult person to argue with ; but there was no question of argument—an endeavour was being made to make the position quite clear and to understand certain aspects of the policy of the mandatory Power to which it was quite conceivable that there would be objections.

He fully realised from the 1939 White Paper, that, like all human institutions, a mandate had to be regarded as subject to evolution. Variations in circumstances had to be taken into account involving either different interpretations or actual amendments and changes in the instruments. From the White Paper and from the new direction taken by the policy at the present time it would seem that increasing importance had been given to political factors, and he thought that those political considerations might be of greater weight in the future and might make the situation of the Jewish National Home more difficult than it was at present or had been in the past.

Arab States were in process of formation in the neighbourhood of Palestine and an international Arab consciousness was being developed. Obviously, the mandatory Power was bound to take account of such circumstances ; it was therefore natural that two years previously the intervention of the Arab princes was welcomed and that Arab representatives, coming not only from Palestine but from other Arab territories, were heard at the recent London Conferences. The policy of the mandatory Power was bound to take account of present factors, which might well be different from those existing at the time when the Jewish National Home was first planned.

Count de Penha Garcia would like to ask whether he was right in his assumptions on three points which he considered to be fundamental and which might dominate the future situation.

In the first place, was he right in supposing that the mandate would continue in force, and that it was incumbent upon the mandatory Power to maintain peace and order in Palestine, in addition to the other duties arising out of the mandate ?

Secondly, was it the case, as the accredited representative had declared, that its policy would never admit the idea of making one of the peoples in Palestine subject to the other, and therefore that its policy would never be directed towards the subjection of the Jews to the Arabs or vice versa ?

Thirdly, was the mandatory Power still anxious to develop self-governing institutions ? An attempt had been made in the past to secure progress along those lines, but the results had not been very satisfactory.

The present situation seemed to be a rather curious one in some respects. To take one example, the Arabs did not consider the Jews as Palestinians but as foreigners ; and, before a Jew could become a Palestinian, he had to go through the process of naturalisation.

In regard to the distribution of land, the policy seemed to have been to separate the Jews and the Arabs. He would like to know if, in all these different measures, the mandatory Power was still directing its efforts towards the establishment of one State, an independent State which was neither Jewish nor Arab but the result of agreement having been reached between the two peoples by such means as might be found practicable.

Mr. MACDONALD said that he appreciated the kind reference to his Parliamentary reputation ; but he would say that the Mandates Commission also had a reputation for doing its work very thoroughly and for being difficult to satisfy. He had been extremely frank in his remarks because he considered it his duty to let the Mandates Commission know exactly what was in the mind of His Majesty's Government both as regards the present and the future, so far as there could be any certainty about the future.

With regard to the points raised by Count de Penha Garcia ; Mr. MacDonald quite agreed that the position of the Jewish National Home was a difficult one, and that all sorts of special precautions had to be taken to protect it ; but, for the reasons which he had already given, he did not think that, if the sort of policy contemplated were carried out, the Jewish National Home would become " dead ". If, on the other hand, a policy were pursued of continuing to reinforce the Jewish National Home by immigration, without any set limit and right up to the economic absorptive capacity of the country, what was going to be the effect of that policy, imposed as it would be against the wishes of the Arab people ? Mr. MacDonald thought it would make the bitterness of the Arabs in Palestine, and of the great mass of Arab public opinion outside Palestine, against the National Home such that the Arabs would merely be awaiting the day when they could deal a very severe blow indeed at the Jewish National Home.

He thought that what was being proposed was absolutely consistent with the obligations under the mandate to respect the rights of the Arabs. The Arab population was politically conscious ; and it had great power to embarrass the Jewish National Home economically, because the industries which were being developed could not thrive simply by selling their goods to the Jewish population in Palestine, however big that population might become. The economic well-being of the Jewish National Home depended more and more on the ability of the Jews to sell their goods to the Arabs in Palestine, the rest of the Arab world and Egypt.

Care must be taken not to pursue a policy which would make the Arab world so hostile as to render the political and economic position of the Jewish National Home in Palestine precarious in the extreme.

It was one of the obligations under the mandate to create such political, administrative and economic conditions in Palestine as would secure the establishment of the Jewish National Home ; and this could not be done if a policy were pursued which could only lead eventually to a general economic boycott of Jewish goods throughout the Near and Middle East.

It seemed to him that, if the alternatives were between a Jewish National Home established as it was to-day and developed by natural increase, and a policy of immigration continued indefinitely up to economic absorptive capacity, rendering hostile the whole of the Arab world, the former policy was the wiser one in the interests of the Jewish National Home itself.

In reply to the three specific questions which Count de Penha Garcia had put to him, Mr. MacDonald said that the mandate would remain in force until such time as the League of Nations was finally agreeable to its termination ; it was the duty of His Majesty's Government until then to maintain law and order in the country. As to the second question, with reference to what had been said about the principle of non-subjection of the Arabs to the Jews or *vice versa* in Palestine, His Majesty's Government emphatically based its whole policy on the principle of non-subjection. It was thought that the whole situation in Palestine would be lost if it were once admitted that the Jews were entitled to rule the Arabs or the Arabs the Jews. That was the principle on which His Majesty's Government's whole policy was based.

Count de Penha Garcia had asked whether the mandatory Power was still anxious to develop self-governing institutions, and had referred to difficulties involved in the development of such institutions in a country where the two peoples were on rather unfriendly terms. There were admittedly difficulties ; but Mr. MacDonald had no hesitation in saying that it was the policy of the mandatory Power to develop self-governing institutions as far as possible. It had tried to do so from the very beginning : a first attempt had been made in 1922, and it was not the fault of the mandatory Power if it did not succeed. Since that time, further efforts had been made which had been unsuccessful for reasons with which the Commission was perfectly well acquainted. Those efforts would be pursued, and the answer therefore to that question was an unqualified affirmative.

Lord HANKEY wished to revert to a remark made by M. Rappard. The latter had spoken of the Jewish National Home as something which the Arabs had received along with their independence. He had compared it to the climate of Scotland. It must, however, be remembered that, in so far as the idea of a Jewish National Home had been accepted as a result of the Commander Hogarth explanations or as a result of the negotiations between Dr. Weizmann and the Emir Feisal, it had been accepted by Arab leaders who were not in a very strong position to speak for the Arab natives of Palestine, which was still under Turkish rule, at any rate in the earlier stages. At the time of the Hogarth negotiations, the Arab people of Palestine were a backward, primitive sort of people without political consciousness. As soon as they did wake up to the fact that a wealthy and alien people was crowding on to their shores, they very naturally became alarmed, just as the Australians would become alarmed if Asiatics were crowding on to their shores. That alarm became resentment, and resentment became resistance. These facts did not alter the legal obligations of the mandate ; but they ought surely to be borne in mind in the interpretation of the mandate, and were in any case a fact that the mandatory Power could not ignore.

In fact, the disturbances had led the mandatory Power to change its policy in the interests of peace and order. The mandatory Power was, he supposed, bound to change its policy from time to time. Under Article 12 of the mandate, it was responsible for the foreign relations of Palestine. Foreign relations, in the last resort, involved security, not only of Palestine, but of the Jewish National Home itself. It was bound to change its policy from time to time to meet changing circumstances.

A change of policy might conceivably involve a fresh interpretation of the mandate, if not a change of the mandate. Reinterpretation was a useful word which had been used by the Jewish Agency in asking for changes in regard to Article 18 to enable Palestine to hold its own in commercial negotiations with other countries. All this led Lord Hankey to put the question whether the mandatory Power claimed that the White Paper policy could be accomplished, not by way of a change in the mandate, but by a reinterpretation.

Mr. MACDONALD replied that it was definitely the view of His Majesty's Government that the White Paper policy did not require any alteration of the mandate ; and, in coming to that conclusion, it had naturally consulted its own legal advisers on the matter.

In regard to the second part of the question—that was to say, whether a reinterpretation of the mandate was necessary—the answer was in the negative. His Majesty's Government was not suggesting a reinterpretation. Mr. MacDonald did not think he had said anything about the mandate which was inconsistent with what had been said about it throughout by His Majesty's Government. It was not the correct view to suggest that a reinterpretation of the mandate was necessary. He would rather put it as Count de Penha Garcia had done, and say that the position in regard to the mandate in Palestine was evolving ; at one stage

of the evolution, emphasis would properly be put on one mandatory obligation to a greater extent than on another. In the further course of evolution, a somewhat different situation might arise which would require that emphasis to be shifted rather to another part of the mandate.

It seemed to him to be absolutely right that, in the early years—indeed, almost up to the present—the emphasis should have been laid on the obligation to the Jews. It had been necessary to lay emphasis on that obligation in building up the Jewish National Home in the manner already described. Until such a National Home had been built up, it was proper to lay emphasis on that part of the mandate which called for the facilitation of immigration and the close settlement of Jews on the land. As a result, considerable help had been given in the creation in Palestine of the Jewish National Home.

The time was bound to come, however—and it was absolutely in the nature of the mandate that it should come—when the emphasis should be somewhat shifted, and when a further expansion of the Jewish National Home, contrary to the express will of the non-Jewish population, might prejudice the rights of the latter. When that stage was reached, emphasis must, and quite properly could, be shifted to the protection of the rights of the non-Jewish sections of the population.

Mr. MacDonald did not think any reinterpretation at all was necessary. He was fully aware that some people had argued that the expression “civil rights” in the preamble and “rights” in Article 6 of the mandate must be given a narrow interpretation; and they were perfectly entitled to hold that view. It was, however, a view which had never been held by His Majesty’s Government. No statement had ever been made by an accredited representative of His Majesty’s Government which specifically accepted the view that those words ought to be narrowly interpreted. His Majesty’s Government had always held the view—and he thought it would have been difficult to hold any other in the light of Article 22 of the Covenant—that the rights of the non-Jewish communities in Palestine must be given a fairly wide interpretation. His Majesty’s Government was not seeking any reinterpretation: it was only saying now that the time had come for the emphasis to be shifted towards those rights.

Lord HANKEY thanked the accredited representative for his statement, which cleared up a certain doubt in his mind, and which would be useful later in the discussion.

The CHAIRMAN thought that, as in any cross-examination, the Chairman was bound to exercise a certain reserve during an exchange of views such as the present one conducted by means of questions and answers. He was not prevented in any way from expressing his personal opinions, but his task was more particularly to clear up points that might otherwise perhaps remain obscure.

No one denied that the mandate for Palestine, like any other mandate, came within the framework of Article 22 of the Covenant. It remained to be ascertained whether, in particular, paragraph 4 of that article was applicable to the case of Palestine. Paragraph 4 read as follows:

“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 Powers to which A mandates were allotted considered themselves to be under an obligation to prepare the ground for the transformation, within a shorter or longer period, into a state of complete political independence of the provisional *de facto* condition recognised by that provision of the Covenant.

The question raised by the Chairman was not without importance, since the basic principle of the present policy of the United Kingdom Government, like that which it had accepted in principle, in accordance with the recommendation of the Royal Commission in 1937, seemed to be the obligation which it had acknowledged of granting complete independence to the inhabitants of Palestine. It should, however, be remembered that the question whether paragraph 4 of Article 22 of the Covenant could be considered as applying to Palestine was one which had on occasion been disputed, and had given rise to differences of opinion. In that connection, the Chairman wished to recall what had been said at the twenty-fourth meeting of the thirty-second (extraordinary) session of the Mandates Commission (see page 193 of the Minutes) when a member of the Commission—they all deeply regretted the fact that his seat was on the present occasion vacant—referred to the matter and, in the light of historic facts, came to the following conclusion:

“It might be concluded that paragraph 4 of Article 22 of the Covenant applied only to Mesopotamia and Syria and not to Palestine It was clearly feared that, if extensive autonomy was given to the Arabs, the establishment of a Jewish National Home would encounter serious difficulties.”

The Chairman drew the attention of the accredited representative to this statement of M. Sakenobe and would be glad if, at a later meeting, he would let the Commission have his opinion on the point.

Mr. MACDONALD thanked the Chairman for having given him notice of the question. He was prepared to answer it immediately; but, as the lunch hour had arrived, it would perhaps be better to postpone his reply.

FOURTEENTH MEETING

Held on Friday, June 16th, 1939, at 3.30 p.m.

Palestine : Policy laid down by the United Kingdom Government in the Document entitled “ Palestine—Statement of Policy ” of May 1939 : General Discussion (continuation).

The Right Honourable Malcolm MacDonald, Sir Grattan Bushe and Mr. Downie, accompanied by Mr. Moody and Mr. Kirkbride, came to the table of the Commission.

Mr. MACDONALD recalled the Chairman's observations at the close of the morning meeting to the effect that the Palestine mandate must be considered within the framework of Article 22 of the Covenant of the League. The Chairman had asked whether it was the view of His Majesty's Government that Palestine was referred to, or came within the ambit of, paragraph 4 of Article 22. Without enlarging on the point or making enquiries of lawyers who might possibly disagree, he felt it was a matter which was open to some doubt.

Mr. MacDonald would cite an experience of His Majesty's Government as the Government responsible for the administration of Palestine, which showed, at least, that a case could be made out for that mandate coming under paragraph 4. The Government had been very anxious to give a preference to Palestine fruits, basing itself on the argument that Palestine came under His Majesty's Government and was not, so to speak, a separate Power ; thus, a preference granted to the produce of Palestine in the United Kingdom market would not evoke the most-favoured-nation clause in commercial treaties, and expose the United Kingdom to claims by other Powers to enjoy a similar preference. But the Government were advised repeatedly that it was at least open to argument that Palestine came under paragraph 4 of Article 22 of the Covenant, that it was, therefore, in that sense another Power, or potentially another Power, and that His Majesty's Government could not give Palestine such a privilege and deny it to other foreign Powers competing in the same market. That was a concrete and most important example of how paragraph 4—the possibility of claiming that Palestine came under paragraph 4—had affected British policy with regard to Palestine.

Mr. MacDonald would not press that point further ; it was a matter of doubt, and there were, of course, arguments to be advanced on both sides. But, in any case, paragraph 4 had this relevance ; it seemed to him that the Arabs of Palestine could not be regarded as so utterly different from the Arabs of Iraq or Syria that rights which clearly belonged to the latter under paragraph 4 should be completely denied to their fellow-Arabs in Palestine.

Having said that, Mr. MacDonald pointed out that he had not based his argument with regard to Article 22, either at the previous afternoon's or at the last meeting, on paragraph 4, because that was admittedly a matter open to some doubt. In his preliminary statement on the previous day, he had said that the provisions of the mandate must be regarded as giving effect, not only to the Balfour Declaration, but to the spirit of Article 22 of the Covenant, and had then added : “ The Arabs were a people whose well-being and development were to form a sacred trust of civilisation ”. He was basing that observation on paragraph 1 of Article 22, which stated that the well-being and development of these peoples in all the territories which came under the mandates system formed a sacred trust of civilisation. That was the paragraph of Article 22 which he had quoted at the morning meeting. His Majesty's Government felt that, if those words were applied in the spirit of the mandates system generally to the Arabs of Palestine, as they had to be, then they must declare that they could not deprive the Arabs of Palestine completely of their natural and normal political rights.

Supposing that paragraph 1 of Article 22 were applied to Tanganyika, for example, it would hardly be argued that there was freedom under paragraph 1 to do more or less as one liked in regard to the territory of the natives of Tanganyika. It would not be permissible to prejudice the natural and political rights held by them as human beings to the extent of ignoring completely their views about a large-scale influx of population.

Mr. MacDonald felt that it would be impossible under paragraph 1 of Article 22 to contend that the words “ rights and position ” in Article 6 of the mandate merely meant some rather narrow conception which was less than the normal political and natural rights of human beings whose well-being and development were a sacred trust of civilisation. It was really on paragraph 1 and the whole spirit of Article 22 that he wished to base his contention rather than on paragraph 4.

Mlle. DANNEVIG had listened with great interest to the discussion which had taken place that morning, and had been impressed with the thoroughness with which the subjects had been treated. In her opinion, however, there was one main question which overrode all others.

She could quite well understand that the Government had found it necessary to send the Hogarth message to King Hussein in 1918. Under the Balfour Declaration, the Jews had been given the assurance, in recognition of their services during the war, that they would establish their National Home in Palestine. To her that was the essential point. It was clearly against the will of the Arabs, but they had to submit to it. It was a peace agreement, and such agreements were often unjust to somebody—in this case to the Arabs in Palestine—but it must be remembered that by the same peace agreement the Arabs as a people had received full compensation elsewhere. They were freed from Turkish domination and obtained sovereign rights in five large territories. The only exception was Palestine. A Jewish National Home was to be established there, with all that that meant to the people already settled there. It was obvious to her that, in this respect, the Arabs in Palestine were regarded in a different light from the other peoples referred to in Article 22 of the Covenant. Clearly, it was impossible to create a Jewish National Home in Palestine without infringing many of the rights of the Palestine Arabs, and for that reason it was pointed out that the Arabs would not be subjected to the Jews, nor the Jews to the Arabs.

As regards the Hogarth message, Mlle. Dannevig asked whether its contents had been communicated to the interested parties. Had the message been published at that time? How also could the promise that neither people should be subjected to the other be kept when it was postulated in the 1939 White Paper that the Jews were to form a minority of one-third of the Arab population unless the latter agreed to the admission of more Jews into Palestine?

She believed she was voicing the usual interpretation of the promises contained in the Palestine mandate held by ordinary people—not perhaps by jurists or diplomats. She was sure that was the view of the Balfour Declaration taken by the general public.

Mr. MACDONALD said that Mlle. Dannevig had pointed out that the promise made to the Jews in the Balfour Declaration was a return for the part played in the war by the Jews, and he certainly did not seek to minimise the great solemnity and sanctity of a promise made in such circumstances. But Mlle. Dannevig had not quoted the whole of that promise. It was quite true that His Majesty's Government had promised to use their best endeavours to facilitate the establishment of a Jewish National Home in Palestine, but the promise was qualified by the phrase "it being clearly understood that nothing shall be done which may prejudice the civil and religious rights of existing non-Jewish communities". When the promise was originally made to the Jews it was, therefore, very deliberately qualified by that assurance regarding the position of the Arab peoples.

Mlle. Dannevig had referred to the message, sent to the Arabs after the Balfour Declaration, which had caused some suspicion and alarm in the Arab world, and had even threatened at one time to interrupt the contribution which a large force of Arabs was making to the Allied cause. The messenger sent to the Arab war leader of the day, King Hussein, therefore, reiterated the promise made to the Jews and described it fully and frankly, but he also placed equal emphasis and importance on the assurance contained in that promise for the Arabs of Palestine; he explained it as meaning that the incoming Jews would enter only to such an extent as would not interfere with the political and economic freedom of the Arab population. It was partly as a result of the reiterated assurance given to the Arabs themselves, an assurance which was already contained in the Balfour Declaration, that the Arabs continued to make their contribution to the war effort. There was really no difference between the solemnity and sanctity of the promise given to the Jews and that given to the Arabs, in return for which each people played a certain part and took certain risks in the war.

Mr. MacDonald agreed that the Arabs, generally, gained a great deal from the war; they obtained independent kingdoms extending over a large part of Arabia. But the fact of the Arabs in the Hedjaz and Mesopotamia having obtained their independence was no satisfaction at all to the Arabs of Palestine. What the Commission was concerned with here and what it was promised should be safeguarded were the civil and religious rights and the rights and position, not of Arabs outside Palestine, but of the Arabs inside Palestine itself.

In reply to the second point raised by Mlle. Dannevig, it was true that the Hogarth message had not been published until comparatively recently. He had not claimed that the Hogarth message in any way added to or detracted from the Balfour Declaration or the terms of the mandate, both of which were published. The message was merely additional evidence of the fact that the phrases used in the Declaration and in the mandate meant the rights of the Arabs in Palestine in the full political sense of the word. He thought it was because the British authors who joined with others in framing the mandate never questioned that the word "rights" meant political rights that they did not produce this evidence to that effect.

The CHAIRMAN asked whether the Secretary of State for the Colonies took the view that the promise made by Commander Hogarth and that enshrined in the mandate, which was an international instrument, carried equal weight.

Mr. MACDONALD said he did not take that view at all. He would describe the Hogarth message as important evidence of what the British authors of the Balfour Declaration and the British Government, who had had a great share in the framing of the mandate, had had in mind when they used certain words in the Declaration and in the mandate. It corroborated the case which he had made, but he would not claim that the Hogarth message had anything like the same international status as the mandate. If any conflict arose as between the Hogarth message and the mandate, the mandate, of course, must be accorded greater importance. But his point was that there was no conflict.

The CHAIRMAN asked whether the Hogarth message was prior in date to Sir Henry MacMahon's letter.

Mr. MACDONALD replied that the MacMahon correspondence took place in 1915, the Balfour Declaration was issued in November 1917 and the Hogarth message was sent in January 1918.

Mlle. DANNEVIG said she was still incapable of seeing how the promise that neither people should be subject to the other could be kept, because it was assumed in the White Paper that the Jews should constitute a minority of about one-third of the number of Arabs, unless the Arabs later agreed to a larger volume of immigration.

Mr. MACDONALD agreed that, at the end of five years, the Jews would constitute approximately one-third only of the population of Palestine. That did not necessarily mean that their proportion would remain at that level even if immigration were stopped. Even if they remained a minority he did not think it was impossible to provide that they should not be subject to the Arab majority. There had to be a minority in Palestine; if not of Jews, then of Arabs. If Mlle. Dannevig's argument were sound and the Jews were to form the majority, the Arabs would be subject to the Jews.

The whole problem in Palestine was to find some constitutional arrangement by which the minority would not be rendered subject to the rule of the majority. After the five-year period, the United Kingdom would still be there as the mandatory Power to protect the position of the Jews if necessary. In the Statement of Policy, it was specifically stated that the United Kingdom would not relinquish responsibility for the government of Palestine, unless it could be shown that the constitutional provisions of an independent State did in fact adequately secure the special position in Palestine of the Jewish National Home. However, it was not only the mandatory Power that had to be satisfied on that point; the League of Nations had the last word and would also, presumably, need to be satisfied before agreeing to the termination of the mandate and the establishment of an independent State. There was, therefore, no question of the Jewish one-third minority being subjected to the Arab majority unless both the United Kingdom Government and the League of Nations abandoned their obligations to the Jews. When the time came to introduce a constitution, Mr. MacDonald did not think it would be impossible to provide for the security of the position of whichever party was in the minority.

Mlle. DANNEVIG understood from the White Paper that officials would be appointed from among the two peoples also in the proportion of one-third Jews and two-thirds Arabs. Of course, it would be practically impossible to maintain absolute equality between the two sections of the population, but could not the Government of the country be so organised as to give the two sections of the population equal weight in the number of their elected representatives? From her childhood she had had the greatest sympathy for the Arabs, having read about their hospitality, their faithfulness to promises, their great sense of honour, and she did not want them to be subjected to the Jews, but she could not see how justice could be done by the system of future political arrangements in Palestine as outlined in the White Paper.

Mr. MACDONALD observed that Mlle. Dannevig's question seemed to relate rather to the details of the constitutional proposals, and might be better dealt with in the detailed discussion which the Chairman had proposed should follow the general discussion.

M. VAN ASBECK drew three general conclusions from the discussion which had taken place at the morning meeting. The first was that the mandate would be maintained. The second was that there would be no change in interpretation. The third was that the emphasis had now been shifted from the Jews to the Arabs. Was it reasonable to draw those three conclusions, particularly that regarding the change of emphasis?

Both the mandate and the Balfour Declaration contained one paramount obligation—namely, the foundation of a Jewish National Home. That was the primary purpose of the mandate as outlined in its preamble. M. van Asbeck was, therefore, disinclined to agree with

the way in which paragraph 2 of the White Paper presented the "three main obligations", and demurred to the rather subordinate place allotted to the really paramount obligation. The novel feature of the Balfour Declaration of 1917 was that, for the first time, it gave an official promise of British assistance in the realisation of Zionist aspirations, which could be summed up in the phrase that the Jews would cease to be a minority in one part of the world. It was therefore quite natural that British and allied statesmen should, in the first years after the Declaration, have talked about the future Jewish "commonwealth" foreshadowed in the Balfour Declaration.

The mandatory Power therefore had one main obligation—the establishment of the Jewish National Home, one subordinate obligation—protection of the civil and religious rights of the non-Jewish peoples in Palestine, and two auxiliary obligations—to facilitate immigration and colonisation; and the then main obligation, though as such dethroned, was still nowadays a chief obligation, otherwise the subordinate obligation and Article 6 of the mandate were deprived of sense.

Some doubt had arisen as to the meaning of the expression "civil and religious rights" in Article 2 of the mandate. Under the Balfour Declaration and the circumstances in which it was given, that expression could only be interpreted to mean minority rights as laid down in the minority treaties of the nineteenth and twentieth centuries—in other words, a guarantee that a minority community would have the same treatment and security as a majority. Indirect confirmation of that view would be found in a definition which the Permanent Court of International Justice had given of the word "community"¹, a word used in the Balfour Declaration and in Article 2 of the mandate. That definition read:

"By tradition, which plays so important a part in eastern countries, the 'community' is a group of persons living in a given country or locality, having a race, religion, language and traditions of their own and united by this identity of race, religion, language and traditions in a sentiment of solidarity, with a view to preserving their traditions, maintaining their form of worship, ensuring the instruction and upbringing of their children in accordance with the spirit and traditions of their race and rendering mutual assistance to each other."

In that definition of a community there was no reference to political rights, but only to personal liberty of worship, opinion, etc.

The words "rights and position" in Article 6 of the mandate surely referred to the economic position, seeing that the French text used the word "situation", which he thought had an economic connotation, and Article 6 itself being economic in character.

For the ordinary reader, as Mlle. Dannevig had said, the meaning of the mandate was clear. The Churchill White Paper of 1922, however, had had an obscuring effect. It was an *interpretation*—the word "interpretation" was used in the 1922 White Paper itself—placed by His Majesty's Government on the 1917 Declaration, an interpretation adopted because of the hostility felt by the Arab population to the mandate since its practical application. It amounted to a limitation, from the Jewish point of view, in that it circumscribed the facilities offered to Jewish immigration and made them dependent on the economic absorptive capacity of the country.

The Churchill White Paper was the result of consultations between the prospective mandatory Power and the two most important sections of the population of Palestine and, on its basis, the mandate was confirmed by the League of Nations. The Secretary of State for the Colonies, in his preliminary statement, had called it a guidance for the Palestine Administration. But this seemed really a misnomer; in fact, it was the authentic comment on the mandate, which was then drawn up, and had ever since been considered as such by the League of Nations. From 1922 until the Statement of Policy of 1937, the mandate had been operated on the basis of the Churchill White Paper—namely, that the Jewish National Home would increase, but it should increase only in proportion to the economic absorptive capacity of the country. Thus the eventual creation of a Jewish State had not yet been precluded, as Mr. Churchill himself had testified in 1937 before the Royal Commission.

Turning next to the relation of the mandate and the Balfour Declaration to Article 22 of the Covenant, it must not be forgotten that the establishment of the Jewish National Home was a promise given to world Jewry, and it was in that sense that the mandate must be read. There was a most striking difference between the first and the last articles of the "A" mandate for Palestine and the corresponding articles in the other pertinent documents for countries under A mandates in the Near East. Article 1 of the Palestine mandate referred, not to a national Government working with the advice and assistance of the mandatory Power, but to the mandatory Power itself as having "full powers of legislation and of administration"—a very different situation from that set up in Syria and Iraq.

¹ See advisory opinion of July 31st, 1930, on the question of the Greco-Bulgarian communities (Series B, No. 17), page 21.

In regard to Article 28 of the Palestine mandate, he would recall M. Sakenobe's statement in 1937¹ that the provisions regarding the termination of the Palestine mandate were quite different from those for other A mandates. The reference in Article 28 was hypothetical: "In the event of the termination of the mandate . . ." Thus, the mandate for Palestine bore a very different character from the other A mandates.

The Commission had now been told that the "interpretation" given in the Churchill White Paper of 1922 was to be maintained but that the "emphasis" was to shift from the Jews to the Arabs. What was the reason for that change of emphasis? What was the basis for that shift; what was its significance and what would be its effect? The reason was probably that the Arabs had shown such hostility that it was necessary to pay more attention to their rights and interests in order not to endanger the Jewish National Home itself.

The basis for that change of emphasis was the Hogarth message. As that was sent to King Hussein, it was presumably also known to King Feisal. Possibly that might be why the latter, in 1918 and the beginning of 1919, was rather inclined to accept the Jewish National Home and the Balfour Declaration. But it could not have been known to the British and Allied statesmen, otherwise they would have been much more careful when referring to a Jewish State or Commonwealth; and it was unknown in 1922, or it would naturally have been referred to in the Churchill White Paper. It was unknown in 1930 when, at the seventeenth (extraordinary) session, the whole question of Palestine came up before the Mandates Commission. It was unknown to the Royal Commission which did not mention that important message in its report, although it was accustomed to examine thoroughly the material available; and it was not mentioned by the accredited representative of the mandatory Power in his explanations to the Commission at its thirty-second (extraordinary) session in 1937, although there had then been ample occasion and necessity for bringing the message fully to light.

What was the meaning of the Hogarth message? The Secretary of State for the Colonies had said that it added nothing to the Balfour Declaration; it only supplemented, he said, several parts of that Declaration which were of peculiar interest to the Arabs. But, in M. van Asbeck's view, it was difficult to avoid the conclusion that, if the Hogarth message meant what had been stated, it undermined the whole of the Balfour Declaration. The accredited representative in his preliminary statement made on the previous day, had stated that, under the Balfour Declaration, the possibility of a Jewish State was not excluded, and that it was regarded as a definite possibility by some of the leading statesmen who were familiar with the intentions of those who drew up the Balfour Declaration.² Later, however, it was said in that same statement that Commander Hogarth had stated categorically that the Jewish National Home was only to be created in so far as it was "compatible with the freedom of the existing population, both economic and political".² In M. van Asbeck's opinion, that excluded the possibility of a Jewish State, because it was improbable that the existing Arab population in Palestine would gracefully consent to such a State being set up, seeing that it would curtail the freedom of the Arabs. He was confirmed in his opinion by the further observation in the same statement to the effect that the normal rights of peoples included power to have their voice heard "against a flow of immigration which threatened to relegate them to a position of virtual inferiority in their own country".³ If, under the terms of the Hogarth message, the Arabs had the right to oppose immigration, and, in that respect, retained their previous freedom, that was the very antithesis of the Balfour Declaration and of the mandate which contained a very important obligation to facilitate immigration. M. van Asbeck felt, in fact, that the Balfour Declaration had in view a Jewish, and the Hogarth message an Arab, majority.

Another significant feature in the shifting of emphasis from the Jews to the Arabs—was the shifting from the primary obligation to the subordinate, or secondary obligation, as the Royal Commission described it. And it ought to be borne in mind that the effect of that change in emphasis would be irrevocable; there could be no going back. M. van Asbeck submitted, therefore, as his conclusion, that the emphasis had originally been on a Jewish National Home, whose population would be increased in proportion to the economic absorptive capacity of the country. The new emphasis subordinated that increase, after five years, to the final consent of the party most bitterly opposed to the National Home itself. Instead of the economic absorptive capacity being the criterion for immigration, the political factor would then come into operation. That seemed to M. van Asbeck a "new interpretation" and one which conflicted with what Mr. Churchill had said in his 1922 White Paper. It could not really be maintained that there was merely a shifting of "emphasis". In fact, there was a new interpretation, and one based on data unknown to the Mandates Commission and to the Council of the League. It might even, in substance, be said to amount to a preparation for the termination of the mandate, an intimation that the mandate was to be maintained but for only a definite time.

Why only for a definite time? In his preliminary statement, the Secretary of State for the Colonies had said that the Home was now established.⁴ At the last meeting,⁵ however, Mr. MacDonald had referred to the hostility of the Arabs which threatened that Home with

¹ See Minutes of the Thirty-second (Extraordinary) Session of the Commission, page 194.

² See page 97.

³ See page 100.

⁴ See page 98.

⁵ See page 110.

destruction. Could it then really be called "established"? The new aim to which attention had been called yesterday—the creation of an independent State in Palestine—meant the termination of the mandate. Mr. MacDonald had said in an earlier reply that some one had to be in the minority, either the Jews or the Arabs, but that there must be no subjection of one people to another. If those statements were considered in connection with the views of the Royal Commission, as expressed on pages 359 *et seq.* of its report, the only possible conclusion to be drawn was that the mandate could not yet be terminated and that British authority must be continued in order to prevent the subjection of one people to another. A parallel could be drawn between Palestine and India, where there were large communities of Moslems and Hindus in continual strife and where British authority, even at the present time, was maintained to a certain degree, endeavouring to prevent the subjection of one people to another.

M. van Asbeck was sorry to be unable to share the optimism expressed by the Secretary of State for the Colonies. M. van Asbeck was wholly in agreement with him, however, as to the possibility of a solution on federal lines, which could imply a continuation of the necessary British authority. Would it not be advisable to try to pave the way at once for the introduction of a federal constitution, within the boundaries either of Palestine itself or of the neighbouring Near Eastern countries?

Mr. MACDONALD proposed to deal briefly with the points raised by M. van Asbeck.

On the subject of the maintenance of the mandate, there was no doubt at all that the mandate must continue, not only until the United Kingdom Government, but until the League of Nations also, were satisfied that the conditions were such that it could be terminated. His Majesty's Government would not recommend its termination, and the League of Nations would not accept it, unless it was clear that the position of the Jews in Palestine was adequately safeguarded.

The second point concerned the interpretation of the mandate. He had explained at some length that there was no change in the interpretation of the mandate.

The third point raised by M. van Asbeck suggested that there had been a change of emphasis from the Jews to the Arabs. Actually, he had referred only to a change of emphasis from one to another of the tasks set by the mandate. Hitherto, the emphasis had been on the duty to build up the Jewish National Home; His Majesty's Government were now stressing the other obligation in the mandate to protect the rights and position of the Arabs. His point, and that made in the 1939 White Paper, was that the emphasis laid on the position of the Jews in Palestine should be equal to that laid on the position of the Arabs. The whole principle upon which the policy of His Majesty's Government was based was non-subjection of the Jews to the Arabs or of the Arabs to the Jews.

M. van Asbeck had suggested that that change of emphasis had taken place because of the resistance shown by the Arabs. That was not quite the case. His Majesty's Government had not yielded to force. Given time, they were quite capable of putting down the Arab revolt, which indeed had been substantially quelled before the White Paper was published. British troops and police had very definitely obtained the upper hand in Palestine. But what the United Kingdom Government were concerned with was what lay behind the revolt; what enabled it to maintain itself so long; it was because there was very widespread national sentiment behind it. During the London discussions, it was made perfectly clear that the indefinite continuance of Jewish immigration was as profoundly opposed by, say, Ragheb Bey Nashashibi, the leader of the Defence party, and his colleagues, as it was by Djemal Hussein and those associated with the Mufti's party in Palestine. What had to be taken account of in Palestine was not the military action of the Arab bands, but the tremendous national feeling behind them which constituted their force. Mr. MacDonald felt sure that the Mandates Commission would wish to respect the genuine patriotic sentiment of a whole people, which could, without exaggeration, be said to have made such a long-sustained revolt possible.

The next point was a very important one. M. van Asbeck had said that the Peel Commission had expressed the view that the obligation to facilitate the establishment of a Jewish National Home was primary and the other obligations secondary. M. van Asbeck apparently agreed with that view. Mr. MacDonald must frankly say that he did not accept it. It was true that the United Kingdom Government had expressed their general agreement with the findings of the Peel report, but not with everything which it contained. His Majesty's Government had always held the view that the obligation towards the Jewish people to promote the building of their National Home and the obligation to the Arab people to safeguard their rights and position were of equal importance. That view had been specifically endorsed by the Mandates Commission in 1930 when it stated "the obligations laid down by the mandate in regard to the two sections of the population are of equal weight".¹ He thought that justified the importance attached to His Majesty's Government's obligations towards the Arabs at the present time.

M. van Asbeck had also discussed the meaning of the phrase "civil and religious rights" in the Balfour Declaration and the mandate, and had said that the authors of the former had intended it to have a quite limited significance. Mr. MacDonald did not think that was true as regarded the authors of the Balfour Declaration, since there was absolutely conclusive

¹ See Minutes of the Seventeenth (Extraordinary) Session of the Commission, page 145.

evidence to the contrary, for the Hogarth message to the King Hussein interpreted the phrase "civil and religious rights" as meaning that nothing should be done which would impair the political and economic freedom of the Arabs in Palestine. If that were the correct interpretation of "civil and religious rights" in the Balfour Declaration, it was a wide one, and he would point out that the Government which sent the Hogarth message was the same one carrying the authority of Mr. Balfour himself as Foreign Secretary.

M. van Asbeck had suggested that, if such an interpretation were to be given to the expression "civil and religious rights", it was inconsistent of Mr. MacDonald to hold such a view and at the same time attribute to the authors of the Declaration the belief that a Jewish State in Palestine was a possibility. Mr. MacDonald had never denied that the authors of the Declaration held such a belief. But he did not necessarily see any inconsistency between saying that a Jewish State was possible and claiming that the Arabs' political freedom must be secured, since at that time it was—perhaps not likely, but quite possible—that the Arabs themselves would choose to become citizens in a State which was predominantly Jewish. If the negotiations between Dr. Weizmann and the Emir Feisal had continued, the Arabs might eventually have agreed to become part of a Jewish State.

M. van Asbeck then expressed the view that the word "rights" in Article 6 of the mandat simply meant economic rights. Mr. MacDonald did not think so. It seemed to him inconceivable that this mandate, which came within the framework of Article 22 of the Covenant, should wholly deprive the Arabs of Palestine of their normal political rights. Admittedly, the establishment of the Jewish National Home modified those rights, but it could not abolish them entirely. If the Mandates Commission were going to maintain that point of view, it would amount to saying, with all the authority of that body, that the natives of every territory under mandate were guaranteed their political rights except the Arabs of Palestine. That would be inconceivable; it would be a real infringement of the spirit of the whole mandates system.

Further, M. van Asbeck had attached importance to the use of the word "community" and, quoting an opinion expressed by the Permanent Court of International Justice at The Hague, had sought to establish that the Arab population in Palestine, which was described in the mandate as a community, was something which was entitled only to minority status with the guarantees belonging to minorities. He would point out that what was sauce for the goose was sauce for the gander: the Jewish population in Palestine had also been referred to as a community. M. van Asbeck had attached great importance to the 1922 White Paper, which itself repeatedly referred to the "Jewish community" in Palestine. In its classic account of the Jewish National Home it began by saying "During the last two or three generations, the Jews have re-created in Palestine a community numbering 80,000 . . .", etc. The next sentence began: "This community has its own political organs, etc.". Later, replying to the question as to what was meant by the development of the Jewish National Home in Palestine, the 1922 White Paper said: "It may be answered that it is not the imposition of a Jewish nationality upon the inhabitants of Palestine as a whole, but the further development of the existing Jewish community with the assistance of Jews in other parts of the world in order that it may become a centre . . ." and so on. Throughout the 1922 White Paper, the Jewish population was described as a community. Again, in the mandate itself, the same word was used. Article 15 said: "The right of each community to maintain its own schools for the education of its own members in its own language . . . shall not be denied or impaired". Article 23 read: "The Administration of Palestine shall recognise the holy days of the respective communities in Palestine as legal days of rest . . ." Mr. MacDonald did not think that the use of the word "community" could be taken as evidence that the status of the Arabs must be inferior to that of the Jews.

Another point on which M. van Asbeck had laid great stress was the phrase "economic absorptive capacity". He did not for a moment deny the importance of that phrase, but what did it mean? M. van Asbeck had taken it to mean that Jewish immigration should always continue up to the limit of economic absorptive capacity. That was not what the 1922 White Paper said. It said: "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 did not say that immigration had to go right up to the total absorptive capacity. It had always seemed to Mr. MacDonald to mean that, in certain circumstances, immigration might fall below the economic absorptive capacity. Mr. Winston Churchill, the author of the 1922 White Paper, had himself stated in the House of Commons on more than one occasion that it did not mean that immigration was always to attain that limit, but that political and other considerations which were relevant from time to time could be taken into account. Clearly, therefore, on the authority of the author of the 1922 White Paper himself, economic absorptive capacity was not the sole criterion.

M. VAN ASBECK wished to comment shortly on one or two of the points raised in the prolonged discussion in order to clear up the position.

He agreed with the accredited representative that his own definition of the shift in emphasis was possibly too elliptical, and that the facts had been more correctly stated by

Mr. MacDonald; but he did not feel that, substantially, there was a very great difference between the two expressions.

As regarded the primary obligation, he was quite aware of the interpretation which, in 1930, the Mandates Commission, following the lead of His Majesty's Government, had put on the internal relations between the obligations enshrined in the mandate. As early as 1937, he had ventured to disagree with the equal weight thus attached to the respective obligations as a reasonable interpretation of the mandate.

As to the Hogarth message, he thought the greatest significance must attach to the Secretary of State's declaration that that message could not have the same legal status as the mandate. He ventured to maintain, in his view, that the Hogarth message did in some respects kill the Balfour Declaration. Political exigencies, of course, sometimes forced Governments to make statements in order to meet a momentary danger, but he would not press that matter. The main point was to have it agreed that the Hogarth message had not the same value as the mandate.

In regard to the term "community", in general M. van Asbeck would like to emphasise that his comments on this subject and on the term of the community as far as Palestine was concerned, referred to the Balfour Declaration, which preceded the Churchill White Paper. The word was used both in Article 15 of the mandate and elsewhere, in connection with the social and cultural rights and freedom of Jews and Arabs in Palestine under the mandate. Its use in such a connection was quite natural and the argument which he had based on it had not been refuted.

Mr. MACDONALD wished to add a comment on one particular point. He still admitted, as M. van Asbeck had again emphasised, that the mandate was naturally a much more important instrument than the Hogarth message. Nevertheless, the Hogarth message had some importance even in relation to the mandate itself, because, according to the continental system of law at any rate, if there were any doubt about the meaning of phrases in a document, the Court might admit other relevant documents as evidence to be used in solving any problems of interpretation which arose. That was the relation in which the Hogarth message stood to the mandate and to the Balfour Declaration, and Mr. MacDonald felt that, as a piece of evidence for the interpretation of certain expressions in these much more important and weighty documents, it had a definite value.

M. van Asbeck, he thought, was rather belittling the importance of the Hogarth message, even as evidence, when he made the reference to political situations compelling Governments to make statements to avert dangers. What impressed him in the Hogarth message was the fact that it did not bear the marks of having been sent out by a Government concerned to avert an imminent danger. As he had already pointed out, it did not seek to minimise in any way His Majesty's Government's intentions in regard to the Jews returning to Palestine. It stated that "the British Government are determined that no obstacle shall be put in the way of the Jews returning to Palestine", with the proviso that the political and economic freedom of the Arab population should not be interfered with.

It seemed to Mr. MacDonald that that was quite an important and genuine piece of evidence, which it was quite proper, under the continental system of law, to regard as relevant to the consideration of what certain phrases meant in the Balfour Declaration and in the mandate.

The CHAIRMAN had one observation he would like to make in regard to the Hogarth message, of which he himself had never heard until quite recently. The accredited representative would doubtless not be surprised if he stated that he had difficulty in regarding the Hogarth message as a factor in the interpretation of the mandate. The mandate was an international Convention between two parties—the League of Nations, which conferred the mandate, and the mandatory Power, which accepted it—and the League of Nations, when it conferred the mandate, was not aware of the promises made by Commander Hogarth on behalf of the United Kingdom. Although the Mandates Commission had been concerned on occasion with the MacMahon correspondence, there had never been any question of other engagements entered into by the United Kingdom Government towards the Arabs outside the mandate before its institution. The Chairman was therefore of opinion that the Commission could not attach to the Hogarth message as great importance as the accredited representative appeared to do.

With regard to Article 2 of the mandate, under the terms of which "The Mandatory shall be responsible for placing the country under such political, administrative and economic conditions as will secure . . . the development of self-governing institutions," he wished to ask whether, in the opinion of the mandatory Government, the obligation to develop self-governing institutions implied an obligation to give the country complete political independence. Could not self-governing institutions be set up within a country which nevertheless remained under control? The Commission had seen an example in Iraq, where self-governing institutions were set up prior to the cessation of the mandate.

In order to enable the Secretary of State to reply to another observation, he would put one more question. According to the preamble of the mandate, "nothing should be done which might prejudice the civil and religious rights of existing non-Jewish communities in

Palestine". That proposition clearly related to the Arabs, Christian and Moslem, as did also the stipulation in Article 6, under which the Administration of Palestine was to see that "the rights and position of other sections of the population" were not prejudiced. Those two provisions might seem to indicate the belief of the authors of the mandate that the possibility of the Jews ultimately becoming the majority in Palestine was by no means excluded.

If it had been anticipated as a matter of principle that the Arabs should always remain a majority, would it ever have been thought necessary to provide guarantees of that kind in their favour? It was difficult to imagine the authors of the mandate concerning themselves with the protection of a majority.

It might be replied no doubt that that rule was laid down to enable the mandatory Power during the exercise of the mandate to protect the interests of the Arab majority, which, at that period, was still relatively passive, in relation to an enterprising and energetic Jewish minority.

Mr. MACDONALD did not wish to question the force of what the Chairman had said about the Hogarth message. He was content to leave the matter as it stood after the full discussion which had taken place, in which he had made his views quite clear.

With regard to the second question, whether Article 2, relating to self-governing institutions, was regarded as meaning that the country must one day become independent, he would not have read that meaning into the text. He agreed that it would be possible for self-governing institutions to function in Palestine while the Palestine people as a whole were not citizens of an independent State. Nevertheless, it seemed to His Majesty's Government that, though a country's progress towards independence might be quicker or slower according to the circumstances of each case, the principle of ultimate independence was inherent in the mandates system.

Article 22, paragraph 1, of the Covenant referred to those colonies and territories, which as a consequence of the last war, had ceased to be subject to the State which had formerly governed them, and which were inhabited by peoples who were "not yet able to stand by themselves"; that seemed to him to indicate that those peoples would ultimately become self-governing. It had certainly been one of the principles of His Majesty's Government in the colonies and in the mandated territories of Africa that ultimately, perhaps in some cases centuries hence, the natives would become completely self-governing.

The CHAIRMAN intervened with the remark that it was not a question of centuries in the case under discussion.

Mr. MACDONALD agreed. They were dealing with the question of two peoples: the Jews, who were extremely civilised, and the Arabs, who were a comparatively advanced people, if contrasted with the natives of West Africa, for example. In Mesopotamia and other countries, the Arabs had been regarded as sufficiently advanced to become independent. Therefore, if the movement towards independence were an inherent factor in the administration of other mandates, it must also be inherent in the administration of a mandate which concerned such comparatively developed peoples as the Jews and the Arabs.

With regard to the third suggestion, that the words in the Preamble "civil and religious rights of the non-Jewish communities", and in Article 6 "rights and position of the other sections of the population" must imply the assumption that the Arabs might one day become a minority in Palestine, Mr. MacDonald agreed that the possibility of a Jewish majority was not ruled out. On the other hand, he would not regard those words as implying that the Jewish National Home was necessarily to continue to develop until the Arabs were in a minority. It had to be recognised that the Palestine mandate was absolutely unique. There was no analogy in any other mandate for the proposal to set up in Palestine, a country where there was already a considerable population of Arabs, a national home for another people—the Jews. Accordingly, those words in the preamble and in Article 6 must not be compared with similar words used in treaties concerning minorities already existing in a country. In view of that unparalleled situation, he thought it was perfectly natural that a proviso should be introduced stating that the establishment of the Jewish National Home should not interfere with the civil rights or with the rights and position of the existing population. That was the significance which must be attached to those words; they must not be taken to mean that it was contemplated from the beginning that the Arabs should one day be a minority.

M. VAN ASBECK, on the question of evidence, thought that, if the Hogarth message did throw light on the Balfour Declaration, it was an unhappy light, because much more importance had been attached to the proviso to which reference had been made than to the main object of the message itself. From a general point of view, the only existing comment on the mandate was the Churchill White Paper, which, while dealing exhaustively with the meaning of the mandate, was completely silent on the subject of the Hogarth message. The latter could not, therefore, it seemed to him, be taken as evidence to elucidate the meaning of the mandate.

Lord HANKEY observed that the possible termination of the mandate was clearly provided for in the mandate itself : Article 8 spoke of certain rights to be restored to the Powers at the expiration of the mandate, and Article 28 began with the words : " In the event of the termination of the mandate "

Mr. MACDONALD agreed with Lord Hankey's observation.

Mlle. DANNEVIG agreed with Mr. MacDonald that the Palestine mandate was different from any other mandate, and thought that the following passage which she had once read accurately described the position :

" In December 1930, there was an Italian proposal to put Palestine under an international regime, since the mandate regime did not suit Palestine, because of the religious dissensions which there took the form of political strife and nationalism. Palestine could never survive as an autonomous State. The country was too small and too important because of its geographical position and its inhabitants were too different as to evolution and material and moral ideals."

The accredited representative had said that the mandatory Power had attempted to introduce self-governing institutions in the country. Mlle. Dannevig could not help thinking that that move had been made too early and was now inclined to regret that she had on one occasion voted in favour of the introduction of self-governing institutions. In view of the special difficulties met with in Palestine it would take a very long time—perhaps fifty or a hundred years instead of the five or ten mentioned in the White Paper—to introduce self-government.

Mr. MACDONALD reiterated that the Palestine mandate was different from all the others ; but it was, nevertheless, a mandate and had to embody the spirit and principles of the mandate system. It was not so different that its provisions could contradict those principles. If the Arabs of Palestine, alone among all the populations of territories under mandate, were to be deprived of normal political rights, it would amount to saying that the Palestine mandate contradicted the spirit of the mandates system. The essential difference was that this mandate sought to establish in a country already inhabited by Arabs a National Home for the Jews. His Majesty's Government was proud of its association with that work but did not believe that it was ever intended to deprive the other sections of the population of their natural rights.

In reply to Mlle. Dannevig's remark about the premature introduction of self-governing institutions, he would remind the Commission that the Arabs and Jews in Palestine were fairly advanced peoples. It remained true, however, that, in twenty years, no progress whatever had been made with the establishment of even the most modest form of central self-government, apart from local government bodies. Palestine was, in fact, behind some other parts of the world where the people were actually more backward. It must not be overlooked, moreover, that this was the twentieth century and that the political aspirations of the twentieth century had invaded the Arab world ; to postpone indefinitely the grant of even the most modest self-governing institutions to the Jewish and Arab peoples in Palestine would be tantamount to sitting on the safety valve, and soon there would be an explosion. It was impossible to set one's face against the whole spirit of the twentieth century, which in many countries was a steady movement towards self-government.

FIFTEENTH MEETING

Held on Saturday, June 17th, 1939, at 10.15 a.m.

Palestine : Policy laid down by the United Kingdom Government in the Document entitled " Palestine—Statement of Policy ", of May 1939 (continuation) : General Discussion (continuation) : Immigration.

The Right Honourable Malcolm MacDonald, Sir Grattan Bushe and Mr. Downie, accompanied by Mr. Moody and Mr. Kirkbride, came to the table of the Commission.

M. GIRAUD said that Article 6 of the mandate imposed an obligation on the mandatory Power to facilitate Jewish immigration under suitable conditions. That obligation was therefore couched in relatively vague terms, if regard were had solely to the provisions of the mandate. Consequently, the mandatory Power considered it necessary to indicate in more precise language how the maximum volume at any rate of the immigration should be fixed. The 1922 White Paper accordingly stipulated that the volume of immigration was not to be such as to exceed the economic capacity of the country—whatever it might be—to absorb new arrivals. That principle was approved by the Council of the League of Nations in 1930. The terms of the 1922 White Paper themselves showed that the economic absorptive capacity was the factor to be taken into account in fixing the limit of the volume of immigration. The

latter, according to the White Paper, must not exceed the economic absorptive capacity. It might at most be equal to the economic absorptive capacity. That implied that it might also be less.

If M. Giraud rightly understood the attitude now taken up by the mandatory Power, it was that, though the 1922 White Paper fixed the limit on economic grounds which immigration must not exceed, the Government responsible for the administration of the country had an absolute right, if not a duty, to take political as well as economic considerations into account in such a way as to vary—or, so to say, “dose”—the effective volume of immigration (within the proposed maximum limit) according to circumstances, and even to suspend immigration in the event of serious disturbances being likely to result. On the basis of those principles, the Government had decided to fix the number of Jewish immigrants allowed to enter Palestine at 10,000 per annum for five years, with a provision for the supplementary admission of 25,000 refugees. Was that a correct interpretation of the attitude of the mandatory Power?

M. Giraud now ventured to ask on what basis the figure of 10,000 immigrants per annum had been arrived at. Why 10,000, rather than, for example, 8,000 or 12,000, or any other figure?

Mr. MACDONALD accepted M. Giraud's statement of the interpretation placed by the mandatory Power on Article 6 of the mandate.

It was relevant to point out that Mr. Winston Churchill, as the author of the 1922 White Paper, had recently stated in the House of Commons (on May 23rd, 1939) his support of that interpretation. He said:

“As I am the author of the phrase, perhaps I may be allowed to state that economic absorptive capacity was never intended to rule without regard to any other consideration. It has always rested with the mandatory Power to vary the influx of the Jews in accordance with what was best for Palestine and for the sincere fulfilment—one must presuppose the sincere fulfilment—of our purpose in establishing a Jewish National Home there.”

In reply to M. Giraud's question as to how the figure 10,000 was arrived at, he could only say that any decision as to the numbers of immigrants must be arbitrary; and it would perhaps be agreed that the mandatory Power was the best judge in the matter. The principles on which its judgment was based were as follows: The mandatory Power, as he had repeatedly pointed out, regarded the Arabs as having rights under the mandate and under Article 22 of the Covenant, and had come to the conclusion that, in the light of developments in Palestine, those rights would be prejudiced if, contrary to the strongly expressed view of the Arab population, the Jews were allowed by immigration to total more than approximately a third of the population. On the basis of the statistical information at its disposal, the mandatory Power calculated that, allowing for the 40,000 illegal immigrants already in Palestine, the further immigration required to bring the Jewish population up to one-third of the total population was 75,000.

M. GIRAUD quoted from Article 4 of the mandate, to the effect that:

“An appropriate Jewish Agency shall be recognised as a public body for the purpose of advising and co-operating with the Administration of Palestine in such economic, social and other matters as may affect the establishment of the Jewish National Home. . . .”

Immigration was obviously a matter which might affect the establishment of the Jewish National Home. The “public body” to which the article alluded was the Jewish Agency. Did the mandatory Power propose to continue to co-operate with the Jewish Agency?

Mr. MACDONALD replied in the affirmative, and referred to sub-paragraph (2) of paragraph 14 of the 1939 White Paper, to the effect that:

“The existing machinery for ascertaining economic absorptive capacity will be retained. . . . Before each periodic decision is taken, Jewish and Arab representatives will be consulted.”

He added that the High Commissioner was at that moment in consultation with the Jewish Agency in Jerusalem in regard to the immigration quota for the next six months.

M. GIRAUD referred to sub-paragraph (3) of paragraph 14 of the White Paper, to the effect that:

“After the period of five years, no further Jewish immigration will be permitted unless the Arabs of Palestine are prepared to acquiesce in it.”

The Arab population of Palestine included a large majority of Moslem and a minority of Christian elements. At present, the two elements appeared to have adopted a common attitude in political matters; but the understanding so reached on certain principles might not always be maintained in regard to particular measures which the mandatory Power might be led to

adopt. He would be glad therefore to know whether the acquiescence of the Christian Arab element would also be taken into consideration on occasion on the subject of the continuance of Jewish immigration.

Mr. MACDONALD replied again in the affirmative. It was not possible at the moment to say what form the consultation with the Arab population would assume in five years : but, in any case, the High Commissioner would undoubtedly take steps, as had always been done in the past, to ensure that the views of the Christian Arabs were, one way or another, represented.

The CHAIRMAN asked whether the quota of 10,000 immigrants per annum under the White Paper was to be taken as definitively fixed *ne varietur*, or did the mandatory Government reserve the right to reduce it on grounds other than economic absorptive capacity ? A comparison of sub-paragraphs (1) and (2) of paragraph 14 of the White Paper appeared to leave some room for doubt.

Secondly, did the provision of sub-paragraph (2) of paragraph 14, to the effect that " Before each periodic decision is taken, Jewish and Arab representatives will be consulted ", mean that the Arabs were to be consulted on the quota of immigration ; and, if so, was that provision considered to be in conformity with Article 4 of the mandate ?

Mr. MACDONALD, in reply to the Chairman's first question, was anxious to make it perfectly clear that the quotas, as now fixed, were subject only to the limitation of economic absorptive capacity, and that no other considerations were applicable. Balances left over under the economic absorptive capacity criterion in any year, could, of course, be carried over to the next or subsequent years in the five year period, up to the limit of 75,000.

In reply to the Chairman's second question, Mr. MacDonald said that the mandatory Power undertook to consult both the Jewish Agency and the representatives of the Arabs ; but the only subject of consultation was the economic absorptive capacity of the country. No political or other issues would arise. In any case, though representations by the Jews or the Arabs were heard, the ultimate decision rested with the High Commissioner and with no one else.

As to whether that was in accordance with Article 4 of the mandate, the mandatory Power had always regarded Article 4 as *compelling* consultation with the Jews, but *not precluding* consultation with other elements of the population.

The CHAIRMAN asked whether the accredited representative did not feel that there was a difference between the practice of occasional consultation and official recognition by the White Paper of a right of the Arabs to be consulted.

Mr. MACDONALD pointed out that Article 4 of the mandate referred to the Jewish Agency as " a public body for the purpose of advising and co-operating with the Administration of Palestine . . ." and not as " *the* public body for the purpose of advising and co-operating with the Administration of Palestine . . .".

Consultation with the Arabs in Palestine at this point seemed to him to be in accordance with the spirit of the mandate—whatever the interpretation of the " rights and position " of the Arabs.

The CHAIRMAN asked whether the accredited representative considered it to be in accordance with the spirit of the mandate to consult the Arabs on all questions, economic or other, which might affect the establishment of the Jewish National Home.

Mr. MACDONALD replied in the negative. The point on which the Arabs were to be, and would be, consulted, was the economic absorptive capacity of the country. But that did not imply any obligation on the mandatory Power to consult the Arabs on other questions affecting the establishment of the Jewish National Home. But he did not wish to exclude the possibilities of other consultation. Obviously, on general Palestine matters, the High Commissioner would consult future Arab Members of the Executive Committee.

M. RAPPARD said that the mandatory Power's policy in regard to immigration had passed through four stages, after which a fifth was now being considered.

(1) The first stage was the stage of the mandate itself, when the mandatory Power set itself to facilitate immigration without prejudice to the rights and position of other sections of the population.

(2) The second stage was that of Mr. Churchill's White Paper of 1922 establishing the economic absorptive capacity of the country as a criterion in fixing the immigration quotas. The introduction of that criterion was regarded at the time as a limitation of the right of immigration.

(3) The third stage was inaugurated by Mr. Ramsay MacDonald's letter to Dr. Weizmann, which established the economic absorptive capacity of the country, not as *a criterion*, but as *the sole criterion* in fixing immigration quotas.

(4) The fourth stage was the stage in which immigration was limited on political grounds—that was to say, because of the disturbances which had occurred.

(5) There was now a proposal for specific immigration quotas over a period of five years, after which immigration would be dependent on Arab acquiescence.

In that connection there was one minor point which M. Rappard would like to clear up *en passant*. In the event of the economic absorptive capacity of the country not being found sufficient to take the whole of the 75,000 immigrants in the course of the next five years, would the balance be eligible for admission after the five year period was over ?

As regards the latest phase of the mandatory Power's immigration policy, he felt constrained to say at the outset that, in view of the interminable petitions from Arabs against Jewish immigration which the Commission had received for so many years past, it would be unforgivable blindness on its part not to recognise that immigration unless the Arabs of Palestine are prepared to acquiesce in it—in the terms of the 1939 White Paper—meant nothing else but stoppage of immigration altogether.

That being so, how was it possible to reconcile stoppage of immigration with the provision in Article 6 of the mandate making it obligatory on the Administration of Palestine to "facilitate Jewish immigration under suitable conditions" ?

Mr. MacDonald had said, on the previous day, that the policy of the 1939 White Paper did not involve either amendment nor even re-interpretation of the mandate. That was a somewhat startling proposition.

Mr. MacDonald had quoted from the speech of Mr. Winston Churchill in the House of Commons on May 23rd, 1939. But Mr. Winston Churchill, in a passage in the same speech which Mr. MacDonald had not quoted, went on to say :

"The Mandates Commission of the League of Nations, as was mentioned by the spokesman for the Opposition when he opened the debate this afternoon, has recognised fully that the mandatory Power was entitled to control the flow of immigration, or even to suspend it in an emergency. What they are not entitled to do, at least not entitled to do without reproach—grave, public and worldwide reproach, and I trust self-reproach as well—is to bring the immigration to an end so far as they are concerned, to wash their hands of it, to close the door. That they have no right whatever to do."

Mr. MacDonald was now asking the Mandates Commission to go directly counter to what Mr. Winston Churchill had proclaimed in that passage as his interpretation of the mandate, which had also heretofore always been the interpretation of the Commission and of the Council of the League.

Mr. MACDONALD welcomed the discussion of the issue which M. Rappard had raised. It was an issue of such importance as to call for consideration of the most searching kind.

M. Rappard had distinguished five periods in the immigration policy of the mandatory Power. He was prepared to accept M. Rappard's description of the first two periods, as also his interpretation of Mr. Ramsay MacDonald's letter to Dr. Weizmann. But, while he agreed that that letter made the economic absorptive capacity of the country the sole criterion of immigration, His Majesty's Government in the United Kingdom had never regarded that criterion as being applicable for all time and in all circumstances. When the situation was altered by the occurrence of serious disturbances in the country, it was only natural and right that other criterions should be taken into account.

In the third stage, it must be remembered, the Jewish National Home had not yet been built up ; and it was therefore right and proper that the mandatory Power should proceed on the sole basis of the economic absorptive capacity of the country. That situation remained unchanged until the National Home had been built up. Since the letter of 1931, more than 200,000 further immigrants had entered Palestine. When the National Home was thus effectively in being, the mandatory Power intervened to modify the criterion of the economic absorptive capacity of the country. By that time other factors were in play : for example, there was the project of partition, which was then under active consideration. When the project of partition fell through, other factors came into play ; and so the fifth stage, as described by M. Rappard and reflected in the White Paper, took shape.

One arrived, therefore, at the fifth stage, which was the new policy set out in the 1939 White Paper in the pages on immigration, which had been discussed by M. Rappard. It was there stated that 75,000 immigrants were to be admitted during the next five years, after which no further Jewish immigration would be permitted without Arab acquiescence. In that connection, M. Rappard had enquired whether, should the economic absorptive capacity not permit of the admission of the whole of the 75,000 immigrants within the next five years, that meant that whatever number below that total had not been admitted would be allowed to enter at the expiry of the period, provided the economic absorptive capacity allowed of that. The answer was in the negative. The undertaking in regard to Arab acquiescence after five years was absolutely definite. That did not mean, as envisaged by His Majesty's Government, any real modification of the principle on which it had been working. It had been working towards the idea that the Jewish population were to be approximately a third of the total, and that expansion beyond that figure by immigration was to require the acquiescence of the

Arab population. Mr. MacDonald felt that the estimate of 75,000 was a generous one in order to bring the Jewish population up to one-third.

M. Rappard, in conceding Mr. MacDonald's point that the author of the 1922 White Paper had said that economic absorptive capacity was not to be the sole criterion, had retorted that the author of that paper had also stated that the point regarding Arab acquiescence was in his view contrary to the mandate. That was a fair and absolutely just comment. Mr. MacDonald was not going to argue with Mr. Churchill, in his absence, on that point but he would only say that he thought that in this matter Mr. Churchill failed in logic. If Mr. Churchill had said that economic absorptive capacity was not the sole criterion but that His Majesty's Government had to take into account other factors which were relevant to what was best for Palestine and for the sincere fulfilment of the establishment of the Jewish National Home, it was a failure in logic to state that His Majesty's Government was not free to make the arrangements it had outlined in the 1939 White Paper.

M. Rappard had proceeded to say that the Mandates Commission would not be honest with itself if it did not recognise, in the light of what it knew of Arab opinion, that the provision regarding Arab acquiescence meant a stoppage of Jewish immigration. But Mr. MacDonald did not think that would be necessarily so. He thought it possible that the contrary would be the case. Of course, the statement that Arab acquiescence would be required was a firm one; the policy would be adhered to strictly. Perhaps for a period at the end of the five years the Arabs would not acquiesce in any bulk immigration of Jews, but he did think that after an interval the Arabs, in their own interests, might well begin to wish to acquiesce in a further immigration of Jewish capital and Jewish citizens. At present, they could not consider the proposition on its merits; they were swayed by the fear of Jewish domination; but if that fear were removed, they would consider the matter more dispassionately.

Nevertheless, importance must obviously be attached to M. Rappard's statement that perhaps the Arabs would never consent to such immigration. That possibility must be recognised. If it were a possibility, was there any justification for putting the Arabs into a position in which they might after that period of five years refuse such immigration for ever? Mr. MacDonald thought that was justifiable under the mandate. He would remind the Commission of what the Chairman had said on the previous day, when he had emphasised that the mandate obviously came within the framework of Article 22 of the Covenant, and there could be no difference of opinion on that. No mandate could be outside Article 22 of the Covenant. What was the framework within which the mandate was set? The most important part was in paragraph 1 of Article 22:

“ To those colonies and territories . . . which are inhabited by peoples not yet able to stand by themselves under the strenuous conditions of the modern world, there should be applied the principle that the well-being and development of such peoples form a sacred trust of civilisation . . . ”

That paragraph covered all the people living in territories under mandate. No one was excluded, and the Arabs in Palestine were described in that paragraph and included under its terms, just as any other people living in a territory under mandate. The mandatory Power was therefore in duty bound to regard their “ well-being and development ” as “ a sacred trust of civilisation ”. “ Well-being ” did not mean only the material or economic well-being of the Arabs of Palestine, whose wages had in many cases undoubtedly improved as a result of the Jewish influx; it did not mean only physical well-being, though he thought it was true that the physical well-being of the Arabs of Palestine had been well looked after by the mandatory Government which, by facilitating Jewish immigration, and the influx of Jewish capital, had increased the revenues of the Administration and made better health services possible.

But the well-being to which paragraph 1 of Article 22 of the Covenant referred did not simply mean material and physical well-being, it meant the physical, mental and moral well-being of the people, and, above all, Mr. MacDonald would have thought, the latter. The mandate system was very much concerned with the moral well-being of all peoples. Surely that term meant that these peoples should be regarded as having an equal moral status with any other people in the world, that they had certain fundamental rights as human beings and as a people. They were equal with the other peoples who came under the mandates system in their possession of certain fundamental rights, and the whole purpose of the mandates system was that those fundamental rights should not be interfered with in the stresses of the modern world, that they should not be injured or destroyed by forces which were materially or physically more powerful than they were. Mr. MacDonald quite agreed that, to some extent, in practice the enjoyment of their fundamental rights by the Arabs of Palestine had been modified by the inclusion in the mandate of another obligation, which was of equal importance with the obligation to protect the rights of the Arabs—namely, the obligation to facilitate the establishment of a Jewish National Home. The Arabs had been making bitterly sincere protests, which had been mentioned by M. Rappard, with regard to Jewish immigration; and the mandatory Power had been interfering with their rights to the point of saying, for instance, in 1933, that there should be 30,000 immigrants, in 1934, 42,000, in 1935, 62,000. That immigration had been insisted on whether the Arabs liked it or not, and the enjoyment of their rights, in practice, had been thereby modified. But Mr. MacDonald did not believe that it was proper, under paragraph 1 of Article 22 of the Covenant, that those fundamental rights should be extinguished altogether. If they were not to be extinguished altogether

there would come a point when their resistance to an immigration which threatened to swamp them economically, socially, culturally and politically in their own country, must be heeded. When that point was reached was a matter for rather arbitrary decision. As he had said before, that arbitrary decision had to be taken first and foremost by the mandatory Power, which had been entrusted with the exceedingly difficult task of administering the mandate in Palestine. Mr. MacDonald stressed that point because it seemed to him of great importance.

The Arabs in Palestine had lived there for centuries ; it was their own country. It was not exclusively their country because the mandate recognised the historical connection of the Jews with Palestine. The mandatory Power gave full weight to that, but it also gave full weight to the fact that the Arab population had been settled in Palestine for generations. If the mandatory Power were not to consider in any way their views as regards the incoming of another people, then he felt that meant that the Arabs of Palestine were excluded from Article 22 of the Covenant. They were deprived of a fundamental right which was enjoyed by every other people in the world except perhaps certain peoples who had had that right taken away from them by acts of aggression. Mr. MacDonald felt that anyone who said that that right was to be completely taken away from the Arabs of Palestine was undertaking a grave responsibility, and stating that the Arabs of Palestine alone did not come under Article 22 of the Covenant. It seemed to him that, if an authority like the Mandates Commission were to concur in that view and were to suggest that the Arabs of Palestine should not have preserved to them their fundamental rights which were supposedly guaranteed under Article 22, that was a very serious matter.

It was for the above reason that His Majesty's Government, through its accredited representative in the statement he had made at the beginning of the present discussion, had said that Article 6 of the mandate had to be read in the light of the spirit of the Covenant, and in the light of those words in paragraph 1 of Article 22 of the Covenant. The spirit was the really important thing. No doubt there was room for some divergence of view as regarded the legal interpretation of this or that word, although Mr. MacDonald did not agree with the views which had been expressed and which tended to narrow the meaning. He believed that the broader meaning, which His Majesty's Government had held to be the proper interpretation, was correct.

Nevertheless, there might be room for some difference of opinion on the legal interpretation ; but there was no room for difference of opinion on what was the spirit of the whole mandate system in regard to this matter. His Majesty's Government attached great importance to the spirit of the mandate system. Moreover, consider for a moment the practical consequences in Palestine of stating that the policy of His Majesty's Government was wrong and that it should be altered, that Jewish immigration should be continued indefinitely regardless of Arab feelings in the matter. Suppose His Majesty's Government had excluded from the 1939 White Paper the provision in regard to Arab acquiescence. The Arabs would then have assumed, as they would have been thoroughly justified in assuming from the history of the past seventeen years, that Jewish immigration was to continue indefinitely quite regardless of their feelings. What would be the consequence of that ? Arab resistance in Palestine would continue and continue indefinitely. If it were suppressed by military action, it would only be driven underground and would appear later.

His Majesty's Government was dealing with a national movement such as it had faced in other parts of the world. It would only be able to suppress it by force and would have continually to oppose this Arab national movement, which would increase in strength, in vigour and in feeling. Military action against the long-established Arab population would be constantly required. Would that practical result of the policy be within the spirit of the mandate ? Mr. MacDonald could not believe that it would. He could not believe that the mandate was intended to provide that, if the national feeling of the Arabs was so strong that they were ready to sacrifice their lives in defence of what they regarded as their liberty in their own country, those Arabs must be crushed by force. He could produce the casualty list of the last three years. It was a grave one, but he would not trouble members of the Commission with the figures. But they should recognise that, in the view of the mandatory Power, which for seventeen years now had had experience in Palestine, the policy which some people were suggesting as an alternative policy definitely meant an endless continuation in Palestine of that physical conflict.

If that were so, there was a second consequence which would ensue, and not only for His Majesty's Government. The mandatory Power, working the mandate with the very helpful interest of the Mandates Commission and of the Council of the League, had been compelled to slay large numbers of Arabs. He was not painting an exaggerated picture, nor was he making these statements in order to bring up debating points or create unnecessary alarm. These were the facts of the situation which had to be faced, and for which they all had responsibility. If they were going to allow that state of affairs to continue in Palestine, then not only were Arabs going to be shot by soldiers, but also, more and more, Arabs and Jews would shoot each other. There would be no security of life or limb for Jewish or Arab inhabitants. There would be a mortal conflict between those two peoples. Indeed, he might add that there would be no security of life or limb for British officials or soldiers, but he would not stress that point. Mr. MacDonald did wish, however, to state in all seriousness that one of the obligations under the mandate was surely to maintain law and order and build up peaceful conditions, so that there was security for Jews and for Arabs, and goodwill between them.

After very careful consideration, His Majesty's Government had reached the conclusion that, in the situation which had arisen in Palestine, there could be no such security unless it adopted a policy on the lines of that laid down in the 1939 White Paper.

The third practical consideration which he wished to put before the Mandates Commission was what would happen outside Palestine if the policy which had been suggested in some quarters with regard to immigration were pursued. It was not necessary to look any farther than Trans-Jordan, which was a mandated territory under Article 22 of the Covenant. The mandatory Power was charged to look after the well-being and development of the Arabs of Trans-Jordan and it was surely relevant that the mandatory Power should, as far as possible, see that a situation did not arise in Palestine which was not only going to create terrible trouble in that country, but which, if it continued, must sooner or later cause very grave disturbances in Trans-Jordan also. It seemed to His Majesty's Government that if it pursued any other policy than the present one it would not only be leaving the population of Palestine in a situation in which peace, order and good government were constantly disturbed, but would also be facing a situation in which similar interference with peace and order would take place in Trans-Jordan.

Mr. MacDonald had put those purely practical considerations before the Mandates Commission because he thought they were relevant. It would be a mistake to interpret the mandate on what he regarded as a too narrow juridical basis. It was of course extremely important to be very conscientious in making up one's mind as to what exactly was the legal interpretation of the mandate, but permeating the whole mandates system was the implication that all sorts of practical considerations had to be taken into account. A spirit presided over the Palestine mandate just as over the whole of the mandates system, and that spirit required that the mandatory Power should save the peoples of Palestine, both Jews and Arabs, as well as the people of other countries beyond, from the evil consequences which might flow from an injudicious policy regarding immigration in Palestine.

At the risk of speaking at too great length Mr. MacDonald would again emphasise one other point. Admittedly, many of the arguments he had just presented were concerned with safeguarding the rights and position of the Arab population. But he had also spoken in his opening statement about safeguarding the Jews, whose lives and limbs were threatened by any other policy than the present one, or would at least be threatened to a greater degree by any other policy. But let the position be considered from the point of view of the Jewish National Home, about which the mandatory Power cared just as much as it did about the rights and position of the Arabs. It had had in mind what was right for the Jewish National Home as much as the position of the Arabs. The credit was largely due to the Jews, but with the assistance of the mandatory Power a Jewish National Home had been established which was strong and vigorous and which, given peaceful conditions, would steadily develop as the years went by.

The mandatory Power had been charged by Article 2 of the mandate to create such political, administrative and economic conditions in Palestine as would secure the establishment of the Jewish National Home. He did not think that it would be carrying out the mandate in the spirit of the mandate itself, or in the spirit of the obligation which M. van Asbeck had said was the primary obligation and which was in any case at least on an equal footing with the obligation to the Arabs, if it recklessly pursued a policy with regard to immigration which would make the non-Jewish population inside and outside Palestine hostile to the Jewish National Home. That again was a very practical, relevant consideration. If any other policy than the present one were pursued with regard to immigration, the political hostility of the Arabs in Palestine, and beyond, to the Jewish National Home would steadily increase, and, unless the mandatory Power was prepared continually to keep a large army in Palestine, there would be constant political threats to the Jewish National Home. Mr. MacDonald did not think that the mandate intended that the Jewish National Home should be secured by the maintenance of such a large armed force in the country.

Even more vulnerable was the economic position of the Jewish National Home. It was largely dependent on its secondary industries, which were protected by tariffs. Those industries needed something more than protective tariffs, however, if they were to flourish; they needed markets, and the market on which they absolutely depended was furnished by the population of Palestine, including the Arabs, and the population beyond Palestine which was almost entirely Arab. It would be the easiest thing in the world for those people, if their feelings were continually deeply offended, to put a boycott on Jewish goods. They were, in some ways, a very simple people accustomed to a comparatively low standard of life and they did not seem particularly anxious to enjoy a higher standard of life. Consequently, they would not undergo any great hardship in putting an economic boycott on Jewish goods. This would very severely threaten the economic security of the Jewish National Home.

The question was obviously very difficult; all sorts of considerations had to be balanced one against the other, and the arguments were powerful on both sides. A balance had to be sought between these conflicting arguments and, on the whole, His Majesty's Government would say that the policy it was now proposing was within the spirit of the mandates system, and that any other policy would be in danger of being in conflict with that spirit. His Majesty's Government further believed that that policy was in accordance with its obligation to safeguard the rights and position of the Arab population of Palestine, while being, at the same time, the policy best calculated to serve the other obligation to secure the political and economic position of the Jewish National Home.

Unless some degree of reconciliation and co-operation could be achieved between the Arabs and the Jews in the Near East, there would be constant trouble and conflict and continual threats to the well-being of the Arabs and Jews alike. The policy of His Majesty's Government was a bid to obtain that friendship and co-operation, and Mr. MacDonald did not believe that any other policy had a chance of doing anything but prolong the grave state of affairs which had troubled Palestine for three years.

Mlle. DANNEVIG appreciated the eloquence of the accredited representative's speech, with which she was in many respects in agreement, and wished it were possible for it to be broadcast, because she thought it was the most vigorous appeal that could have been made for the advantages of the mandates system. She was aware that there was a party in the British Parliament which was advocating that all colonies ought to be put under international control and thought that the accredited representative had really been advocating that policy in his speech.

Unfortunately, in the present case, the arguments were only applied to the Arab population of Palestine, whose interests were in conflict with promises solemnly made to the Jewish people, who were in the greatest distress because of the persecutions they were suffering in many parts of Europe. The accredited representative had presented the case for the Arabs. Of course he had also said something from the point of view of the Jews. To her, the essential thing was that the Jews had been invited to go to Palestine. They were to be helped to create a National Home where they had a right to be, and were not on sufferance. By the mandate, which was approved by the Council of the League of Nations, the Mandatory undertook to facilitate Jewish immigration under suitable conditions and to encourage close settlement by Jews on the land. Did the accredited representative think that the Jews would have gone to Palestine in such large numbers—300,000 in fifteen years—if they had known that after twenty-two years their immigration was to be stopped and made dependent on Arab agreement? The position could now be stated that, according to the White Paper, permission to immigrate must in future be dependent on whether or not such immigration would be of advantage to the Arab population in Palestine. There was a danger, in other words, that the energy, talents and capital of the Jewish people in Palestine would be put under the influence of, and placed at the disposal of an Arab majority. What had been the mentality of those Arabs and their attitude to the Jews was shown clearly in the annual report. Was there any certainty that the attitude of the future Arab majority would be changed?

Mlle. Dannevig wished to ask the accredited representative the following question: on what provision of the mandate did the mandatory Power base its decision to restrict the Jewish population of Palestine to one-third of the total population?

The accredited representative had said that His Majesty's Government was not obliged to consult the Arabs on any questions other than the economic absorptive capacity of Palestine. It seemed to her that the Government had already consulted the Arabs on a great many other questions during the Conferences in London. Those conferences had been intended to be round-table Conferences, but she was under the impression that they had in fact become consultations by the Government with the Arabs on one side and the Jews on the other. She could not avoid the impression that the claims of the Arabs had had the ear of the Government more than the claims of the Jews. The Government claimed to be looking after the interests of the Jews by the 1939 White Paper policy. There were, of course, many dangers threatening the Jews in Palestine, but she gathered that they were ready to face those dangers and were not afraid of going to Palestine in spite of them provided their rights under the mandate were safeguarded, so that they were not placed under an Arab majority. Was it the intention of the Government in future to consult the Arabs only on economic questions?

Mr. MACDONALD thanked Mlle. Dannevig for her appreciation of his observations. She had said that he had very forcibly presented the case for the Arabs and implied that he had accordingly neglected the Jewish case. He did not in the least complain of that criticism. He was conscious all the time that he was emphasising the Arab case, and was afraid that that was in the nature of the situation which had arisen. He had himself stated earlier that the moment had arrived when the emphasis must be shifted from the obligation to build up a Jewish National Home and placed rather on the obligation to save from prejudice the rights and position of the Arabs. It was therefore natural that at such a time, when more attention than hitherto was being paid to the Arab case, criticism should come from the Jewish side. Replies to such criticism naturally concerned themselves mostly with emphasising the obligation to the Arabs. Mr. MacDonald wished to assure Mlle. Dannevig that that did not mean that His Majesty's Government was not ready to be equally vigorous in defending its obligation to the Jews, and if she had been present at the London discussions she would have seen that the Government had been very vigorous in defending, to the Arab representatives, the obligation to the Jews in Palestine.

Mlle. Dannevig thought that the present policy was in conflict with the obligation to the Jews. Mr. MacDonald could only say that he did not agree with that. He believed, on the contrary, that the policy was in conformity with the obligation to establish securely a Jewish National Home in Palestine. It was not, however, an obligation to make Palestine a Jewish National Home, but to establish that National Home in Palestine, and he believed that the present policy was in the best interests of the Jewish National Home itself in the circumstances which had arisen.

Mlle. Dannevig had asked on what paragraphs in the mandate the mandatory Power based its decision to limit Jewish immigration to one-third of the total population and required Arab acquiescence in further immigration after that point had been reached. That decision was based on the mandatory Power's interpretation of the words "rights and position" in Article 6 and of the words "civil and religious rights" in the preamble of the mandate. That interpretation had been very much influenced by a study of Article 22 of the Covenant. Mlle. Dannevig had also asked what was the virtue of fixing the proportion at one-third. That was an arbitrary decision. It was necessarily arbitrary, and would have been so had it been fixed at one-quarter or one-half, or any other fraction. The figure of one-third had been concluded to represent a fair proportion in the light of what was required by the rights and position of the Arabs.

Further, Mlle. Dannevig had asked if the mandatory Power was only going to consult with the Arabs on the question of economic absorptive capacity and how he reconciled that statement with the fact that the Arabs had already been consulted on political questions. What he had intended when he said that His Majesty's Government was only going to consult the Arabs on the question of economic absorptive capacity was that it was only going to consult them on that aspect of the immigration question when fixing quotas during the next five-year period. He had not meant to exclude the possibility of consulting them on other questions which might affect the Arabs in Palestine, and, indeed, in the White Paper, it was proposed to invite Arabs and Jews to be members of the Executive Council where, of course, all sorts of matters would be discussed.

The last word in all these questions would rest with the High Commissioner, who would naturally be guided in all his decisions by the obligation to secure the position of the Jewish National Home and would never allow Arab views on political matters to influence him in the direction of undermining its security.

Lord HANKEY said it had been questioned, in the course of the discussion, whether consultation with the Arabs even during the first five years was, strictly speaking, in conformity with the mandate. He wished to ask the accredited representative whether he did not think that consultation was really the essence of successful government. In Great Britain, for instance, it was notorious that the Chancellor of the Exchequer consulted all sorts of interests before finally settling his budget, and the same thing applied when many other measures were being prepared for Parliament. If the mandate were to be held to interfere with the right of consultation—not necessarily with the Arabs, but perhaps with particular interests such as labour organisations or certain industries—would it not amount almost to a negation of efficient government?

Mr. MACDONALD agreed with Lord Hankey that consultation was a very important part of good government, particularly in the case of a people which had not self-government. It seemed to him that the Arabs would have grievances if they were not consulted on a matter of such importance to them. A good part of their grievances would be removed if they were consulted. It was more than a matter of mere tact. Mr. MacDonald would remind the Mandates Commission that consultation was not a new proposal. As early as 1923, Mr. Winston Churchill had proposed a much more ambitious project—namely, the creation of an Arab Agency to balance the Jewish Agency in Palestine affairs. That proposal had never come into effect because the Arabs had been opposed to it, but Mr. MacDonald did not think that it was ever said at the time that that proposal would have been contrary to the provisions of the mandate.

SIXTEENTH MEETING

Held on Saturday, June 17th, 1939, at 3.30 p.m.

Palestine : Policy laid down by the United Kingdom Government in the Document entitled "Palestine—Statement of Policy" of May 1939 (continuation) : General Discussion (continuation) : Immigration (continuation) : Land : Constitution.

The Right Honourable Malcolm MacDonald, Sir Grattan Bushe and Mr. Downie, accompanied by Mr. Moody and Mr. Kirkbride, came to the table of the Commission.

Lord HANKEY asked whether he was right in making the following assumptions. The first was that the 1939 White Paper stood as a whole, its various sections being complementary one to the other. The second was that the whole plan was conditioned by the ultimate aim of terminating the mandate, if possible in ten years, and establishing an independent State in Palestine. The third assumption was that an essential part of any policy designed to bring the Palestine mandate to an end must be an interval for adjustment.

Lastly, he assumed that the ten years covered by the immigration period, which was divided into two parts, were intended as an interval for readjustment of the immigration problem.

Mr. MACDONALD replied that the answer to Lord Hankey's first assumption was in the affirmative.

On the second point, the whole policy was conditioned by the aim of terminating the mandate and establishing an independent State. Self-government was the basic aim sought to be attained sooner or later in any territories or colonies for which His Majesty's Government was responsible, whether under mandate or not.

As to the third assumption of Lord Hankey, an essential part of the policy was a transition period during which the peoples concerned would gradually be trained in the highly important functions of government, and it was equally essential that the period should be reasonably protracted.

As to whether the ten-year period was intended as an interval for readjustment with regard to immigration, he explained that there would, first of all, be a five-year period of restricted immigration controlled by the mandatory Power irrespective of the views of the Arab population. Next would come a five-year period during which the Mandatory would still exercise authority in Palestine but its power in that respect would only be that of persuasion. Lastly, there would come a time when the people of Palestine would themselves decide those matters independently of the mandatory Power. His Majesty's Government had deliberately designed those stages of an evolution in the method of dealing with immigration.

Lord HANKEY asked whether the procedure adopted by the High Commissioner during the first five-year period would be identical with the existing procedure, with the addition of consultation with the Arabs. Presumably, the High Commissioner, with whom rested the initiative, would consult the Jewish Agency on immigration questions as previously, then the Arabs, and finally submit his recommendations to the Secretary of State.

Mr. MACDONALD agreed. The only difference would be the formal consultation of Arab opinion. There might even be a return to the six-monthly period for immigration quotas.

Lord HANKEY inferred further that, during the second five-year period, the procedure would be the same; the initiative would still lie with the High Commissioner who would approach the Jewish Agency and the Arabs. If the latter finally refused acquiescence, the proposals would have to be dropped.

Mr. MACDONALD said that the procedure would at any rate be similar. There would be consultation with both sides, but, unless Arab acquiescence was forthcoming, no immigration could take place.

Lord HANKEY concluded from the replies given that the last five-year period was an indispensable part of the proposals and one the decision on which could not be postponed.

Mr. MACDONALD agreed that it had a very important bearing on the immigration problem. It was the period during which the mandatory Power would still wield full authority and could exert all its powers of persuasion. His Majesty's Government felt that the second period was an important stage which it would be a very great mistake to omit.

Lord HANKEY asked if the figure of 10,000 immigrants per annum included persons with capital who, he understood, were excluded from the present quotas under the criterion of economic absorptive capacity.

Mr. MACDONALD replied that for some time past all the categories had been included in the quota. The figure of 10,000 included capitalists, dependent persons, students, workmen and all the categories at present admitted.

M. RAPPARD supposed that it was not intended that students who came to Palestine to study and who left at the end of their course should be counted as ordinary immigrants, as otherwise the progress of Jerusalem University would be inevitably checked.

Mr. MACDONALD said that, during the five-year period, particular attention would have to be paid to the fact that some immigrants came to study and then remained on in the country as permanent residents. If, of course, they came in only for a course of study they would not be included in the quota.

M. VAN ASBECK reverted to the question of consultation with the Arabs. What Arab organisation could be consulted on the very difficult question of economic absorptive capacity? Were the Arabs equipped for such consultations, and from what circles or associations would their representatives be chosen?

Mr. MACDONALD replied that the matter was one primarily for the Arabs themselves. The High Commissioner might consult their representatives on the Executive Council or, perhaps with other persons specially chosen for such consultations, who would equip themselves with information about the state of employment, industry, etc., in different parts of the country.

M. VAN ASBECK referred to the question of forcible opposition to the mandatory Power. He understood that Arab patriotism could not be forcibly suppressed. Was it not likely, however, that force might have to be used against the Jews if concessions were made to Arab patriotism to the extent suggested? The White Paper stated that His Majesty's Government was determined to check illegal immigration. Would there not be enormous pressure from the Jewish side once legal immigration was restricted or stopped?

Mr. MACDONALD appreciated that Arab patriotism would be balanced by Jewish patriotism. For that reason, His Majesty's Government had tried, it believed with success, to produce a policy which, in rather difficult conditions, was just as between the natural aspirations of both peoples. Possibly Arab patriotism might be dissatisfied with the policy, but, having made up its mind, His Majesty's Government would, as hitherto, take whatever measures were necessary to deal with violence from that side. It would have to take similar action if the Jews also adopted violent methods of protest.

Usually, in such cases, one had to deal only with one class of patriots, but in Palestine the problem was extraordinarily complicated by the fact that the nationalist sentiments of both peoples had been worked up to a very high pitch. As M. van Asbeck had suggested, Jewish patriotism might reflect itself in an intensification of illegal immigration. In that case, the mandatory Power would have no alternative but to apply the ordinary immigration laws against illegal immigrants, whether entering across the land boundary or from the sea. In the former case, immigration was usually due to the collusion of the Arabs, as the leaders of the latter had been reminded. The land frontier could not always be absolutely efficiently patrolled, but the Tegart fence along the northern frontier now made it easier to check illegal immigration there. With regard to the sea frontier, this was at present being patrolled by the navy, but a special coast patrol force was now being organised and equipped.

M. VAN ASBECK did not think that illegal immigration into other countries could be placed wholly on the same footing as "illegal immigration" of Jews into Palestine. The Jewish illegal immigrants were people whose historical connection with Palestine had been openly recognised. In that connection, he would like to know the Secretary of State's opinion on the question whether the word "acquiesce" used in the 1939 White Paper (paragraph 14, subparagraph (3)) was really appropriate, seeing that the rather similar expression "sufferance" had been rejected in the Churchill White Paper.

Mr. MACDONALD doubted whether the analogy between illegal Jewish immigrants into Palestine and illegal immigrants into, say, the United Kingdom was really a false one. His Majesty's Government had never taken the view that Jews seeking to enter Palestine illegally had a right to do so. He knew, of course, that many people claimed that the mandate gave all the sixteen million Jews in the world a right to settle in the National Home in Palestine, whether they exercised it or not. His Majesty's Government had, however, always resisted that view. The 1922 White Paper was very carefully drafted so as not to admit any automatic right on the part of any Jew outside Palestine to settle in the National Home. It did admit that Jews who were there already or who legally entered the country under the immigration ordinances were there "as of right". He did not think that the 1939 White Paper provision calling for Arab acquiescence in further Jewish immigration after five years in any way affected the essential fact that any Jews already legally in the country were, and would continue to be, recognised by the mandate as being there of right.

M. VAN ASBECK asked if it was to be believed that a further fifty thousand Jews would be willing to go to a country where their prospects were being whittled down and where they might have the same feeling of living in a ghetto as in the countries which they had left. Would not such a feeling stultify one of the main aims of the Balfour Declaration and of the mandate?

Mr. MACDONALD in reply to M. van Asbeck's first question, said that the Jewish Agency in Jerusalem was being consulted regarding the quota for the current six-monthly period, which would be a fairly large one after allowing for illegal immigrants. The Agency had no doubt that it could fill the quota, which fact partly disposed of M. van Asbeck's other question.

Much had been heard about another ghetto being created in Palestine, but such propaganda, though perhaps natural in the circumstances, was quite unfounded. The Jews knew quite well that Palestine would not become another ghetto, as was proved by the fact that 75,000 Jewish immigrants would certainly be forthcoming if the country's economic absorptive capacity allowed of their reception. Their status would be that of a self-respecting community holding equal rights with any other community in Palestine.

Mlle. DANNEVIG agreed with M. van Asbeck that illegal immigration into Palestine bore quite a different aspect from illegal immigration into any other country in the world because of the stipulation in Article 6 of the mandate and of the peculiarly difficult situation of the Jews. It was heartbreaking to think of the miserable Jewish refugees who, according to recent reports, had been driven away from their homes and led to believe that they would be admitted to Palestine and who were undergoing great sufferings on board ill-fitted vessels in the Mediterranean. Did the United Kingdom Government propose to take any measures to alleviate, as soon as possible, the sufferings of those unfortunate people?

Mr. MacDonald seemed unjustifiably optimistic regarding the attitude of the Jews towards immigration restrictions. The Jews, she held, were fighting for their lives, whereas the Arabs were fighting only for their political rights and national prestige. Should the question not be looked at from that point of view?

Mr. MACDONALD said it was largely because the United Kingdom Government had the deepest sympathy for the refugees both in Central Europe and elsewhere, and deplored the conditions referred to by Mlle. Dannevig that it had decided that 75,000 more Jews should go to Palestine during the next five years. During that period, international efforts would be made to organise a general settlement of refugees and a large proportion of the 75,000 immigrants to be admitted to Palestine would be Jewish refugees.

Mlle. DANNEVIG asked how soon the refugees she had referred to could begin to enter Palestine.

Mr. MACDONALD replied that refugees were constantly being admitted to Palestine under the ordinary quota and as a result of consultations with the Jewish Agency the quota for the next six months would doubtless contain a very large proportion of refugees.

Some of the illegal immigrants referred to by Mlle. Dannevig were already being allowed to enter against the current quota, after first passing through quarantine. They had been served with deportation orders but, as many of them could not be deported, their numbers would be deducted from the quota.

The United Kingdom Government had great sympathy with, but could not really accept responsibility for, the refugees in question. A most unhappy traffic was being carried on, partly by individuals who simply exploited the misery of the refugees, charged them enormous fares and undertook to land them in Palestine though they knew they would probably be unable to do so. Moreover, they were not all refugees from Germany and Czecho-Slovakia; many came from Poland and Roumania and were not refugees at all. If the United Kingdom Government allowed ships to disembark passengers illegally in Palestine with impunity, it would create before long a very grave situation.

Mlle. DANNEVIG asked whether differential treatment should not be given to Jews, such as those from Danzig, who had been forced to emigrate to Palestine. Was it the Jewish Agency which laid down who were the persons allowed to enter Palestine as legal immigrants?

Mr. MACDONALD replied that the immigration quota was decided upon after joint consultation, and certificates were then issued to the Jewish Agency which made its own selection of certain categories.

M. RAPPARD wished to ask three questions.

He understood from paragraph 14, sub-paragraph (1), of the 1939 White Paper that the new arrangement was to come into force in April 1939. Under this arrangement, the United Kingdom Government bound itself to consult the Arabs about immigration. How could that be done before the recognition of any body representative of the Arabs?

Nothing had been said about regulating Arab immigration. If, however, the proportion of two to one was to be maintained, there must be some intention to limit the immigration of Arabs.

M. Rappard's third point was a general one. Paragraph 15 of the White Paper stated that, in the second five-year period, His Majesty's Government felt it would not be justified in facilitating further Jewish immigration. Yet the same Government claimed that the mandate, by which it was compelled to facilitate immigration, was still in force. That was surely a serious inconsistency. The new policy had been admirably expounded and might be fully justifiable under other circumstances, but the Commission's duty was not to judge the policy, but to judge the application of the mandate. The new policy seemed to M. Rappard to involve a complete departure from the provisions of the mandate.

Mr. MACDONALD confirmed that the new system would begin to operate as from April 1939. There had been no consultation of the Arabs, as under present conditions there was no representative Arab body in Palestine to consult. The statement was a general one made on the assumption that there would be Jewish representatives and Arab representatives available for consultation.

In reply to M. Rappard's second question, he said that the immigration of Arabs had always been regulated by the ordinary immigration laws and quotas. The quota applied almost entirely to Jewish immigrants. Out of a quota of 7,000, say, for a six-month period, normally something like 6,600 might be Jews and 400 non-Jews—that was to say, Arabs and other nationalities. There was, he agreed, some illegal immigration of Arabs over the land frontier, but the same measures were taken against it as against illegal Jewish immigration.

In reply to M. Rappard's third question, Mr. MacDonald agreed that if the statement had read simply that, after the five-year period, the Government would not be justified in facilitating, or under any obligation to facilitate, Jewish immigration, it would be contrary to the undertaking in the mandate, even though that undertaking were qualified by the very important proviso that there should be no prejudice done to the rights and position of the non-Jewish population. But M. Rappard had not quoted the sentence in full; it ended with the words: "regardless of the wishes of the Arab population". His Majesty's Government had come to the conclusion that after another five years the rights and position of the Arabs would be unduly prejudiced if immigration were continued contrary to their strongly expressed wishes.

M. RAPPARD concluded that immigration from 1922 to 1945 was regarded as not having prejudiced the rights and position of the Arab population, whereas from 1945 onwards it would do so. That, he thought, was a highly artificial distinction. Had he been asked whether, under Article 6 of the mandate, the Palestine Administration was obliged to facilitate immigration indefinitely, he would have replied—no, only so long as the mandate was in force. So long, however, as the mandate was in force, its obligations continued to bind the mandatory Power. He failed to see how the present Jewish population, with 75,000 more added, would have any decisive effect on the rights and position of the other sections. If those rights had been jeopardised at all, the harm would have been done not as from 1945 onwards but from the very start.

Mr. MACDONALD thought that equal weight must be attached to both parts of the mandate obligation. The absolute rights of the Arab population had already been prejudiced, though not to the point of extinction. The question was when did the danger of such extinction arise and on that practical point a rather arbitrary decision had to be taken. The mandatory Power was possibly the best judge of when it had arisen in Palestine.

COUNT DE PENHA GARCIA recalled that Article 6 of the mandate laid on the Administration the duty of encouraging the close settlement by Jews on the land, provided the rights and position of other sections of the population were not prejudiced. How had that article been applied in the past? It appeared that, at the outset, certain important Arab landowners, resident for the most part in Syria, had sold their lands to the Jews, doubtless at attractive prices. The fellahin who actually worked the land had had few rights and were therefore probably not placed under any disadvantage by the transfer. Since then, the Administration had intervened and imposed various restrictions on the purchase of land. The Commission was now told that, as in the case of immigration, the position of the Arabs as regards land had steadily deteriorated and that as the Jews had now acquired a considerable part of the best land, more strict legislation would have to be introduced.

According to the White Paper and the annual reports, an Arab required on the average much more land on which to live than a Jew, as Jewish land was better and more intensively cultivated. Economically speaking, therefore, it would be preferable to have Jewish settlers who cultivated more intensively and also employed more labour. In addition, the volume of production was very important to the country as a whole. Some countries had had to introduce laws to compel owners who allowed their land to lie fallow either to sell it or cultivate it themselves.

Bearing all these considerations in mind, it would seem that the new policy suggested might not be very advantageous to the Arabs and it would also impoverish Palestine. The policy,

Count de Penha Garcia must admit, was not very clearly defined. The High Commissioner apparently would still be able to grant the right to acquire land or not according to circumstances, but if Jews were really precluded from buying further land, that would affect them more seriously than the proposed restrictions on immigration.

Further, some of the land in Palestine was at present unproductive, and much improvement work—for example, drainage, well-boring—had still to be carried out. Did the mandatory Power contemplate undertaking such development work itself or would it be left to private individuals—Jews or Arabs? In the former case, the problem would perhaps be simpler, but if development were left to private individuals, what policy would be followed? Surely persons prepared to invest capital in land development might expect to have some right of pre-emption?

Mr. MACDONALD was inclined to agree with Count de Penha Garcia's comment that, if the new policy proposed prevented Jews from buying further land, it would be an even more serious matter from the Jewish point of view than the immigration restrictions. There was, however, no intention of creating such a situation. The mandatory Power's intention was to divide Palestine into areas. In some areas, sales of land would be prohibited, but in two other kinds of area such sales would be possible. In the first of these, land transfers would be controlled or restricted, whoever the parties, by the High Commissioner, but there would be no absolute prohibition of Jewish purchases. In the second, however, there would be no control and Jews could certainly acquire land if the Arab owners were disposed to sell. There was thus no question of creating a situation in which Jews would be unable to acquire further land.

Mr. MacDonald agreed also with Count de Penha Garcia's observation that Arabs generally required more land than Jews, because their methods of cultivation were extensive. The Government recognised that the Jewish intensive form of cultivation was in many cases the sounder method economically. It was part of the Administration's policy gradually to replace the extensive Arab method by intensive cultivation wherever possible and thus make room for more settlers.

Finally, as to the question of responsibility for land development, the policy would not be rigid but elastic. Hitherto, the Government itself had assumed much expenditure in connection with waste land improvement, settlement and drainage schemes. In future, it might pursue the same policy or it might decide that the development of waste lands would be more appropriately left to private enterprise. The Negeb, for instance, was an area which the Government would have liked to see developed. It had indeed been financing boring operations in that area during the last two years, but, unfortunately practically none of the nineteen bores sunk had yielded satisfactory results. In general, it was an open question whether the Government itself would undertake improvement work or leave it to private enterprise.

COUNT DE PENHA GARCIA welcomed the explanation given by the Secretary of State for the Colonies of the interpretation to be placed on the double obligation imposed by Article 6 of the mandate. He inferred that the mandatory Power would endeavour to hold a balance between the two parties and, while putting the best possible interpretation on the phrase "encouragement of close settlement by Jews on the land", would safeguard also Arab interests.

As a safeguard against the possible abuse by the Jews of their stronger financial position in the matter of land purchase, it was understood that the final say would lie with the High Commissioner, whose decisions would be based also upon economic considerations—that was to say, the situation of the lands and the character of the populations concerned.

The mandatory Power's land policy should be directed to reconciling the interests of Jews and Arabs—for example, by preventing too much inter-penetration of Arabs and Jews and promoting exchanges to that end. Presumably, the High Commissioner would be responsible for enacting the legislation that would implement the mandatory Power's policy with regard to land. The annual reports would thus give the Mandates Commission an opportunity of seeing how far the High Commissioner was safeguarding the interests of both Jews and Arabs. An even more paramount interest, however, was the general welfare of the territory under mandate itself, which, to his mind, took precedence of the interests of either Arabs or Jews.

Mr. MACDONALD confirmed in reply that the High Commissioner would be responsible for enacting the necessary legislation on the subject. His policy and actions would be described in the annual reports, and could thus be examined at the meetings of the Mandates Commission.

Further, under the legislation thus enacted, it would be the High Commissioner who finally decided the actual details of policy, doubtless in consultation with his advisers and other persons, including Jews and Arabs.

On the question of the amount of land required to support a particular population in a particular area, the High Commissioner would, doubtless, be guided very largely by purely economic considerations. Mr. MacDonald observed, however, that Count de Penha Garcia had himself suggested that, in order to secure good relations between the two peoples in Palestine,

it might be politically advisable to avoid too much penetration of isolated Jewish communities in Arab areas and *vice versa*. That was certainly a consideration which, though secondary to the economic, could not be ruled out completely, and he agreed that, in order to reconcile those two considerations, transfers might be very desirable in some cases, always provided that racial and other susceptibilities were not offended.

M. GIRAUD noted, with regard to the White Paper, that the general powers conferred upon the High Commissioner to prohibit and regulate transfers of land would date from the publication of this document. Might it be taken, then, that those powers were already held by the High Commissioner ?

Mr. MACDONALD said that the Order-in-Council had already been published in Palestine and had taken effect. Under it, the High Commissioner had received power to make regulations which could be retrospective to the date of publication of the White Paper, but none had yet been issued. Draft regulations were being prepared and, he understood, would be received in London in the course of the next fortnight or so.

M. VAN ASBECK asked if, before being issued, the regulations had to be approved by the mandatory Power.

Mr. MACDONALD replied that they did not formally require such approval, but that they would be referred to the mandatory Power for examination.

The CHAIRMAN inferred that this was a case of a *fait accompli*. If so, what was the practical significance of the present exchange of views ? Was the United Kingdom Government likely to change its attitude on the land question generally or on the prohibition and limitation, in certain cases, of sales of land if the organs in Geneva did not approve that attitude ? The question was, of course, purely hypothetical.

Mr. MACDONALD agreed that the policy had already been put into operation in so far as powers had been given to the High Commissioner, though the latter had not yet issued an Order-in-Council for its practical enforcement. Similarly the country had not yet been divided into prohibited, restricted or free areas. His Majesty's Government did not consider this *fait accompli* a breach of the mandate as it was in strict conformity with Article 6, and no objection on the part of the Commission was anticipated. Paragraph 15 of the White Paper was couched in rather general terms and omitted much detail ; that was why he thought the discussion was useful : the Commission might wish more detailed information. Mr. MacDonald was fully prepared to continue the discussion and answer to the best of his ability the Commission's requests for further information.

M. RAPPARD asked first why such rather extraordinary haste had been shown. Was it feared that certain operations which had taken place or which were contemplated might prejudice the future situation ?

His second question related to the meaning of paragraphs 16 and 17 of the White Paper. Paragraph 16 stated that the High Commissioner would be given powers to prohibit and regulate transfers of land, which he would retain throughout the transitional period. What was the significance of the statement according to which the High Commissioner would have power also to rescind certain of his previous orders ?

M. Rappard's third question related to the Negeb, to which no reference, apparently, was made in the annual report. The Negeb was a very large area with no legal owner. If it could be made inhabitable, it would tremendously ease the problem for everybody. Were the negative results of the first borings considered final and was there still a hope that water might be found, and would the results be made public ? He asked that question in connection with certain facilities for investigations which had been asked for by a group under Mr. Anthony Rothschild.

The Woodhead report had suggested turning over part of the Negeb area to a Jewish chartered development company. Had anything come of that suggestion ? If not, what objections had been made to it ?

Mr. MACDONALD replied that there had been no undue haste in going ahead with the policy, but the Government had received several warnings about the danger of delay in this matter, first in the 1930 report, then in that of the Peel Commission in 1937, and lastly by the Woodhead Commission in November 1938. His Majesty's Government, therefore, thought it important to give the High Commissioner immediate powers, and to make those powers retrospective in order to forestall anticipatory purchases of land.

The powers of the High Commissioner under paragraphs 16 and 17 of the White Paper would apply throughout the whole transition period—that was to say, until the establishment

of an independent State, which might be less or more than ten years. As paragraph 17 seemed to be the source of some confusion, he would explain exactly what His Majesty's Government had in mind. The High Commissioner might issue a regulation under the Order-in-Council, for instance, directing that area A would be an area subject to prohibition. After that had been enforced for some time, the Arabs, say, might find it possible to change from extensive to intensive cultivation and thus require less land for their livelihood. In such a case, the High Commissioner could either decide that the surplus land thus created was still needed for the normal expansion of the Arab population in that area or that it was sufficient to permit of Jewish settlement. Under paragraph 17, therefore, the High Commissioner could modify the regulations and change it from a prohibited to, say, a restricted area. Similarly, he could decide that an area which had been for some time restricted might become a free area as a result of improved methods of cultivation.

In reply to M. Rappard's third question, Mr. MacDonald agreed that the Negeb was a large, mainly ownerless, area, though Bedouin tribes had certain grazing rights in some sections. If that area could be developed and made habitable, it would certainly be a tremendous relief to everybody. In its desire to leave no possibilities unexplored, the United Kingdom Government had made some nineteen experimental bores, but with very disappointing results. In only one or two bores was any water discovered, and then, if he recollected aright, in no very encouraging quantity. The Government's pessimism, he believed, was shared by some Jewish authorities also, who had accordingly abandoned the idea of buying land in the Beersheba area.

There was no objection to Mr. Rothschild's group or a Jewish development company exploring the possibilities further. Any such applications would be considered strictly on their merits.

Mlle. DANNEVIG asked if it was not a fact that many centuries ago there were large towns in the Negeb with a numerous population, and that certain Jewish prospectors believed they could locate water but were afraid of giving information which might lead to the price of the land being raised.

Mr. MACDONALD believed that the experts were still divided on the point raised by Mlle. Dannevig. The widely distributed borings conducted by the Government had been based on a scientific geological and geophysical survey, and the Government was satisfied that, unless fresh information came to hand, the possibilities had been thoroughly examined. His reply also disposed of the concluding suggestion in Mlle. Dannevig's query.

The CHAIRMAN noted Mr. MacDonald's remark that steps had been taken to prevent a rush for land. But any sale postulated both a seller and a purchaser. Was the anticipated rush that of the Arab seller or of the Jewish purchaser ?

Mr. MACDONALD agreed that the rush would necessarily have been mutual. But the fact that an Arab was willing to sell his land did not mean that he was a good judge of his own people's interests. Good prices often tempted them to sell land which was really essential for themselves or their dependents, and the proceeds might then be squandered. It had, therefore, been felt necessary to give the High Commissioner retrospective powers so that neither purchasers nor vendors should do wrong to the population as a whole.

M. VAN ASBECK referred to a calculation of the comparative density of the Arab population in Palestine mentioned in the petition from Djamal Hussein, dated June 12th, 1939. Was that calculation too rough and ready a way of representing the alleged congestion of the Arabs ?

Mr. MACDONALD thought the criticism justified. Too much importance was attached to mathematical averages and too little to various other considerations. He drew attention, nevertheless, to the reference to this subject in the Woodhead Commission's report (paragraph 45, page 29) : " Making every allowance for the roughness of our method of calculation, it is apparent that the average holding of 50 or 58 dunums at which we have arrived is far below what the Director of Agriculture would regard as a reasonable ' lot viable ' for a parcel of land so divided between several categories."

Although the figure in the petition had been arrived at by rather rough and ready methods, it did give an average which was regarded by the Palestine authorities as below the normal required.

M. VAN ASBECK, referring to paragraph 17 of the White Paper, assumed that a possible solution would be, as the accredited representative had suggested, a more intensive system of cultivation, the adoption of mixed farming, utilisation of Jewish resources and technical skill. Had the Palestine Administration worked out any general plan for introducing more intensive cultivation and thus facilitating the settlement of larger numbers of people on the

land? In that connection, he noted from a memorandum submitted by the Jewish Agency that five dunums of vegetables gave a yield equal to that from three dunums of citrus fruit and 100 dunums of cereals.

Mr. MACDONALD said the general policy of the Administration was to develop land and improve agricultural methods as far as possible. In some areas that policy was being actively pursued; and plans existed for other areas; in many places it would be superfluous, but the policy of development would be pursued wherever possible. Much depended on whether new areas of workable land could be found, and irrigation schemes also took time to develop. A further problem was that of markets, in which direction development would necessarily be comparatively slow. While that slow development was proceeding, the Arab population was steadily increasing, and this was a factor which the Administration had to keep in mind.

M. VAN ASBECK asked if the Arab population was willing to accept such a modern development policy. The Royal Commission had expressed doubts.

Mr. MACDONALD replied that, in general, the Arabs were rather conservative, but they had, in a number of cases, shown themselves willing to accept the policy of more intensive cultivation recommended by the Administration. He asked Mr. Moody to give information on that point.

Mr. MOODY said that, as reported in 1937, the Administration had been issuing loans for the development of farms in the hills and that the registrar of co-operative societies had created and developed quite a large number of co-operative societies amongst the Arabs. In general, the answer to M. van Asbeck's question was that the Arab population in the hills was quite willing to undertake development if they received encouragement.

Mlle. DANNEVIG asked if any plans had been worked out for delimiting the various areas in which different categories of land transactions would be permitted.

Mr. MACDONALD repeated that the High Commissioner was now drafting the detailed regulations on that, among other, subjects.

Mlle. DANNEVIG reverted to her previous question as to what was the basis of the great optimism shown concerning the reaction of the Jews to the immigration and land provisions proposed in the White Paper.

If the situation developed in such a desperate way that the Jews not only offered passive resistance but, following the Arab example, began a campaign of terrorism, would His Majesty's Government feel bound, as in the case of the Arabs, to yield to such pressure in order to spare the mental and moral feelings of the Jewish inhabitants?

Mr. MACDONALD had not intended to seem over optimistic, as his references to the difficulties in connection with illegal immigration showed. The Jewish attitude towards the policy proposed in the White Paper had been, perhaps inevitably, such that the Government's difficulties would be considerably increased in certain directions, perhaps for many months to come. The reply to the question whether, if the Jews adopted methods not only of passive but also of violent resistance, His Majesty's Government would modify its policy, was in the negative. It had very carefully worked out a policy, after due consideration of both sides of the question, which it felt did absolutely impartial justice to the claims of both Jews and Arabs, and that policy would be carried through unaltered whatever opposition it met with from either.

The CHAIRMAN understood that the execution of the policy was wholly dependent on the restoration of peace and order, as implied in paragraph 10, sub-section (4), of the White Paper.

Mr. MACDONALD pointed out that the paragraph referred to was in the section dealing with "The Constitution"; proposals for changes in the constitution during the transition period would not be proceeded with until peace and order had been sufficiently restored in Palestine.

M. RAPPARD noticed that the White Paper was very explicit regarding the necessity of Arab acquiescence for the continuance of Jewish immigration after the end of the five-year period. It was not so explicit concerning the necessity of Jewish acquiescence for the establishment of an independent State. It could fairly be assumed, though, that the acquiescence of the Jews would be necessary for ending the mandate, as it was stated that

Arabs and Jews would share authority in the new government. In one case, therefore, it was stated that the acquiescence of the Arabs was necessary, but in the other, no equivalent stipulation was made. What was the explanation of that difference in presentation ?

Mr. MACDONALD replied that the acquiescence of both parties would be necessary if an independent State were to be established. Any other principle would seem to be impracticable. If the Arabs were dissatisfied with the proposed Constitution, their protest would probably, if the mandatory authority were withdrawn, culminate in something like civil war. Similarly, if the proposed Constitution and independent State proved unacceptable to the Jews, they would also refuse to acquiesce and could cause very serious complications even by mere economic action, apart from any resort to violence. That was a fact which His Majesty's Government had to bear in mind. It could not abandon its responsibility for the good government of Palestine if there was a likelihood of such abandonment leading to grave trouble and possibly civil war. That was why it had stated quite deliberately in paragraph 9 of the White Paper that : " the establishment of an independent State . . . would require such relations between the Arabs and the Jews as would make good government possible ".

From the purely practical point of view, therefore, it seemed to His Majesty's Government that the acquiescence of both Arabs and Jews would be necessary for the constitution of an independent State, and His Majesty's Government would have to be satisfied that there was a prospect of those good relations prevailing before it came to the Council of the League and recommended that the mandate should be brought to an end.

M. RAPPARD welcomed Mr. MacDonald's reply but would have been happier if it had been specifically stated in the White Paper itself that the acquiescence of both parties was necessary. It was rather lop-sided, if he might say so, to state explicitly that no immigration would be allowed after five years without the Arabs' acquiescence, but only to imply that mandatory control would not be relinquished unless both sides agreed. It might now be taken, however, that it was the intention of His Majesty's Government not to relinquish control until both sides showed by their behaviour that they acquiesced.

The general impression gained was that, as long as the mandatory Power deemed itself bound to maintain the National Home policy, it would remain in Palestine, simply because, once it withdrew, full sovereignty passed to its successors, and if those successors were an Arab majority their whole policy would, as past history showed, be directed towards destroying the National Home.

In the previous case of the Iraq mandate, the accredited representative of His Majesty's Government had similarly assured the Mandates Commission that the Government would only relinquish control when absolute security was established for minorities there. Yet, a few months after the Mandatory withdrew, several hundred Assyrians had lost their lives.

He would not have raised this question if the Commission had not been asked by the mandatory Power to express its views on certain rather remote contingencies. In M. Rappard's view, as long as the mandatory Power felt itself obliged to defend the National Home, it would not be able to grant true independence.

Mr. MACDONALD agreed that it was hardly possible to be absolutely precise on such remote possibilities. Much might happen in the next ten years ; but he could not endorse M. Rappard's conclusion that the mandatory Power would never abandon ultimate responsibility for the government of Palestine as long as it supported the Jewish National Home policy there. The problem was very difficult and complicated, but, unless it could be solved somehow, the peoples of Palestine, Arabs and Jews, would be deprived indefinitely of the rights of self-government enjoyed by so many other peoples who had attained the same stage of political and other development. The Arabs in Palestine would also increasingly resent the fact that, for instance, their fellow-Arabs in Iraq were free to govern themselves as they liked, while they in Palestine were not. An additional reason for resentment would be the knowledge that those rights were denied them because of the existence in Palestine of the Jewish National Home and the mandatory Power's desire to maintain that home.

Those considerations must be kept very much in mind. Mr. MacDonald hoped, therefore, that the Jews, who had a great responsibility in this matter, since they were an intelligent, educated and advanced people, the mandatory Power and the more reasonable and far-seeing Arab leaders themselves would bend all their energies to creating conditions in Palestine propitious to the granting of independence, thus avoid increasing the embitterment which already, unhappily, existed between Arabs and Jews.

M. Rappard had very appositely quoted the example of Iraq. He had recalled the assurances given for the protection of minorities there and of the unhappy way in which the minority had nevertheless been treated. The Jews in Palestine, however, were not in the same position as the Assyrians. Even to-day, they were not the weak minority which the Assyrians were in Iraq. They formed one-third of the population ; they had immense economic power ; they had intelligence and culture, and were fully capable of looking after themselves even now.

During the London discussions, the Arabs were constantly referring to the existence of this immensely powerful Jewish community, which could give a good account of itself under any circumstances. That being so, it ought not to be impossible to achieve independence, on the basis of agreement between Jews and Arabs, within approximately the ten-year period suggested in the White Paper. It was not possible to speak with any confidence. Developments did not depend mainly on the mandatory Power, but that, at least, was the intention of His Majesty's Government, which it would pursue sincerely.

The CHAIRMAN asked whether the accredited representative did not think that, in a country characterised by a lack of tolerance, the minority would have no guarantee at all of political liberty under a regime which gave the majority full control.

Mr. MACDONALD agreed that a minority in such a country would have no guarantee of security at all. Under a Constitution which gave power to a majority, the latter must show a spirit of tolerance or else be deprived of power to overrule the minority. It was hoped, in the first place, that, during the transition period—whatever its length—the spirit of tolerance would grow. It might be thought that that was too optimistic, but the Arabs would sooner or later have to recognise the fact that they had to live side by side with a powerful Jewish community in Palestine and that they could not ride roughshod over that community even if the authority of the mandatory Power were withdrawn. Mr. MacDonald thought the Arabs would gradually come to recognise that fact. In the same way, he hoped that, during the transition period, the Jews would become accustomed to living side by side with the Arabs in Palestine. He did not see how an independent State could be established unless that spirit of tolerance existed.

Secondly, under the principles laid down in the Constitution, the United Kingdom Government did not propose that the majority should have power to rule over the essential interests of the minority. It was determined to stand by the principle laid down as long ago as January 1918, that neither people should be subject to the other in Palestine. The United Kingdom Government had said in the 1939 White Paper that it would be represented at and be party to the drafting of the Constitution of an independent Palestine State.

The CHAIRMAN remarked that a Constitution was not necessarily permanent ; it could be changed, and as a rule provision was made for revision.

Mr. MACDONALD agreed that it was of the essence of self-government to be able to alter the Constitution, but many countries were governed by a written Constitution, which contained restrictive provisions as to its amendment and such provisions had to be observed. Certainly, in the Constitution of an independent Palestine State, a special procedure would have to be provided for altering the Constitution, and any alteration of the Constitution would require in an adequate measure the consent of both the Arab and Jewish communities.

The Constitution which His Majesty's Government had in mind was one that would ensure that the essential life of the Jewish National Home should not be interfered with by an Arab majority, just as what was essential in the life of the Arab community should not be interfered with by the acts of the Jewish population. Both His Majesty's Government and the Council of the League would have to be satisfied on that point as was clear from the wording of paragraph 10, sub-paragraph (1), of the White Paper : " This proposal for the establishment of the independent State would involve consultation with the Council of the League of Nations with a view to the termination of the mandate ". The Council of the League would have to perform the final act of bringing the mandate to an end and clearing the way for an independent State.

M. RAPPARD thought the real guarantee was that both parties had to be satisfied with the constitutional provisions before the mandatory Power could relinquish its responsibilities.

Mr. MACDONALD did not think it would be practicable for a Constitution to be launched unless both parties in Palestine acquiesced.

M. VAN ASBECK asked, in view of the fact that the Arabs would be in a majority of two to one; how, if a Constitution were produced, say in 1950, with which both the mandatory Power and the League Council were satisfied, could a sincere and fair application of the provisions of the Constitution be assured after that date. Once the mandatory Power had left the country the supreme powers of decision would lie with the people themselves. There were many examples in history of a Constitution being modified, regardless of the most splendid constitutional provisions, by the sheer force of a majority.

Mr. MACDONALD replied that, in the first place, His Majesty's Government would have to be satisfied, before making a recommendation to the League Council, that the conditions likely to prevail in Palestine would be such that tolerance and good relations would continue for as far ahead as one could reasonably see and that the Constitution would work satisfactorily.

In the second place, once the Constitution had been launched, the two parties would have the task of working out and maintaining good relations and making a success of their government. He thought both parties would be extremely anxious to do this because, if they failed, they would be bringing trouble on themselves inside the country, since both communities were powerful enough to give tremendous trouble to the other. Each party had powerful "sanctions".

In the third place, His Majesty's Government was contemplating, not only a Constitution for an independent Palestine State, but also that that State should be in treaty relations with the present mandatory Power. It was not impossible that the treaty would have something to say on that matter. Mr. MacDonald fully appreciated and sympathised with the desire of the Mandates Commission that there should be guarantees for the proper carrying out of the Constitution and it might well be that either the Council of the League or the mandatory Power would require provisions in a treaty for dealing with that.

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(Views were then exchanged on the question whether the idea of States over-riding independence was compatible with the right to intervene in its internal affairs granted by treaty to another Power, for instance, to ensure the intangibility of the constitutional laws and the permanence of the unitary or federal form of the State.)

SEVENTEENTH MEETING

Held on Monday, June 19th, 1939, at 10.30 a.m.

New Guinea : Examination of the Annual Report for 1937/38.

Mr. J. R. Halligan, Officer in charge of the Territories Branch of the Prime Minister's Department of the Commonwealth of Australia, accredited representative of the mandatory Power, came to the table of the Commission.

WELCOME TO THE ACCREDITED REPRESENTATIVE

The CHAIRMAN welcomed Mr. Halligan. The Commission was particularly glad to have before it an accredited representative who had personal knowledge of, and long acquaintance with, the territory in question.

GENERAL STATEMENT BY THE ACCREDITED REPRESENTATIVE

Mr. HALLIGAN made the following statement :

I do not wish to make any general observations, but a summary of the activities during the year 1937/38 and a brief mention of some of the more important items that have received consideration since the close of the year under review may be of interest to the Commission at this stage. The particulars now submitted will of course be in outline only, but I shall be pleased, as the examination proceeds, to supply any additional information on the various phases of the administration of the territory.

During 1937/38, the effects of the serious volcanic disturbance that occurred at Rabaul on May 29th, 1937, and subsequent days, were apparent during the whole year under review and caused considerable difficulties in administration during the early part of the year. Much work was necessary to restore Rabaul to a habitable condition. His Majesty's Government in the Commonwealth of Australia decided to have the affected area examined by scientists to determine whether it would be wise to retain the main administrative centre of the territory at Rabaul. The scientists reported, after visiting the area, that on account of the possibilities of a recurrence of volcanic activity, early evacuation of Rabaul as the site of the administrative headquarters should be seriously considered, and they expressed the opinion that the risk involved in the maintenance and extension of the town was greater than the immediate loss inescapable from early removal. The report of the scientists was published as an appendix to the annual report for 1936/37. Acting on the advice in that report, my Government decided that the main administrative headquarters should be transferred from Rabaul to a site in the territory to be selected. A committee was appointed by the Commonwealth Government to investigate and report as to a suitable site for the new headquarters. Copies of the report of the Committee are available for the use of the members of the Commission. The new site has not yet been selected.

The visit of His Excellency the Governor-General of Australia and Lady Gowrie to the territory was an important event during the year 1937/38.

The then Minister in charge of Territories, the Rt. Hon. William Morris Hughes, K.C., also visited the territory under mandate. His visit was primarily in connection with the question of a new site for the administrative headquarters, but he dealt with matters of administration generally in the course of his itinerary, which included visits to many centres in the territory. He also investigated the question of providing a road from the coast to the gold-fields in the Morobe district.

Administration.

Apart from the dislocation that resulted from the volcanic disturbances at Rabaul, the Administration pursued its normal activities and, generally, the year's operations were satisfactory and prosperous. The number of persons in the employ of the Administration was increased from 410 to 412 (exclusive of the police force, which includes thirty-five European officers).

The peaceful penetration of the unexplored areas of the territory was continued by Administration patrols, and the country, under some form of control exercised by the Administration, was increased from 34,656 square miles to 37,370 square miles. A special patrol was organised to explore the area south of the Sepik river between Mount Hagen and the Dutch border; it commenced operations on March 10th, 1938. The patrol has completed its work and is now returning to headquarters. The enumerated native population at June 30th, 1938, was 581,342 as compared with 542,394 at June 30th, 1937. The non-indigenous population increased from 5,897 to 6,283. Arrivals exceeded departures by 336 and births exceeded deaths by fifty.

Education.

European, Chinese and native schools were maintained during the year; 2,530 schools—including 2,282 village schools—were maintained by the several religious missions operating in the territory. Administration expenditure on native education amounted during the year to £6,726.

Public Health.

The expenditure of the Department of Public Health totalled £89,363, as compared with £87,531 during 1936/37. The work during the year was chiefly of a routine character, supplemented by special work in connection with certain diseases, notably malaria and pneumonia. European cases treated numbered 1,924, native in-patients 16,065, and native out-patients 14,525. The campaign against frambœsia was actively continued, 55,595 injections of novarsenobillon being given. Medical patrols were maintained in all districts, and nine new medical base posts established. Infant and maternal welfare formed an important branch of the Department's activities. The number of lepers in the Anelaua Leper Station at the close of the year was 445, as compared with 509 at the beginning of the year.

Agriculture.

Investigations into plant diseases and pests, inspection of European plantations and native groves and advice to planters and natives, were amongst the principal activities of the Department of Agriculture. At the close of the year, plantations numbered 464 as compared with 462 at July 1st, 1937, the total areas being respectively 200,768 hectares and 197,230 hectares.

Native Labour.

The Administration continued its close supervision of all phases of native labour, and conditions generally were satisfactory. At the end of the year, 41,849 natives were employed under indenture, as compared with 40,259 at the beginning of the year. Of those whose contracts expired during the year, 5,581 signed contracts for re-engagement for terms from one to three years. The death rate of indentured labourers for the year was 1.45%.

Commerce.

The external trade of the territory amounted to £4,591,327 as compared with £4,700,695 in the previous year, exports of gold totalling £2,028,980 as compared with £2,020,667 during 1936/37. A marked decline in the prices obtained for copra resulted in the value of exports of copra totalling only £847,734, as compared with the previous year's figure of £1,231,309. Imports totalled £1,610,967 as compared with £1,311,623 during 1936/37.

Finance.

The year closed with a surplus of £59,692 as compared with £61,906 at the close of the previous year. Revenue and expenditure were respectively £506,398 and £508,613 as compared with the previous year's figures of £481,070 and £460,118 respectively. At the close of the

year, territorial currency in circulation was a total value of £163,513. An expenditure of £40,000 in connection with the eruption at Rabaul was mainly responsible for the increased expenditure. The public debt was reduced by £7,865 to £31,514.

Land Surveys, Mines and Forests.

There was considerable activity in regard to the search for petroleum in the territory. After the close of the year, a revised ordinance was passed in relation to petroleum prospecting and mining under which the conditions were liberalised with a view to encouraging the search.

The appointment of two forest officers during the year enabled the Administration to proceed with its forest policy, for which provision was made by the Forest Ordinance and Regulations passed during 1936/37.

Public Works.

There was considerable activity in connection with public works, and the expenditure during the year was £100,963 as compared with £95,451 during the preceding year.

I would mention the following matters of special interest that have occurred since the close of the year under review :

Penetration and Control of the Territory.

Steady progress has been made by the Administration in the consolidation of its influence in uncontrolled areas, and it was found that an area of 1,850 square miles in the Sepik district, and other smaller areas in the Madang and Morobe districts, had reached a stage at which it is possible to permit the entry of Europeans to those areas. Consequently, the proclaimed uncontrolled area was reduced. I have marked on a map of the territory the areas involved, so as to indicate the extent of this action.

Finance.

The finance statement to December 31st, 1938, showed a considerable decline in the surplus funds of the Administration from £59,692 at July 1st, 1938, to £21,347 at December 31st of that year. I have recently been advised that the decline has continued, and that the funds have been reduced to £758 at March 31st, 1939.

Volcanological Observatory.

Steps are being taken to equip and staff a volcanological observatory at Rabaul which is expected to be in operation towards the end of this year.

Gold-fields Road.

It has been decided to construct a road from the coast to the gold-fields, and detailed surveys are now proceeding.

Combined Administration.

The question of the possibility of establishing a combined Administration for the territories of Papua and New Guinea is being investigated.

The CHAIRMAN thanked Mr. Halligan for his statement.

In reply to a question asked by M. Rappard, Mr. HALLIGAN explained that, since 1922, he had visited the territory almost every second year, for periods extending up to six months, carrying out tours of inspection on each occasion. His permanent post was, however, at Canberra.

MAP OF THE TERRITORY

In reply to a request by Lord Hankey, Mr. HALLIGAN expressed his willingness to suggest the addition of a map to each annual report, to facilitate its examination by the Commission. He added that the latest map of the territory was dated 1934, but a new one was expected within the next year or two.

STATUS OF THE TERRITORY : RUMOURS CONCERNING ANNEXATION : PROPAGANDA

M. VAN ASBECK drew the accredited representative's attention to certain recent Press reports of pressure exerted on the Government of Australia for the annexation of the territory. He was glad that the pressure had so far been resisted. What was the view of the White

population on that topic? Did individual Europeans or organised bodies press for annexation? Was the movement the consequence of any external threats?

Mr. HALLIGAN replied that the bulk of the population, whether native or white, was entirely content with the mandatory regime. The attitude of the Australian Government had been perfectly clear and firm throughout. The question of annexation had at no stage even been considered. He had no knowledge of any bodies specifically organised for the purpose of pressing for annexation.

M. RAPPARD noticed with satisfaction that the Governor-General's message to the Administrator, at the conclusion of his recent visit to New Guinea, had explicitly stated that "the sacred trust imposed by the mandate is being faithfully fulfilled" (paragraph 2, page 9 of the report). Was that reference to the mandate designed to remove certain doubts, or did it merely confirm administrative reality?

Mr. HALLIGAN replied that the reference in the Governor-General's message was merely a recognition of the facts. The utterances connected with annexation were subsequent to the Governor-General's visit.

Replying to a further question from M. van Asbeck, Mr. Halligan added that he was aware that certain organised bodies—for example, the New Guinea Mining Association and a number of commercial organisations—had held a meeting in the course of which annexation was urged. Those bodies were not without importance, and their views could not be overlooked. He repeated, however, that the Government's attitude was entirely firm and that it was not proposed to examine the question of annexation at all.

M. GIRAUD asked, in that connection, whether any propaganda for the return of New Guinea to Germany had been noted, and whether the movement in favour of annexation might not be a reply to Germany's claim for the return of her former colonies.

Mr. HALLIGAN had no knowledge of any propaganda by any foreign country. The explanation of the agitation suggested by M. Giraud might, however, quite credibly be the right one.

SUGGESTION FOR THE ADMINISTRATIVE AMALGAMATION OF NEW GUINEA WITH PAPUA : QUESTION OF A NEW SITE FOR THE CAPITAL CITY

M. VAN ASBECK, turning to the suggestion for the administrative amalgamation of New Guinea with Papua, noted that a committee was at present considering the proposal. Until it reported, little could usefully be said on the subject, but he assumed that the Commission could rest assured, in the event of amalgamation being carried through, that the terms of the mandate would continue to be fully respected.

Mr. HALLIGAN said that he could reply categorically in the affirmative.

Lord HANKEY enquired as to the proposed transfer from Rabaul of the capital of the territory. Was a decision likely to be postponed until the Committee on amalgamation had reported? Were the authorities satisfied as to the adequacy of the evacuation scheme in the meantime? If the capital were removed elsewhere, was Rabaul likely to subsist as an important commercial centre?

Mr. HALLIGAN replied that the committee that had been appointed to investigate and report on the question of a combined Administration for Papua and New Guinea had been asked to advise also as to a possible site for the administrative headquarters of a combined Administration, or alternatively a site for the New Guinea headquarters if amalgamation should not be recommended.

The scheme for the evacuation of Rabaul was considered entirely adequate. Since the volcanic eruption in 1937, weekly inspections had been carried out to guard against any further danger. In addition, an observatory was now being erected, and that would make it even more certain that the inhabitants would not again be caught unawares.

Rabaul was a convenient centre for the copra trade and other commercial activities. The number of Europeans permanently residing there was between 700 and 800. If the capital were transferred elsewhere, some 250 persons (officials and their families) would leave Rabaul; the balance of the white population would probably remain, as the town was bound to keep its commercial importance.

M. RAPPARD first paid a warm tribute to the generous attitude of the Lieutenant-Governor of Papua at the time of the catastrophe in 1937 to which reference was made in the report (paragraph 296, page 116).

Whether amalgamation was carried through or not, there would have to be, within the territory of New Guinea, some capital city or local administrative headquarters. He was

therefore not quite clear as to why the possibility that amalgamation might be decided upon should affect the question of the choice of a new site for the capital. Could the accredited representative make that matter clear ?

Mr. HALLIGAN recognised that the two issues were not absolutely inter-related. A committee had investigated the question of the selection of a new site for the administrative headquarters of New Guinea, and had recommended that Lae should be the site and that Salamaua should be the port for the administrative headquarters as well as for the gold-fields. The Government had found that proposal unacceptable and, after the Minister in charge of Territories had visited the territory under mandate, the Government decided that Salamaua should be the site for the administrative headquarters, as well as the port. There was considerable opposition in the territory to that proposal, and the matter was not carried further. Opportunity had been taken of the appointment of another committee to investigate the matter of a combined administration for Papua and New Guinea further to review the question of the selection of a site for the administrative headquarters either for a combined administration, or for New Guinea separately if a combined administration should not be favoured. That committee would examine every factor and do its best to sound opinion before making a recommendation.

Mlle. DANNEVIG enquired as to the reasons for advancing the proposal of amalgamation. Were they connected merely with a desire to achieve economy in administration, or were there further motives for the proposal ?

Mr. HALLIGAN thought that he could best answer that question by handing to the Commission a copy of the terms of reference of the committee on amalgamation.

(The document was accordingly handed to the members of the Commission.)

INTERNATIONAL CONVENTIONS

Count DE PENHA GARCIA referred to the list of international Conventions given on page 132 of the report and asked whether any of those instruments were of special interest to the territory.

Mr. HALLIGAN replied that many of the Conventions were of theoretical interest, and that there had so far been very little practical application of their provisions.

ORGANISATION OF THE ADMINISTRATIVE SERVICES : INSPECTIONS

M. RAPPARD enquired as to the mechanism for the conduct of the territory's affairs. The accredited representative was described as Officer in charge of the Territories Branch of the Prime Minister's Department of the Commonwealth of Australia. M. Rappard noticed, however, that there was also a Minister in charge of Territories.

Mr. HALLIGAN explained that the Territories Branch, of which he was in charge, had sole control of the territory under mandate, under the authority of the Prime Minister. The latter had, however, delegated his authority to another member of the Cabinet in respect of that branch of the Prime Minister's Department. That explained why there was a Minister in charge of a section of the Prime Minister's own Department. At the present time the Minister in charge, Mr. Perkins, had no other public office under his authority ; his predecessor, Mr. Hughes, had also been Minister for External Affairs.

M. RAPPARD asked for information regarding the status of "exempt" officers and employees (page 11 of the report).

He also asked whether Mr. Chinnery—the Director of District Services and Native Affairs—was returning to his post (paragraph 70, page 32 of the report).

Mr. HALLIGAN explained that exempt officials were in an intermediate, semi-permanent grade, and that they did not fall under the operation of the regulations applying to permanent public officials.

As regards Mr. Chinnery, that official had, after nine months' leave of absence, been seconded for service in the Northern Territory of Australia with a mission sent by the Department of the Interior to investigate the question of the control of aborigines. On concluding that task, he was being attached to the Department of the Interior as Adviser to the Commonwealth Government on Native Affairs. He was at present stationed at Darwin, Northern Territory. He would still be able to give advice on matters relating to the territory of New Guinea from time to time.

M. RAPPARD said that it would be a matter for great regret if Mr. Chinnery's services were altogether lost to the territory.

M. GIRAUD asked whether there were, either at Canberra or attached to the Administrator in the territory, any officials specially charged with the duty of inspecting on the spot the local administration of New Guinea, or whether the proper working of the administration was measured according to the reports of district officers.

Mr. HALLIGAN replied that inspections of all districts were frequently carried out by the heads of all the Departments and by the Administrator himself.

QUESTION OF THE TRANSFER OF OFFICIALS TO PRIVATE ENTERPRISES

M. VAN ASBECK recalled that, in the past,¹ there had been a regrettable tendency for officials to abandon the public services and go into private employment. Was that tendency still as marked?

Mr. HALLIGAN replied that fortunately it had only been a temporary phase. In the days when new plantations were being opened in considerable numbers and new gold deposits discovered, the temptation to seek riches through private initiative was very great. Now, as the report showed (page 13), the number of vacancies occurring in the public services was only normal.

ADMINISTRATION : QUESTION OF EMPLOYING EDUCATED NATIVES IN THE ADMINISTRATION : METHOD OF SELECTION OF NATIVE OFFICIALS.

M. VAN ASBECK referred to a question put by Lord Hailey² a year previously regarding the rather heavy expense involved in selecting even minor officials and persons in subordinate posts from among Australians. The present report (page 11) showed that the number of native officials in subordinate positions was still extremely small. Was there no hope of an improvement in that respect in the near future, and was it the Administration's policy gradually to increase the number of native officials? He again laid stress on Lord Hailey's point that the saving would be very considerable.

Mr. HALLIGAN said that it was the policy of the Administration to employ educated native officials whenever it could do so. Some progress had been achieved, but progress was necessarily slow, as the number of suitable native candidates was still extremely small. It was true that even carpenters employed by the Administration came from Australia; there were, however, only six in the table in the report, and those were master carpenters in independent charge of specific jobs. Each doubtless had a number of native assistants working under him, but none of them was competent to take charge without supervision.

M. VAN ASBECK thought that it might be useful if in subsequent reports some estimate could be given of the numbers of native officials, etc., employed, and the capacities in which they were employed.

Mr. HALLIGAN undertook to see that that should be done.

Mlle. DANNEVIG suggested that the slow rate of progress in that connection might be due to the disappointing rate of growth in the education activities of the Administration. She knew of no territory under mandate in which native education progressed so slowly.

Mr. HALLIGAN replied that the connection doubtless existed. The deciding factor was, however, the capacity of the natives to absorb knowledge and to become educated—a capacity which was still very low and which explained both the slow progress in education proper and the absence of any considerable numbers of educated natives able to enter Government employ.

M. VAN ASBECK enquired as to the method of selection of the native officials referred to in paragraph 68 on page 32 of the report.

Mr. HALLIGAN explained that the "luluais" (group leaders) and "tultuls" (messengers) were selected by the Administration from among the inhabitants of the village concerned, but with full regard to the views of the village. The "paramount chiefs" were also appointed by the Government; they were, however, Government officials in the strict sense, and in no way comparable to the hereditary chiefs found in African territories.

¹ See Minutes of the Thirty-first Session of the Commission, page 151.

² See Minutes of the Thirty-fourth Session of the Commission, page 175.

NATIVE COUNCILS

M. VAN ASBECK referred to the activities of the native councils. In paragraph 69, page 32 of the report, it was said that, in many cases, the officials of the councils were now accepting a good deal of the responsibility for the internal administration of their respective groups. Were those officials natives? Were any records of meetings of native councils kept; if so, might the Commission be supplied with specimens?

Mr. HALLIGAN replied that the officials referred to were natives. The whites who attended meetings of native councils merely gave advice and took no hand in administration.

He did not think that full records of meetings of native councils were kept, but undertook to forward any material that might be available. The native councils were still in an embryonic stage, the general level of administrative competence among the natives being very low.

RESTRICTIONS ON IMPORTED PUBLICATIONS

M. VAN ASBECK enquired as to the nature of the books, periodicals, etc., the entry of which into the territory the Administrator had power to prohibit under Ordinance No. 27 of 1937 (paragraph 21, page 14 of the report). Surely very few natives were able to read— unless, of course, the papers in question were written in pidgin-English.

Mr. HALLIGAN undertook to make enquiries. A few natives were able to read English, but they were the exception.

Replying to a question asked by Lord Hankey, he added he did not think it was a custom in the territory for an educated native to read to groups of illiterates.

PENETRATION AND CONTROL OF THE TERRITORY THAT: PATROLS: QUESTION OF RECRUITMENT AND CONDITIONS OF LABOUR

Count DE PENHA GARCIA observed that a considerable part of the territory was as yet uncontrolled. What was the status of the inhabitants of those regions? Was it in theory the same as that of natives in the controlled areas?

Mr. HALLIGAN replied in the affirmative. The natives in the uncontrolled areas had never set eyes on white men. As penetration proceeded and they made acquaintance with white civilisation, their status became *de facto* that of natives in the controlled areas.

Mlle. DANNEVIG asked if it was still expected to find large populations within the areas to which Europeans had not yet penetrated.

Mr. HALLIGAN replied that the last large unexplored section in New Guinea was that adjacent to Papua and Dutch Guinea, through which a patrol had recently travelled. He had little information on the population of that area, as the patrols' report had not yet come to hand; at all events, that was the last area in which a large native population was likely to be present.

M. VAN ASBECK referred to an observation made by the Commission, in its report to the Council on the work of its thirty-fourth session,¹ with regard to the views of the mandatory Power concerning the possible advantages of opening up uncontrolled areas to European activities as soon as they were brought under control.

In the report under review (page 144), the Administration's policy was described as consisting in a gradual process of establishing effective control, the entry of Europeans not being permitted until after a certain stage had been reached.

He wished to thank the mandatory Power for that information, which was quite clear and satisfactory. It appeared, however, from the figures given in paragraph 67 (page 32 of the report) as compared with those given in the report for 1933/34 (page 24), that the total increase in the new areas brought under control or influence between 1934 and 1938 was something short of 10,000 square miles. That figure was small when compared with the 40,000 square miles which still remained uncontrolled; if the same rate were maintained, it would be some twenty years before the whole territory was controlled. Was it the Government's intention to accelerate the process? Did the sending of an expedition to the Mount Hagen area indicate that quicker progress was now intended?

¹ See Minutes of the Thirty-fourth Session of the Commission, page 230.

Mr. HALLIGAN reminded the Commission that it had been informed a year previously¹ that much of the uncontrolled area had been flown over and surveyed from the air. Most of it was exceedingly mountainous and the population was thought to be very small. Admittedly, the process of penetration was a slow one. It required not only time but also money; the Mount Hagen expedition, for instance, had cost over £10,000. He would say that, in general, the addition of new areas to the controlled territory was not a mere matter of figures; many dangers had to be taken into account. At the same time, the rate of progress was quite likely to increase as years went by. He might perhaps be allowed to add that in the first few months of 1939, some 1,800 square miles had been added to the controlled area.

M. VAN ASBECK referred to the means of control in new areas and to the establishment of a series of base camps on the Sepik river, a system described in the report (paragraph 53, page 26) as markedly successful. He noted that each camp was in the charge of a selected native constable trained for the purpose. Was that official a native to the locality, or was he brought in from elsewhere?

Mr. HALLIGAN said that, in most cases, the native constable came from some other area where he had already acquired experience. He would communicate with the natives in his new post either through interpreters or in pidgin-English.

M. VAN ASBECK thought it only right that he should pay a warm tribute, in which he felt certain his colleagues would join, to the high sense of duty and sacrifice displayed by all officials, both natives and whites, in the territory, in the face of considerable dangers. He considered their reports most impressive.

M. GIRAUD said that he understood from a previous remark of the accredited representative's that the full report of the expedition to the Mount Hagen area was not yet available. Had the expedition found the area to be inhabited to any considerable extent, or not?

Mr. HALLIGAN said that he was in possession of a progress report from the leader of the expedition which he would circulate to the members of the Commission.

Mlle. DANNEVIG asked whether any recruiting of labour was allowed in uncontrolled or partly controlled areas.

Mr. HALLIGAN replied that none was possible in uncontrolled areas since only officials were allowed to enter those areas to the exclusion of other persons.

Regarding partly controlled areas—certain parts of the areas classed as "uncontrolled" were under a sufficient degree of control to permit the entry of Europeans under permits issued by the Administration. Recruiting might be permitted in such areas. Where it was considered desirable in the interests of the natives, the Administrator used his power under Section 21 of the Native Labour Ordinance to prohibit recruiting in certain areas, even in fully controlled areas.

Mlle. DANNEVIG referred to an allegation made in the Australian House of Representatives in October 1938, that "what might be termed a system of slavery" existed in the territory. It was alleged that natives were induced to take employment on plantations and in mines at very low salaries, that they received a diet consisting entirely of sweet potatoes, and that recruiting officers supplied natives to employers for £10 a head.

The Minister, Mr. Hughes, was reported as not having categorically denied those allegations. Was she to understand that recruiting in the form described was tolerated?

Mr. HALLIGAN suggested that Mr. Hughes' reply referred mainly to a series of statements not included in the extract from which Mlle. Dannevig had quoted. He felt convinced that the reply gave no grounds for believing that any form whatever of slavery was tolerated in the territory, or that any irregularities in recruiting had been allowed to go unpunished by the authorities. He would say quite definitely that that was the case,

Mlle. DANNEVIG suggested that the matter should be cleared up and said she would be glad to find further information in the next report.

The CHAIRMAN suggested that the question might be further considered under the heading of labour.

¹ See Minutes of the Thirty-fourth Session of the Commission, pages 163-166.

DEVELOPMENT OF A ROAD SYSTEM

M. VAN ASBECK reminded the accredited representative that the Commission had felt it necessary a year previously¹ to submit an observation to the Council on the reduction of the credits allotted for road construction. The then accredited representative had explained that aviation played an important function in opening up new areas.² The present report (page 144), however, showed that the Commission's comment had been duly considered and that the value of roads was fully recognised by the Administration. He noted (page 36) that thirty miles of new roads had been built in the year under consideration and some 300 miles of new bridle-paths provided. Expenditure on road development had increased from £14,417 in 1936/37 to £23,834 in 1937/38 (page 112). Did that expenditure cover the cost of bridle-paths also, or merely the cost of road construction?

The report also referred (paragraph 318, page 121) to the building of a road from Salamaua to the Wau gold-fields. What would be its value as a means towards the extension of the Administration's influence, or was it designed merely to facilitate transport to and from the gold-mines?

Mr. HALLIGAN explained that the increased credits to which M. van Asbeck had drawn attention related to roads only. The cost of opening bridle-paths—which merely involved clearing the brush—was included in the general expenses of the various districts.

The road from the coast to the Wau gold-fields was mainly intended to serve the purposes of the mines.

IMMIGRATION : QUESTION OF THE SETTLEMENT OF JEWISH REFUGEES

Mlle. DANNEVIG referred to proposals made for the settlement of exiled Jews in the territory. A question had been put in the Australian Parliament in November 1938; the reply of the Minister responsible had consisted in quoting the conditions governing the entry of Jews into Australia and into the territory of New Guinea. Those conditions seemed severe. Had any applications for admission been received, and how had they been dealt with?

Mr. HALLIGAN replied that no applications had been received from individuals. Schemes for the settlement of Jews in the hinterland of the territory had been considered, but the Australian Government had decided that it would not allow the block settlement of immigrants, either on the mainland or in the territory.

Mlle. DANNEVIG explained that she was not invoking the terms of the mandate—which, moreover, being a C mandate, imposed no obligation in the matter—in discussing the conditions governing the immigration of Jews. It was only in view of the plight of great numbers of Jews throughout the world, and of the difficulty in finding land on which they might settle, that she wished to ask whether some relaxation of those conditions might not be allowed in suitable cases, especially where there was land awaiting development.

Mr. HALLIGAN could only repeat that the Australian Government was opposed to block settlement of immigrants. He would, however, convey Mlle. Dannevig's remark to the proper quarter.

The CHAIRMAN pointed out that it was in no way an observation submitted by the Commission as a whole, but a personal opinion advanced by Mlle. Dannevig on humanitarian grounds.

PUBLIC FINANCE : TAXATION

M. RAPPARD said that, according to the figures given in the report, the financial situation of the territory had not been unfavourable in 1937/38. Expenditure had been heavier than in the previous year, but the increase was wholly ascribable to the volcanic eruption at Rabaul and had been almost entirely met by increased revenue. Only some £2,000 had had to be drawn from the surplus carried over from year to year and, generally speaking, there seemed to be no cause for anxiety (paragraph 288, page 105 of the report).

He had, however, read an extract from the *Pacific Islands Monthly*, for March 15th, 1939, which described a very different situation with regard to the second half of the year 1938. Expenditure was described as having greatly exceeded revenue, the deficit for the six months

¹ See Minutes of the Thirty-fourth Session of the Commission, page 230.

² *Ibid.*, page 165.

amounting to £34,887. The article spoke of the urgent need for a thorough investigation, alleged lavishness in the spending departments, and altogether described a most disquieting situation. How much truth was to be attached to that journalistic report, which was couched in terms definitely hostile to the Administration ?

Mr. HALLIGAN said that the surplus carried over on June 30th, 1938, had in fact been halved by the end of the year. Revenue had fallen sharply in that period, chiefly under the headings of Customs (receipts having been abnormally heavy in the preceding period owing to replacements at Rabaul) and in postal services. Low copra prices had also affected revenue adversely. Expenditure had meanwhile risen, especially under the head of equipment for the police forces and the prisons, public health and native affairs.

M. RAPPARD said that clearly the financial situation had deteriorated. He hoped that a remedy would not be sought in the direction of reduced expenditure on useful public services. But, as the situation might quite soon become serious, he wondered whether the Administration had considered raising further revenue by imposing a direct tax on the non-native population. He realised that in a territory being actively developed, every inducement had to be offered to attract white settlers and entrepreneurs. Little by little, however, that need became less urgent and there came a time when it was only fair to levy direct taxes on a section of the population which was drawing much profit from its activities in the territory concerned.

Mr. HALLIGAN explained that a business tax had been levied in early years, but that it had been abolished in 1925, after which the Administration had relied mainly on revenue from Customs duties and gold royalties to meet its expenditure. M. Rappard was right in saying that the moment would soon come when means of raising additional revenue would have to be considered. He would add that, at March 31st, 1939, the territory's surplus, which had amounted to £59,692 on June 30th, 1938, had fallen to little more than £700. The review of the financial situation which M. Rappard urged would therefore have to be undertaken very soon.

M. RAPPARD said that this additional piece of information revealed a serious situation. In the financial year 1937/38, in spite of very heavy additional expenditure, only £2,000 had had to be withdrawn from the surplus. In the following nine months, over £50,000 had been eaten up for no compelling reason. He very much hoped that relief would be sought on the revenue side of the budget, and that there would be no cut in the essential services. He repeated that in the circumstances, there appeared to be every reason for considering the levying of a direct tax on the non-native population.

M. Rappard asked why the native labour tax had been remitted for a further period of twelve months as from July 1938 (paragraph 291, page 107 of the report).

Mr. HALLIGAN said that that measure had been taken to relieve planters, in view of the low prices obtained for copra.

Mlle. DANNEVIG asked why the education tax had not been levied since 1933.

Mr. HALLIGAN explained that the tax had formerly been levied both on natives and on employers. As regards the latter, it had then been converted into the native labour tax. At present, as the report explained, no collection was made either from natives or from employers. In earlier years, the yield of both taxes had been paid into a trust fund used for educational purposes. Expenditure under the head of education was now met out of the general revenue of the territory.

Mlle. DANNEVIG observed that expenditure on education had nevertheless fallen after the change.

Mr. HALLIGAN pointed out that there was an increase in 1937/38 as compared with 1936/37 (page 115 of the report).

M. VAN ASBECK pointed out that, according to Press reports, a loan of £150,000 was floated to meet the cost of the new road from the coast to the gold-fields. It had been alleged in the Press that, despite that loan, the territory would have to meet additional charges as a result of building the road, and that the population was likely to suffer from the undertaking.

Mr. HALLIGAN replied that the cost of the road would be met out of the loan, to which non-natives and undertakings established in the territory had been invited to subscribe under the guarantee of the Commonwealth of Australia. The loan was for a period of fifteen years ;

funds for the payment of interest and amortisation would be raised by means of a toll charge on the users of the road. There would therefore be no direct charge on the territory's finances ; only the cost of maintenance would have, in later years, to be met out of ordinary revenue.

ECONOMIC SITUATION : IMPORTS AND EXPORTS : AGRICULTURE

M. GIRAUD noted that, taken as a whole, the economic situation of the territory, while not quite so favourable in 1937/38 as in the previous year, nevertheless still remained satisfactory.

As regards agriculture, the principal product exported—namely, copra, showed a slight decrease in weight (about 4%), but a very marked decrease in price. Cocoa and coffee, secondary products, showed a still more marked decrease in price.

Mining was still active. The quantity of gold exported was greater by 10% than in the previous year, but the total value remained about the same ; the report gave as an explanation of that fact, that the metal extracted from certain mines contained a large proportion of silver (paragraph 314, page 121 of the report). As before, almost all the gold produced came from the deposits in the Morobe district (paragraph 311, page 120).

As regards external trade, the report showed that imports had increased in value by 23%, whereas exports had decreased by 12% (paragraph 266, page 93 of the report), this reduction being largely due to the lower market prices of local agricultural produce. The increase in imports was due very largely to larger imports of mining machinery, which had increased in value from £39,000 in 1936/37 to £263,000 in 1937/38 (page 97 of the report). The United States of America was the principal suppliers of these goods, so that its share in the import trade to the territory had increased greatly—from 16% to 27%. As a result of the increase in imports and the decrease in exports the considerable difference which had existed between the two was appreciably reduced. The excess of exports over imports, which, in 1936/37, had been in the proportion of 158%, had dropped to 85% in 1937/38.

Last year,¹ M. Giraud had thought it necessary to draw attention to the interest to the territory of the development of rice production, seeing that it was obliged, at present, to import large quantities of that article from abroad in order to meet its consumption requirements (the value of the rice imported in 1937/38 had exceeded £90,000) (page 94 of the report). The present report said that this cultivation had not made any progress, but that steps had been taken to encourage and interest the natives therein (page 143). Was there reason to hope that results would be achieved in that connection in the years to come ?

Mr. HALLIGAN replied that the Administration had made considerable efforts to increase rice production ; seeds had been imported and tested in a number of suitable areas. Unfortunately, the natives were reluctant to grow rice, as the labour of husking by primitive methods did not appeal to them and it was difficult to wean them from their old customs regarding agriculture. It was principally for that reason that most efforts had failed in the past. It was hoped, however, that rice cultivation on a considerable scale might be commenced on Rook Island, where the natives appeared to be interested, and where the natural conditions were particularly suitable.

CATTLE

COUNT DE PENHA GARCIA then drew attention to Proclamation No. 41, reported on page 49 of the report, under which no cattle, horses, etc., could be imported into the territory from another country, except from a small number listed in the Proclamation and then only from selected ports. That prohibition appeared very sweeping, and he would be glad to know why it had been imposed. Had the countries concerned been consulted ? Was the measure merely temporary, and had it resulted in economic loss to the territory ?

Mr. HALLIGAN replied that the prohibition had been imposed in accordance with a similar step taken by Australia. The reasons were purely technical and were connected with certain animal diseases. He believed that there had been consultation with the countries concerned. No disadvantages ensued for the territory, which was still able to obtain the limited numbers of cattle, horses, etc. it required from the exempted countries. He undertook to make enquiries as to the duration of the measure which, he repeated, had been adopted for purely technical reasons.

¹ See Minutes of the Thirty-fourth Session of the Commission, page 172.

EIGHTEENTH MEETING

Held on Monday, June 19th, 1939, at 3.30 p.m.

New Guinea : Examination of the Annual Report for 1937/38 (continuation).

Mr. Halligan came to the table of the Commission.

DOCUMENTATION

Mr. HALLIGAN handed over to the Commission, for its information, a certain number of documents (see Annex I).

AGRICULTURE (*continuation*) : IMPORTS AND EXPORTS (*continuation*)

M. GIRAUD said that the *Tourists' Guide*, published by the territory, drew attention (page 198) to the great possibilities of sugar-cane planting, for which a vast area of New Guinea was apparently particularly suited.

Sugar, it was stated, was a native product and several of the best varieties of cane in cultivation were indigenous to New Guinea. Why had no undertakings been set up hitherto for the production of sugar? Were there local difficulties of a practical kind, or were prospective planters deterred by possible difficulties in connection with export in view of the state of the sugar market?

Mr. HALLIGAN replied that the only difficulty was the difficulty of marketing. No sugar was at present cultivated in New Guinea. Proposals for its cultivation in Papua had been considered; but the project had had to be abandoned in the absence of markets.

M. GIRAUD put the same question in regard to the oil-palm. Oil-palms had been very successful in the Netherlands Indies. The *Tourists' Guide* said that in the territory the area suited to oil-palms was even more extensive than that suited to coconut-palms.

Mr. HALLIGAN remarked that, since the fall in the price of copra, the Department of Agriculture had done everything in its power to encourage the cultivation of other crops; but there had been little or no response up to the present.

M. GIRAUD asked whether the prospects for the marketing of copra, cocoa and coffee were improved.

Mr. HALLIGAN did not anticipate any immediate improvement.

M. GIRAUD drew attention to the high import figure given for textiles on page 95 of the report. According to the table on that page, the total import of textiles was £95,652, as compared with £61,154 in the previous year. Similarly, in the case of the item "Apparel and Attire", the imports for the present year were given as £35,886, as compared with £33,802 for the previous year. What was meant by the item "Textiles"; were those imports for European or for native use? The figures would be interesting, if they showed an increase in the use of cloth by the natives.

Mr. HALLIGAN replied that the expressions "Textiles" and "Apparel and Attire" were generic terms. The use by natives was limited. The more developed natives wore shorts and shirts; but the majority used only *lava-lavas*. Blankets would be another item of textiles largely used by the natives.

M. GIRAUD noted that paragraph 238 (page 87 of the report) referred to "small copra driers . . . erected by a number of native communities" in the Gazelle Peninsula. What were those communities? Were they merely native villages or other natural communities, or were they in the nature of associations or co-operative organisations formed by those who operated the driers? Were there any organisations of that type—at least in the embryonic stage—among the more highly developed natives?

Mr. HALLIGAN answered that they were not an organised association, but a group of natives in the neighbourhood of Rabaul.

M. RAPPARD welcomed the figures given in paragraph 276, page 103 of the report, of the value of exports from the territory to various countries during the years 1936/37 and 1937/38.

He was surprised to note the absence of any exports for the year 1937/38 to the United States of America. Similarly, there was a fall, in the case of exports to Denmark, from £169,566 in 1936/37 to nil in 1937/38. Why was that?

Mr. HALLIGAN answered that the exports in both cases were no doubt entirely of copra. The market for copra from New Guinea was highly fluctuating: the copra had to be marketed wherever a market could be found.

In reply to a further question by M. Rappard, he explained that the absence of any change in the figure of exports to Australia was due to the fact that almost all those exports were exports of gold.

IMMIGRATION

M. GIRAUD remarked that the *Pacific Islands Monthly* for April 1939 referred to the restrictions on the entry of Japanese commercial travellers into New Guinea, and stated that the Japanese Consul had asked the Administration to remove, or relieve, the restrictions in question.

Mr. HALLIGAN replied that the entry of all foreigners was regulated by the immigration laws. Commercial travellers or traders were admitted subject to certain restrictions. Representations had been made in the case referred to, and were now under consideration.

SAVINGS BANKS

M. GIRAUD was interested by the figures in paragraph 60, page 29 of the report, with regard to savings bank deposits by natives in the New Britain district. He would be glad if similar information could be supplied each year for the whole of the territory as a guide to the progressive development of the natives.

Mr. HALLIGAN promised to provide information for the whole of the mandated territory as far as possible. The figures in paragraph 60 related only to natives in the neighbourhood of Rabaul.

JUDICIAL ORGANISATION : PRISONS

M. VAN ASBECK observed that of the 672 natives serving sentences in prisons on June 30th, 1938, forty-nine had died (paragraphs 349 and 350, pages 129 and 130 of the report).

Mr. HALLIGAN had no information as to the circumstances. The number of deaths of prisoners in the previous year was thirteen. He would make enquiries on the point.

Mlle. DANNEVIG asked for fuller particulars of the "assaults on natives" recorded in paragraph 28, page 16 of the report.

Mr. HALLIGAN said that the heading covered minor and major assaults. The majority would be minor assaults. He had not heard of any serious cases.

Mlle. DANNEVIG asked for particulars of the cases of "indecent assault on female" recorded in paragraph 27, page 15 of the report. Were the assaults mentioned in that table on natives or Europeans?

Mr. HALLIGAN did not know, but promised to enquire.

M. RAPPARD observed from paragraph 105, page 41 of the report, that "one European was found guilty of unlawfully killing a native and was sentenced to two months' imprisonment with hard labour". No further particulars were given in the case. Some comment on the sentence would have been useful.

Mr. HALLIGAN did not doubt that the court had taken all the circumstances into account. He had not the details of the case present in his mind, but would acquaint the Commission with the full particulars.

POLICE : PATROL OFFICERS

Lord HANKEY observed a slight increase in the cost of the Police and Prisons Branch (page 109 of the report): Was that due to the increase in the number of the police ?

Mr. HALLIGAN replied in the affirmative. The increase in the police followed on the extension of the opening-up of the territory.

The European police were only in the towns. Outside the towns, the patrol officers were entrusted with the policing of the districts. They were quite independent of the police force ; but they took native police constables with them when on patrol.

Lord HANKEY congratulated the accredited representative on this chapter of the Administration's work.

DEFENCE OF THE TERRITORY

Lord HANKEY observed that there had been some discussion in the Commonwealth Parliament in November last on the subject of the defence of the territory.

Mr. HALLIGAN said that the discussions had been purely hypothetical. No actual steps had been taken with a view to the defence of the territory. There had been some discussion, at a meeting of white residents in Wau, of organising rifle-clubs and the like ; but no action had been taken by the Administration or by the Commonwealth Government.

ARMS AND AMMUNITION

Lord HANKEY drew attention to the reference in paragraph 107, page 42 of the report, to permits for natives under Ordinance No. 9 of 1938 " to use firearms to be issued to his employer only, but requiring the native while shooting for his employer to carry a duplicate of that permit." Were the permits confined to game shooting ?

Mr. HALLIGAN answered that they were confined to shooting for food.

Lord HANKEY was glad to notice that " firearms are registered annually " (paragraph 109, page 43 of the report).

He considered that the whole of this section of the report (pages 42-44) was drawn up in a very convenient form, in as much as it included convictions for offences recorded elsewhere.

What was the offence recorded in paragraph 28 (page 18 of the report) " Using dynamite without a permit " ? Was that included under Part V of the report, Arms, etc. ?

Mr. HALLIGAN stated it was not included under Part V. The dynamite in question was used for fishing.

ANTHROPOLOGICAL RESEARCH : NATIVE CUSTOMS

Count DE PENHA GARCIA said that the anthropological particulars recorded in paragraphs 30 to 35, pages 20 to 23 of the report, were most interesting. It was curious to note the marked variations in social conditions in certain tribes. He hoped those local particulars would be a feature of each year's report. The " world-wide interests " of the territory " as a field for anthropological research " would, he hoped, yield results which would be available for the Commission.

Mr. HALLIGAN said that the results of the anthropological work in the territory would be made available for the Commission. The majority of the anthropologists in question were working on behalf of Australian, American and other institutions, and did not report direct to the Administration ; but their reports were published, and the Administration was able to secure copies. Available information as to such publications would be included in annual reports.

Count DE PENHA GARCIA was glad to note from paragraph 35, pages 22 and 23 of the report, how the patrol officers were endeavouring to arrive at an understanding of the native by direct contact. He observed that paragraph 34, page 22, referred to the " big part in the lives of New Guinea natives " played by " retaliation sanctions ". Was any special action taken by patrol officers, or alternatively through the missions, to put an end to this vendetta tradition ?

Mr. HALLIGAN replied that the Administration had been concerned from the outset to make an end of the "pay-back" tradition of the natives. Great patience was needed in this connection, and progress was inevitably slow; but considerable success had been already attained.

In reply to further questions, he added that patrol officers were all selected men, who had taken a course of anthropology at Sydney University and had also had practical experience since.

SOCIAL AND MATERIAL DEVELOPMENT OF THE NATIVES : NATIVE COUNCILS (*continuation*)

COUNT DE PENHA GARCIA noticed a reference in paragraph 60 (page 28 of the report) to "native owned motor-trucks", the money-earning capacity of which was described as "really astonishing". Unduly rapid development of this kind was always dangerous, and frequently assumed unexpected aspects, for example, in the direction of reversion to tribal notions. Paragraph 61, page 29 of the report, was interesting reading in that connection.

Mr. HALLIGAN said that the dangers of unduly rapid development were ever present to the Administration. He would not fail to convey Count de Penha Garcia's remarks to his Government.

COUNT DE PENHA GARCIA was interested to note Mr. Taylor's reference, reported in paragraph 65 (page 31 of the report), to the individualism of the Manus people. It was very gratifying to note that there were no attempts to change the characteristics of the different peoples suddenly. The Administration deserved all praise for that. He hoped the reports on the individual character of the several districts would be continued.

There had been some references in previous reports to the establishment of native councils. What results had been achieved in that direction?

Mr. HALLIGAN replied that the only experiment in that connection hitherto made was in New Britain—that was to say, in the district near Rabaul. It was too early as yet to say whether it was successful or not; but he hoped it would prove a foundation on which it would be possible to build.

Mlle. DANNEVIG referred to the statement in paragraph 61 (page 29 of the report) to the effect that "Perhaps the most outstanding feature is a general desire (of the natives) for betterment of life in villages, which is reflected in improvements to dwellings, better water supply, improved sanitation and better furniture and domestic utensils". That statement appeared to conflict with the reports of the missions, which suggested that Chinese traders tempted the natives to spend the money they earned on useless acquisitions: "amulets against sorcery, worth a few pence, were bought for from ten to twenty shillings".

Mr. HALLIGAN said that this was a phase which the native had to go through. The natives of Rabaul might be said, generally speaking, to have gone through it. The reports of the missions related rather to the remoter districts.

The indentured labourers were paid a part of their earnings while at work. That enabled them to learn something of the value of the money due to them when they left. He had not heard of labourers purchasing amulets against sorcery with their money. The remarks of the Lutheran Mission of Finschhafen to that effect related to a number of years ago.

HALF-CASTES

M. GIRAUD said that an attempt had been made to settle half-castes in the Talasea district (New Britain). Had anything come of that?

Mr. HALLIGAN said that, according to the latest information which he had received some months ago, there had been only one applicant in that connection. He presumed that the project had fallen through.

LABOUR : PROFESSIONAL RECRUITING : QUESTION OF THE PERCENTAGE OF NATIVE MALE LABOUR FROM THE VILLAGES

M. GIRAUD said that the number of native workers employed under contract had further increased by almost 1,600 from June 30th, 1937, to June 30th, 1938 (paragraph 97, page 40 of the report). In the two years from June 30th, 1936, to June 30th, 1938, it had risen from 36,927 to 41,849 (paragraph 97, pages 39 and 40 of the report), representing an increase of 4,922 or more than 13%. About half the workers were employed in the plantations, after which the most important employers were mining and trading enterprises.

M. Giraud then put a number of questions prepared by Mr. Weaver, who was absent.

At the examination last year of the 1936/37 annual report the principal question discussed with the accredited representative was the number of adult male natives employed under contract and the effects of such employment on the social and economic life of the native

communities.¹ The Commission referred to the matter in its report to the Council,² and asked whether, "in view of the increasing number and the high proportion of natives under indenture who are absent from their homes for periods of three years or even more, . . . the mandatory Power does not consider it advisable to lower this proportion and shorten these periods". On page 145 of the report for 1937/38, the mandatory Power stated, in reference to that observation, that it "considers that the native labour system in operation in the territory is suitable for the present stage of development of the native inhabitants and that no major alteration is necessary in regard to natives permitted to be recruited or the term for which they may be recruited."

Mr. Weaver only wished to draw attention to the information in the report which related to it, and then to put a few subsidiary questions.

The number of natives employed under indenture had further increased during the period under review—that was to say, from 40,259 to 41,849. The number of adult males under contract on June 30th, 1938, was about 41,500, or, as the total enumerated adult male population was given as 186,985 (Table II, page 137), about 22% of the enumerated adult male population. It was not possible to ascertain from the information in the report either the number and the proportion of adult males who were separated from their families during the period of employment, or the length of time during which they were so separated. Would it be possible, in the next report, to state (1) the approximate proportion of workers employed in their district of birth who could visit their homes during the period of service and (2) the length of service stipulated in the contracts signed during the year, in the same way as information was given in the present report regarding re-engagement contracts?

Mr. HALLIGAN replied that the number of natives employed under contract was 41,849 out of a census population of 581,342, of whom 186,985 were adult males. As pointed out by Mr. Weaver, that meant that 22% of the adult male population were indentured labourers—though it should be remembered in that connection that the total number of the population was possibly higher than the census figure, which would reduce the percentage.

No hard and fast percentage of indentured labour to the total population could be laid down. The figure necessarily varied in the different districts according to local conditions.

Any estimate of the effect of the recruitment of indentured labour on the social and economic life of the villages must be based on a detailed survey of the whole territory, which it had not yet been possible to make. Recruiting was limited by the powers of the Administration to close districts to recruitment; and patrol officers were required to watch the position closely in that connection when making their inspections of villages. Where any particular village was found to be suffering from recruitment of labourers, the matter was investigated and the area, where necessary, closed to recruitment, while the absent labourers were discouraged from extending their contracts. The decision to close an area to recruiting would be based on the likelihood of the recruitment disturbing the sex ratio or, generally, disturbing the internal economy of the villages concerned. Those were questions which could only be decided on the spot.

Of the 41,849 natives employed under contract, 350 were women (see paragraph 102, page 41, of the report). Of the women, 300 were married and were working under contract with their husbands. Some 1,085 other women had accompanied their husbands to the places of employment of the latter. There were thus about 40,000 natives who were not accompanied by their families. The proportion of married to unmarried men in that figure was not known. He would endeavour to give further details in the next report of the number and proportion of adult males separated from their families.

The tables in the report showed the distribution of the indentured labourers to be as follows :

| District in which employed | Total employed | Of whom | |
|----------------------------|---------------------|--|---|
| | | the following were natives of the district | the following were natives of other districts |
| Kieta | 2,919 | 2,770 | 149 |
| Madang | 4,674 | 3,489 | 1,185 |
| Morobe | 12,914 | 7,137 | 5,777 |
| Manus | 1,450 | 702 | 748 |
| New Britain | 11,531 | 5,623 | 5,908 |
| New Ireland | 5,715 | 2,753 | 2,962 |
| Sepik | 2,548 | 2,036 | 512 |
| | 41,751 ³ | 24,510 | 17,241 |

¹ See Minutes of the Thirty-fourth Session of the Commission, pages 176, *et seq.*

² *Ibid.*, page 231.

³ Total number employed at June 30th, 1938, 41,849, includes ninety-eight not recorded in district of employment at the close of the year.

It would be seen that more than half of the natives worked in the district in which they were born. There were no statistics available to show what proportion of those natives had opportunity to visit their homes during their periods of service. Owing to the varying size of the districts, the opportunity would vary according to the distance to be travelled and the means of transport available. In the district of New Ireland, many of the natives under contract worked on plantations connected with their villages by a motor-road with fully developed means of transport. A number of the indentured natives in that district lived with their families in their villages, and their family life was not disturbed to any extent. Similar conditions prevailed in other districts, though to a lesser extent. In some cases, the indentured natives were able to return home for week-ends, though unable to do so every night.

As regards re-engagement, the number of labourers under contract on July 1st, 1937, was 40,231. At the end of the year the number was 41,849. Of those employed whose contracts expired during the year, 5,581 elected to sign on for a further term. The number who signed on during the year was 18,124—that was to say, 12,543 new labourers were engaged. The number who signed off was 15,890—that was to say, 10,309 were returned to their villages. In 1936/37, the number of new natives who signed on was 12,153, while 8,309 were returned to their villages. It would be seen that a substantial proportion of indentured labourers returned to their villages each year.

Mr. Halligan would convey to his Government the request for additional statistics in future reports so as to show the extent to which labourers were absent from their villages under contracts, and the periods of such contracts.

M. GIRAUD, continuing the questions prepared by Mr. Weaver, referred to a statement made in an article on "The Mandated Territory" published in *The Age*, of Melbourne, on December 28th, 1938. The article alleged that, when a village native was unable to pay his ten shilling tax to the tax gatherer, "such boy or boys are marched off with the patrol party, and, with due formalities, handed over to the nearest employer of labour. This man is always ready to welcome additional labour, and gladly pays the ten shillings required by the Government." Was there any substance in that allegation?

Mr. HALLIGAN answered that he had read the article from which the quotation was taken, and he had no hesitation in stating that there was no substance whatever in the allegation which it contained. Such proceedings would be directly contrary to the whole policy of the territory in regard to native labour. No pressure of any sort was allowed to be placed on natives to induce them to enter into contracts.

M. GIRAUD, on behalf of Mr. Weaver, pointed out that according to the report, "a large proportion of desertions is now accounted for by natives returning to their villages on leave and forgetting their contractual obligations" (paragraph 99, page 40. What were the circumstances in which labourers returned to their villages on leave?

Mr. HALLIGAN replied that the principle of the Native Labour Ordinance was for every labourer to return home on the termination of his contract. A system of leave was provided only for skilled labourers and labourers employed in domestic service (*vide* Section 89 of the Ordinance). There were no other statutory provisions for leave of absence for other classes, but he was informed that the majority of employers granted leave of absence to indentured labourers on the latter re-engaging or during the periods of their contracts. He would endeavour in subsequent reports to give some indication of the extent to which leave facilities were available and were taken advantage of in the different districts.

M. GIRAUD, on behalf of Mr. Weaver, said the death rate of indentured labourers was given as 14.5 per mille (paragraph 103, page 41 of the report); in the Morobe District, it was 17.88 per mille, 55.84% of the deaths being due to pneumonia (paragraph 199, page 78). Was the Administration taking any further steps to try to reduce the death rate?

Mr. HALLIGAN replied that the death rate in the Morobe District was a matter to which the public health authorities were directing special attention. The total number of deaths in the district had risen from 501 in 1936/37 to 616 in 1937/38. The total numbers of indentured labourers in the district for the two periods were 12,850 and 12,914 respectively.

M. GIRAUD, putting the last question prepared by Mr. Weaver, noted that a new offence had been created by Ordinance No. 8 of 1938, which was described in paragraph 91 (page 38 of the report) as prescribing a penalty for persons causing friction between servants or labourers and their employers or between servants or labourers themselves. In the Australian House of

Representatives, on December 7th, 1938, a member had said: "The purpose of the Ordinance, I am informed, is primarily to prevent complaints by the natives from being brought before the authorities in such a way as to force them to take action." What was the object of the Ordinance? Would a private person who advised a labourer to lodge a complaint against his employer be liable to prosecution under the Ordinance?

Mr. HALLIGAN replied that the Ordinance in question was passed in consequence of cases where natives had been instigated by private persons to lodge complaints which were all found, on investigation, to be entirely without foundation. There had been a case before the court under that ordinance.

M. RAPPARD asked for particulars as to the "private persons" who instigated the natives to lodge the complaints. Did not the Administration welcome reports from outside parties?

Mr. HALLIGAN supplied particulars, and stated that the Administration promptly investigated any complaints concerning breaches of the Native Labour Ordinance, or Regulations, whether such complaints came from the natives themselves or from parties outside.

M. VAN ASBECK asked if the incident did not perhaps show the need for some system of labour inspectors. Experience showed that, in all tropical countries, sooner or later, the need for such inspection made itself felt.

Mr. HALLIGAN answered that the feeling of the Administration was that the inspection of labour conditions was one of the functions of the officers of the district services. The work of the district officers in that connection was continuing all the time (paragraph 104, page 41 of the report). A separate organisation for the purpose did not seem to be required.

COUNT DE PENHA GARCIA observed, from paragraphs 38 to 45, pages 24 and 25 of the report, that a good deal of progress was recorded in the composition of the population of the Morobe District. But a number of workers in the Morobe District were from other districts, and did not bring their women with them. Were any steps taken to encourage the immigration of the families of workers, or to develop immigration from neighbouring districts?

Mr. HALLIGAN replied that it was the policy of the Administration to encourage natives to bring their women with them, and to induce the employers to agree to that arrangement. The Administrator stated that he had had greater co-operation on the part of employers in that connection in the past few years. The chief opposition came from the natives, partly due to conservatism and because they were afraid of the danger involved in the removal of their women, and the effect on the economic structure of their villages. The women had to accumulate food stocks for the return of the workers.

It should be remembered that the natives, as a rule, came at the outset from purely primitive conditions, and for the first year or so were occupied entirely with learning their job.

COUNT DE PENHA GARCIA said the problem was obviously at once social and political.

M. VAN ASBECK, referring especially to the Sepik district, said he would be glad to find in future reports particulars of the percentage of the controlled area in which recruiting was prohibited there. He understood that the Administration proposed to study, and report on, the whole question of the dislocation of village life as a result of recruitment. The situation in Sepik in this connection seemed to him most alarming; and the Commission would welcome the fullest information on the subject. According to all accepted African standards, 22% of the total adult male population was an enormously high figure.

The CHAIRMAN said that the entire Commission would support M. van Asbeck's request for further information on the subject of the apprehensions which had been expressed.

Mr. HALLIGAN undertook to give what information he could on the subject. The Administration was fully alive to its importance.

Lord HANKEY hoped the Administration would give consideration in that connection to M. van Asbeck's suggestion of a service of labour inspectors.

PUBLIC HEALTH

Count DE PENHA GARCIA welcomed the detailed statistics contained in the report on the subject of public health. It was clear from the report—and, in particular, from the circumstance that some £90,000 (paragraph 138, page 48 of the report), or 17½% of the total expenditure of the territory, was devoted to the public health services—that the Administration was doing its best to overcome the difficulties of the situation and the backwardness of the natives.

He had drawn attention at the last session¹ to the medical tultul system, which was said not to be working in an entirely satisfactory manner. The accredited representative then undertook to study the system, and include "a suitable reference to the reform of the tultul system" in the next report. Had Mr. Halligan anything to add to the information contained in paragraphs 150 and 151 (page 53) of the report?

Mr. HALLIGAN replied that the medical tultul system was working on the whole well, and was being steadily improved.

As the Commission would see from paragraph 149 (page 53) of the report, medical base posts were being established in conjunction with district service police posts, with trained indentured medical orderlies in charge.

Mlle. DANNEVIG asked what language the orderlies spoke in dealing with the villages.

Mr. HALLIGAN answered that they would speak pidgin-English anywhere outside their own districts.

Count DE PENHA GARCIA said he would welcome any further information as to difficulties—including language difficulties—encountered in connection with local medical services.

He would be glad to know whether the segregation of lepers was found to prevent the spread of the disease.

Mr. HALLIGAN said there had been a marked improvement in the New Ireland District, where leprosy was previously very rife.

Count DE PENHA GARCIA drew attention to the prevalence of pneumonia and the high mortality from that cause. The Commission had been informed of a new treatment for pneumonia which had proved very successful in operation in South West Africa.

Mr. HALLIGAN had not himself heard of that new treatment; but the authorities were much concerned with the high death rate from pneumonia and were studying the question carefully.

Count DE PENHA GARCIA observed that the report stated (paragraph 153, page 54) that the "infant survival rates as reported in patrol reports vary greatly in different areas, but the figures obtained in ordinary patrols are, to a certain extent, unreliable owing to the disinclination of natives to report or admit births and deaths in early infancy occurring since the previous patrol". He presumed that, in reality, all statistics other than hospital statistics were unreliable.

Mr. HALLIGAN agreed that that was so.

Mlle. DANNEVIG asked whether the women benefited as well as the men from the public health expenditure of the territory.

Was the Administration doing anything to train native midwives?

Mr. HALLIGAN said that the answer to Mlle. Dannevig's first question was in the affirmative.

In reply to her second question, he said that the main infant welfare work in the territory was at the Malabunga centre (paragraph 153, page 55 of the report). The various missions conducted infant welfare centres in their own hospitals at a number of places. There were no trained native midwives. The difficulty in that case was the very marked reluctance of the natives to receive any such training.

Mlle. DANNEVIG asked whether the natives were equally reluctant in the controlled area.

¹ See Minutes of the Thirty-fourth Session of the Commission, page 184.

Mr. HALLIGAN said that on anything to do with maternity the natives were very shy, even in the controlled area; but their reluctance was no doubt slowly being overcome.

Mlle. DANNEVIG asked whether the missions were not helping to overcome the shyness of the natives and to make them rely on the good intentions and the help of doctors.

Mr. HALLIGAN said that they undoubtedly were.

LAND TENURE

M. VAN ASBECK noted the information supplied on page 144 of the report in reply to the Commission's observations in connection with the 1936/37 report.¹ It was said (Section 12(ii) on page 144 of the 1937/38 report) :

" There is no recorded title in respect of native-owned land, the actual ownership is determined by the customs and usages of the tribes or groups who inhabit it."

Was there any machinery for recording native titles when the natives reached the stage of individual ownership or when their lands were situated amidst lands of Europeans, held under individual title ?

Mr. HALLIGAN replied that the stage of individual ownership was one which would, of course, arise, but had not yet arisen.

M. VAN ASBECK said that he would welcome any information bearing on the subject.

FORESTS

Count DE PENHA GARCIA asked for particulars of the " two native timber authorities . . . issued to cover purchases of forest products " referred to in paragraph 325, page 123 of the report.

Mr. HALLIGAN explained that they were permits issued to Europeans to enable the latter to purchase timber from natives.

Count DE PENHA GARCIA asked whether the two forestry officers appointed in 1938 (paragraph 325, page 123) were experts.

Mr. HALLIGAN replied that they had both taken courses in forestry at Canberra, and had also had actual experience of forest work in Australia before going to New Guinea.

MINES

Count DE PENHA GARCIA asked for particulars of results in connection with the oil prospecting to which reference was made in paragraph 309, page 120 of the report.

Mr. HALLIGAN replied that, at the close of the year, two permits had been issued for prospecting in the areas marked on the map he had submitted to the Commission. Certain steps had been taken to facilitate prospecting, which was now proceeding actively. The operations were very costly. He had no statement to make at present as to results.

Count DE PENHA GARCIA said he would welcome any eventual information on the subject. What was the present position of the gold-mining industry in the territory ? Was it making progress or was it on the decline ?

Mr. HALLIGAN said that, in the main gold-mining area (that was to say, in the Morobe District), production was steady. The two other gold-mining areas in the Kieta and Sepik districts respectively were much smaller. There was no increase in the output of either ; but production still continued.

¹ See Minutes of the Thirty-fourth Session of the Commission, page 231.

M. GIRAUD was struck by the considerable increase in the imports of mining machinery (paragraph 267, page 97 of the report) from some £40,000 in 1936/37 to £262,908 in 1937/38.

Mr. HALLIGAN said that the increase was, he believed, largely accounted for by the import of new dredgers for the Bulolo Gold Dredging Company operating in the Morobe gold-fields. The dredgers were flown in parts from the coast to the gold-fields—a somewhat remarkable achievement. He submitted photographs of the transport of the parts concerned. The 3½-ton tumbler shafts were the principal problem in the transport ; but the planes were able to cope with it.

MISSIONS

Mlle. DANNEVIG drew the accredited representative's attention to the observation made by the Commission the previous year¹ relating to missions.

She added that she would be glad if the reports from the missions could be sent in at the same time as the annual report.

Mr. HALLIGAN said that that would certainly be done in future.

Mlle. DANNEVIG noted from the report (page 145) that "the work of the missions is encouraged and assisted by the Administration, whose relations with the missions are cordial and based upon mutual understanding and recognition of the part that each can take in the moral and material well-being and the social progress of the inhabitants. There has not been any serious friction between the missions and the Administration."

With that statement she contrasted the assertion in paragraph 123 of the report (page 45) to the effect that :

"The missions are doing good work, as the conduct of their schools no doubt introduces many essential features of the western civilisation into ordinary village life. The main objective of the missions, however, is religious instruction, and the schools conducted by them are for the purpose of preparing the mass of natives to receive instruction in the tenets of the particular creed, and to train selected native personnel to a stage which will enable them to impart such religious instruction. Education in its broader sense is *incidental* to the main objective."

Was it fair to the missions to say that "Education in its broader sense is incidental to the main objective" ? She had received a different impression from the accounts given by the missions in their own reports of the education which they afforded.

On page 128 of the report there was a table showing that the missions had fifty-one training centres, sixty intermediate schools and 2,282 elementary schools, with 65,265 pupils in all. They asserted that, by their work, thousands of natives had learned to read and write their own language and some even some English. They had done all that without any help from the Administration, which did not subsidise the missions and only spent £6,726 on education itself (paragraph 118, page 45 of the report).

Mr. HALLIGAN did not think it could be disputed that the objectives of the missions were mainly religious. Some account of their activities would be found in paragraph 339, page 128 of the report.

M. VAN ASBECK said that the difference between Mlle. Dannevig and the accredited representative appeared to be chiefly a matter of emphasis.

Mr. HALLIGAN agreed. There was certainly no disposition on the part of the Administration to underestimate the valuable work which the missions were doing.

On the whole question of collaboration between the Administration and the missions, he proposed to make a full statement, when the Commission came to discuss the section of the report on education. The Administration believed that it had now worked out what would prove the best system ; it meant to make a beginning at once in a small way.

Mlle. DANNEVIG gathered from paragraph 341 (page 129) of the report that some of the missions engaged in commercial pursuits such as planting and saw-milling, and that the proceeds of those activities were expended within the territory on mission work. Did that mean that the missions needed the extra money in order to carry on their work ? Did it mean that they used indentured labour for their commercial activities ? If so, were the commercial activities supervised ?

¹ See Minutes of the Thirty-fourth Session of the Commission, page 231.

Mr. HALLIGAN replied that all the missions, and especially the Catholic missions, had plantations and workshops. They used the money for their work in the territory : they did not send it home. With the low price of copra, it was doubtful if they could earn much in that way at the present time.

The missions used indentured labour for the purpose of those activities. The labourers were quite distinct from the mission pupils. The indentured labour of the missions was subject to official control like any other indentured labour.

Mlle. DANNEVIG said that all that work on the part of the missions seemed to be very useful. She would be grateful for more information about the commercial activities of the missions—for instance, the number of indentured labourers they employed, their wages, etc.

Mr. HALLIGAN answered that any information on that subject would have to come from the missions themselves ; he was doubtful whether the missions would agree to supply the Administration with information in regard to their commercial activities. He would see, however, what could be done to satisfy Mlle. Dannevig.

EDUCATION

Mr. HALLIGAN read the following account of the educational policy of the Administration, which had been prepared for the Commission.

“ The present position and the proposals for the future are detailed at some length in Part VI of the report for 1937/38 (pages 45 to 47). The table on page 8 of that report shows that, since the establishment of mandatory control of the territory in 1921, a sum of £123,356 has been expended on native education. Various methods have been tried with a view to securing an educational system that will be suitable and adequate for the needs of the natives of the territory in their present stage of development.

“ At first, an extensive administrative scheme was launched, but it was found to be in advance of the capacity of the natives and it was modified to some extent. Later it was proposed that the whole of the educational activities of the territory should be placed in the hands of the several religious missions operating there. This scheme was, however, abandoned ; and the present Administrator, an educationalist with many years of experience, proposed that a Committee should be formed to review the whole matter of the educational requirements of the natives and to submit proposals upon which their future education could be based.

“ It was found, however, that it was desirable that further information should be available before it would be possible to formulate a general scheme of education. A proposal now in contemplation is that an educational scheme should make provision for the Administration and the religious missions jointly to carry out the work. It is considered essential that English should be taught in the schools and that subsequently it should be the medium of instruction on other subjects. There are certain difficulties in this respect so far as the missions are concerned, owing to the limited number of English speaking personnel on their staff. Certain of the missions have intimated their willingness to include the teaching of English in their schools, and it is hoped that it will be possible for all the mission schools to adopt this procedure.

“ As a first step in the proposal to formulate a scheme that will be conducted by the Administration and the missions, the Administrator has prepared a syllabus in two parts—one covering a five-year study, which is designed as a basis for village school education, and the second, for two years, which is intended for advanced pupils who are capable of being trained to become teachers or clerical workers. A copy of the syllabus has been forwarded to the several mission authorities in the territory.

“ The proposals visualise the village schools conducted by the missions including instruction in accordance with the syllabus prepared by the Administrator, and that the Administrator will establish village schools in other centres. As a beginning, a native school was established by the Administration at Chimbu, and an experiment is being made with two native teachers. The experiment indicates that it should be possible to make progress by this means.

“ It will be appreciated that rapid progress in the matter of native education is not possible, in view of the existing circumstances of New Guinea and the stage of development of the natives, but it is felt that the proposals now being investigated will open an avenue for the establishment of a scheme of education that will be suitable to the requirements of the territory and will, in time, spread throughout the territory on a uniform basis.”

Mr. Halligan further quoted from a memorandum by the Administrator to the Prime Minister's Department on the subject of native education, dated February 16th, 1939, in the following terms :

“ I am of the opinion that the present scheme for the expansion of village education is on sound lines. There are many difficulties, not the least of which is the training of native teachers who will satisfactorily staff the schools and conduct them without continuous direct supervision of Europeans.

“ Two new schools are being erected in the Rabaul district, one at Tavui and one at Pila Pila. Teachers from the Malaguna school will be transferred to these schools and European teachers will give supervision by weekly or more frequent visits. In the first instance, these schools will accommodate from fifty to sixty pupils each.

“ Classes for the training of teachers will be maintained at Malaguna and, as teachers become available, new schools will be opened, but progress in this connection must necessarily be slow. At present, the teacher trainees are all New Britain natives and village schools conducted by the Administration will be restricted to that district. Endeavour is being made to secure natives from other districts for similar training and when this is done, the matter of opening schools in those districts will receive consideration.”

Mlle. DANNEVIG wondered if it was suggested that the native teachers it was proposed to train would be better teachers of English than the missionaries.

Mr. HALLIGAN replied that one of the difficulties with the missions had always been the shortage of English-speaking missionaries.

The CHAIRMAN suggested that, as the statements read by the accredited representative introduced entirely new matter, they should be reproduced in full in the Minutes and considered the following year.

The Chairman's proposal was adopted.

ALCOHOL AND SPIRITS

Lord HANKEY said that it appeared from the report (paragraph 112, page 43) that the number of natives convicted for being in possession of, or drinking, intoxicating liquor was eighty-five in 1937/38. On the other hand, the report stated (paragraph 114, page 44) that no alcoholic or intoxicating liquor was manufactured or produced in the territory for sale. The report added (paragraph 115, page 44) that the supply or sale of liquor to natives was prohibited. Did the natives produce any alcoholic beverage for their own consumption ?

Mr. HALLIGAN replied in the negative.

M. GIRAUD asked whether the expression “ liquor ” in paragraph 115 included wine and beer as well as spirits.

Mr. HALLIGAN replied that the term covered all intoxicating beverages.

DRUGS

Lord HANKEY asked whether the use of drugs in the territory was confined to Asiatics.

Mr. HALLIGAN replied in the affirmative.

CLOSE OF THE HEARING

The CHAIRMAN thanked the accredited representative for the help he had given the Commission in the examination of the report.

NINETEENTH MEETING

Held on Tuesday, June 20th, 1939, at 10.30 a.m.

Nauru : Examination of the Annual Report for 1938.

Mr. J. R. Halligan, Officer in charge of the Territories Branch of the Prime Minister's Department of the Commonwealth of Australia, came to the table of the Commission.

WELCOME TO THE ACCREDITED REPRESENTATIVE

The CHAIRMAN welcomed the accredited representative, who had already appeared before the Commission on the previous day for the examination of another report.

FORM OF ANNUAL REPORT

M. VAN ASBECK suggested that in place of the second paragraph in the "General" section of the report (page 7), it would be more helpful if more explicit references could be given to previous reports containing detailed information on the island and its administration.

Mr. HALLIGAN noted that request.

INTERNATIONAL CONVENTIONS

COUNT DE PENHA GARCIA asked whether any of the Conventions listed on page 21 of the report had particular application to Nauru.

Mr. HALLIGAN replied that, generally, international Conventions concluded by the Commonwealth of Australia were extended to Nauru, but none of those listed had any real application to the island.

QUESTION OF THE PARTICIPATION OF THE ADVISORY COUNCIL OF CHIEFS IN ADMINISTRATIVE ACTIVITIES

M. VAN ASBECK thanked the accredited representative for the information in section (I), sub-section (ii), of Appendix E (page 40 of the report), describing the part taken by the Advisory Council of Chiefs in financial matters.¹

AGREEMENT BETWEEN THE NAURUAN LANDOWNERS AND THE BRITISH PHOSPHATE COMMISSIONERS

M. VAN ASBECK asked whether the chiefs had taken an active part in the negotiations for the extension of the Agreement between the British Phosphate Commissioners and Nauruan landowners described on pages 7 and 8 of the report.

Mr. HALLIGAN confirmed that there had been prolonged negotiations between the Administrator and the chiefs regarding the term of extension and the rates of payment, in the course of which the chiefs had advanced various proposals and suggestions.

M. RAPPARD observed from Mr. Halligan's reply that the negotiations for an interim Agreement had been carried on between the British Phosphate Commissioners and the Nauruan chiefs. Were the latter the authorised spokesmen of the landowners?

Mr. HALLIGAN explained that the fourteen district chiefs represented the native population—that was to say, the landowners, on whose behalf they discussed with the Administrator the conditions of the new Agreement. These were in turn transmitted by the Administrator to the Prime Minister's Department and communicated by the latter to the Commissioners.

M. VAN ASBECK asked if the chiefs were Government nominees.

Mr. HALLIGAN replied that the chiefs were the elected representatives of the native population and were not appointed by the Government. The situation in Nauru differed in that respect from the situation in New Guinea.

M. RAPPARD noted that the island's only resources lay in its deposits of phosphate, the exhaustion of which would leave the Nauruan landowners in an unfortunate position. The Government had therefore adopted a system of giving the landowners an interest in the working of the deposits. This was not only to last while they were being exploited; it had been arranged that the landowners should draw a certain revenue even after the exhaustion of the deposits. The new Agreement described in this chapter of the report (pages 7 and 8) for the extension of the system was even more generous than the original Agreement, though the price of phosphates had considerably declined in the interval. Thus, instead of $1\frac{3}{4}d.$ per ton immediately payable under the old Agreement, landowners were to receive $4d.$ and, eventually, $5d.$ per ton.

¹ See Minutes of the Thirty-fourth Session of the Commission, page 17.

He found it difficult to visualise negotiations between landowners who, in spite of a fall in phosphate prices, were to be paid more, and the British Phosphate Commissioners, who, in any case, were earning ample profits.

Mr. HALLIGAN agreed that the new arrangement was more generous than the old one. Its main point was not so much the immediate as the future payment, the rate of which had been raised from 2*d.* to 2½*d.* per ton. This would be invested at compound interest and, when the extended Agreement lapsed in 1967, the Nauruan landowners would have to their credit some £396,000, exclusive of interest. Thus, when the phosphate deposits were exhausted, its former owners would have this new asset in place of the deposits.

The fluctuations in the price of phosphates were detailed in the second paragraph of page 8 of the report. It should, however, be pointed out that the prices referred, not to world market rates, but to a price fixed by the Commissioners according to costs of production. As the latter had fallen owing to increased output and better loading facilities, the Administration and the Commissioners agreed that the payment to the natives could not be correspondingly reduced. Accordingly, in the new Agreement, a minimum price of 4*d.* per ton was decided upon, based on a price of 14*s.* per ton with provision for variations up to a maximum of 6*d.* In addition, the 2*d.* per ton paid to the Administrator in trust for the landowners was raised to 2½*d.*

M. RAPPARD concluded from the facts stated in the report and the accredited representative's explanations that the Nauruan landowners had had a perfectly fair deal.

He assumed that the price mentioned by Mr. Halligan was less than the world market price; in that case, how was the product distributed? There was, doubtless, a keen demand for Nauruan phosphates if the price were below the normal world cost.

Mr. HALLIGAN explained that sales at the price fixed by the Commissioners were only made to the three Governments concerned; other purchasers paid the ordinary market price, and the profits earned accrued to the Commissioners.

M. RAPPARD noted that, out of a total revenue of £29,000, the royalty on phosphate exported amounted to more than £21,000 (page 9 of the report), which worked out at more than 4*d.* per ton, but less than 7½*d.*

Mr. HALLIGAN replied that, in addition to total royalties of 7½*d.* per ton payable to the Nauruan landowners, a further amount of 6*d.* per ton was levied by the Administration as an export tax. The amount distributed among the landowners would be found in Tables F and G (pages 10 and 11 of the report).

M. RAPPARD noted that part of the royalty earned was spent for the benefit of the natives, part was invested in a fund, and the largest part was distributed in the form of individual payments. Could fuller details of the latter be supplied in later annual reports?

Mr. HALLIGAN agreed to arrange for this information to be furnished.

M. RAPPARD noted from Table H (page 11 of the report) that Europeans paid a capitation tax of £2, Chinese £1 and Nauruans about 15*s.* This doubtless operated as an inversely progressive income tax; £2 being a much smaller fraction of the average European's income than was £1 of that of the average Chinese. Was that not rather a blemish on the otherwise so generous Nauruan fiscal system?

Mr. HALLIGAN said that the point raised by M. Rappard had not so far been considered by the Administration. He agreed that the incidence of the tax might not seem to be entirely fair, and that the matter should possibly be examined.

COUNT DE PENHA GARCIA asked if the proceeds of the capitation tax (page 11 of the report) levied on natives were expended for the benefit of the native population.

Mr. HALLIGAN replied that the tax was levied on identical lines on Europeans, Chinese and Nauruans. The amounts paid by the two former classes accrued to the Administration, but those collected from Nauruans were transferred to the Nauruan Royalty Trust Fund for the sole benefit of the Nauruans themselves. Occasionally, sums had been transferred to the Domaneab Trust Fund, which was actually administered by the natives.

ECONOMIC SITUATION : IMPORTS AND EXPORTS

M. GIRAUD said that the severe drought experienced in 1938 had reacted unfavourably on the crops, but agriculture played a rather small part in the economy of Nauru in any case.

In the foreign trade of the island, phosphates still constituted the sole item of export and, as the table on page 13 of the report showed, the quantities exported had risen steadily since 1933, the figures for 1938 being 22% above those for 1937. Imports were still very inferior in value to exports which were considerable, owing to the smallness of the island. Nevertheless, the gap between the value of imports and exports had lessened considerably in 1938. In that year, imports constituted 50% of exports in value as compared with only 28% in 1937 (pages 12 and 13 of the report).

What were the principal articles included under the heading "Hardware and machinery" (page 12 of the report) which, amounting in value to £145,480, constituted more than half of the total import trade?

Mr. HALLIGAN said that the increase in that item from £55,400 in 1937 was due to the extensive programme of new works introduced; the Phosphate Commissioners had duplicated a crushing and drying unit and had made provision for an additional cantilever crane.

M. GIRAUD asked which of the import items in the list on page 12 of the report represented articles intended more particularly for native consumption.

Mr. HALLIGAN replied that native demand would probably account for some proportion of the items of apparel and foodstuffs imported; he could not state the exact percentage.

M. GIRAUD recalled that, last year,¹ he had noted that no copra was exported during 1937; the accredited representative had replied that the Administration was considering the possibility of stimulating the natives' interest in the production of copra. What was the position in that respect during 1938?

Mr. HALLIGAN replied that small amounts of copra had been exported from Nauru during the period 1923-1933, since which time native interest seemed to have evaporated. The unsatisfactory state of affairs had led to the promulgation of a Lands Ordinance in 1933 requiring natives to thin out or fell coconut trees in a poor condition and to direct that young trees should be planted not less than thirty feet apart. As there was an excellent market in Nauru for green coconuts, pigs, poultry and eggs, the production of copra offered little attraction to the natives.

CO-OPERATIVE SOCIETY

M. GIRAUD recalled that last year² the accredited representative had supplied interesting information on the aims and organisation of the Nauru Co-operative Society which had been set up with capital entirely supplied by the natives. The report for 1938 contained only a brief reference to that matter (page 18). He asked that future reports might contain data which would give an idea of the importance of the activities of the Society.

Mr. HALLIGAN undertook to comply with M. Giraud's request.

POLICE : PRISONS

Lord HANKEY said that the only reference in the report to police and prisons was to be found in Table C on page 9, where expenditure for 1938 was given as £4,318, or some £900 more than 1937. What was the reason for the increase? The figure in question, moreover, did not correspond with item II in the schedule at the top of page 39—£3,816.

Mr. HALLIGAN said that the increased expenditure was mainly due to purchases of arms and equipment. The figure in the schedule represented the original estimate framed at the beginning of the financial year, while the figure on page 9 included a supplementary appropriation.

¹ See Minutes of the Thirty-fourth Session of the Commission, page 22.

² *Ibid.*, page 25.

Lord HANKEY suggested that, as the Commission had received no detailed report regarding the police force since 1928, the next report might usefully supply detailed information on its strength, armament and distribution.

Mr. HALLIGAN agreed to arrange for the supply of the information requested. He could tell the Commission forthwith that the strength of the force was now forty-three as compared with thirty-five in 1935, and it was under the orders of a European officer.

JUDICIAL ORGANISATION

M. VAN ASBECK noted (page 16 of the report) that the delegation to the chiefs of certain minor powers in their districts had been continued with satisfactory results. What were those powers? He also asked whether the chiefs acted as assessors when Nauruan cases were brought before the courts.

Mr. HALLIGAN referred the Commission to a communication on that subject contained in the annual report for 1928, (page 48) according to which chiefs had power to judge petty offences, for example, disregard of public health regulations, absence from general meetings, traffic offences, and to impose fines varying from 10s. to 20s. They did not act as assessors. Serious cases were heard by the Administrator, who was also a magistrate.

WELL-BEING AND SOCIAL DEVELOPMENT OF THE NATIVES

Count DE PENHA GARCIA gathered from the report that, notwithstanding the efforts made by the mandatory Power, the native population of the island was increasing only very slowly (page 19). The reason was probably not so much the social conditions in which the Nauruans lived as special climatic or physiological circumstances. The figures of savings bank deposits (page 9 of the report) showed that economically the natives were in a favourable situation, due, of course, to the prosperity of the phosphates industry. As agriculture was not much developed, what was the Nauruan's normal occupation?

Mr. HALLIGAN replied that the islanders did not really require to expend much effort as they were amply provided with the usual necessities of life.

Mlle. DANNEVIG asked whether there was sufficient room left on the island for the native population.

Mr. HALLIGAN pointed out that Nauru was an island with a circumference of some twelve miles. The outer rim was formed by a coral reef which was exposed at low tide. Then came a beach and a strip of fertile land some 200 to 800 yards wide running up to a plateau in the centre of which the phosphates were deposited. The natives lived on the fertile strip where they had sufficient accommodation and were able to grow their crops of coconuts and pandanus palm.

M. GIRAUD noticed that some 500 children attended school (page 16 of the report) out of a total native population of 1,600. He supposed that education was having an influence on the mentality of these natives, who no doubt were more highly developed than most of the primitive races of Oceania.

Mr. HALLIGAN said that the main difficulty experienced by the Administration in dealing with the native population in its present transitional stage was to give them some definite incentive in life. The tropical climate was of course not conducive to an active existence and the older natives were, moreover, not very advanced intellectually, according to European standards.

M. VAN ASBECK had been impressed by the valuable information contained in the report of the Director of Education in Appendix B (pages 28-33), but did not understand the reference on page 30, paragraph 4, to "the rapid industrialisation of the island".

Mr. HALLIGAN said that the report in question had been compiled by Mr. Groves who had returned to Australia after the expiry of his term of office in December 1938. The reference on page 30 could only be to the phosphate industry.

M. VAN ASBECK suggested that it would be extremely valuable if Mr. Groves could be induced to supply a "valedictory" report dealing with social conditions in Nauru and the future prospects of the native population.

LABOUR

M. GIRAUD noted (page 17 of the report) that there had been an increase during 1938 of 272 in the number of Chinese workers ; the total number of these workers had risen in four years from 900 to about 1,500.

M. Giraud then asked a question which had been prepared by Mr. Weaver, who was absent. He asked whether any of the eight deaths of Chinese labourers, recorded on page 17 as having occurred during 1938, were due to accidents. Had the accredited representative also any information on the question put in 1938 regarding the principle adopted for the payment of compensation for accidents ?¹

Mr. HALLIGAN replied that the Administrator's monthly reports made no special reference to the first point mentioned by M. Giraud ; he assumed therefore that the deaths were due to ordinary causes.

On the subject of compensation, he referred the Commission to paragraph (c) in Appendix E of the 1937 report (page 52), reading as follows :

“(c) *Accidents.* — Four accidents, involving two deaths, occurred during 1937. Accidents are the subject of immediate official enquiry by the district magistrate. Men injured at work receive full pay, rations and medical attention during the whole period of their incapacity. When injury results in inability to resume work, labourers so injured are returned to China at the expense of the British Phosphate Commissioners. They receive wages to date of embarkation at Nauru and a gratuity equal to one year's wages. In the event of death, resulting from accident at work, an amount equal to one year's wages is paid to the deceased's family.”

M. RAPPARD thought it curious that the 20% increase in the number of Chinese labourers had not resulted in a corresponding increase in the value of the remittances sent by those labourers to China.

Mr. HALLIGAN had no explanation to offer, but drew attention to the rates of wages actually paid as detailed in paragraph (d) of Appendix E in the 1937 report (page 52).

MISSIONS

Mlle. DANNEVIG recalled the question asked by M. Palacios at the thirty-fourth session² regarding the influence exerted by missions, the figures of enrolment at the Sacred Heart School and his desire for more information. The report for 1938 merely stated that the indigenous population adhered to the Protestant and Roman Catholic religions and that, in 1938, the London Missionary Society had erected a new church capable of accommodating approximately 1,000 persons. Could fuller information be given in the next report concerning missions, particularly as to the influence they had on the spiritual life of the native population ?

Mr. HALLIGAN agreed to comply with the request.

EDUCATION

Mlle. DANNEVIG, referring to the observation made by the Commission last year³ in connection with education, noted that the report for 1938 contained very full information on native education, particularly in Appendix B (pages 28 *et seq.*) which was an admirable description of the proposals for future educational development. If the programme of study outlined on pages 32 and 33 of the report could be achieved, young Nauruans were certainly to be envied.

According to Chapter VI (page 16 of the report) there were, at the end of 1938, eight primary and two post-primary schools for natives with a total of 512 native children receiving instruction from a staff of thirty-four male and female natives. In addition, twelve Nauruan boys underwent special training in 1938 in technical colleges in Geelong, Australia, and would receive further training in 1939. Would those boys, on their return to Nauru, find suitable employment in the Administration or elsewhere ?

¹ See Minutes of the Thirty-fourth Session of the Commission, page 25.

² *Ibid.*, page 24.

³ *Ibid.*, page 230.

Mr. HALLIGAN replied that, out of the present adult native population of some 400 or 500, the Administration employed about 150 and the Phosphate Commissioners fourteen in various capacities, such as clerks, interpreters, wireless operators, policemen, medical practitioners, hospital orderlies, etc.

The aim of the Administration, he repeated, was to give the native an incentive in life and the educational system was designed to meet the future needs of the island population. It was important not to give the natives an education beyond the absorptive capacity, as it were, of the island itself.

Mlle. DANNEVIG asked if any periodicals or books were available to satisfy the intellectual curiosity which would be roused in the educated native.

Mr. HALLIGAN pointed out that the Domaneab Agency placed lecture- and reading-rooms and a library at the disposal of the natives in question.

DRUGS

Lord HANKEY noted (page 18 of the report) that there had been no prosecutions for opium offences during 1938. Were any attempts made by Chinese workers to smuggle opium into Nauru ?

Mr. HALLIGAN replied that, in view of the fact that there was only one landing-place in the island and that close vigilance was exercised by the police, opium smuggling would be rather difficult.

PUBLIC HEALTH : FOOD AND WATER SUPPLIES

Count DE PENHA GARCIA recalled the observation made by the Commission last year in connection with public health.¹

The present report (page 40) stated that the mandatory Power and the Administration at Nauru had noted the concern expressed by the Commission and that the matter was receiving, and would continue to receive, the constant attention of the Administration and that all possible measures were taken to deal with the problem.

Chapter IV of the report (page 14) showed, however, that the infantile mortality rate was still high, a fact which was confirmed by the report of the Medical Officer (Appendix A, page 22). What were the measures which had been taken, or which it was proposed to take, as a result of that official's conclusions ?

Count de Penha Garcia had also expressed last year the wish² that the next report should contain full information on the measures being taken to give effect to Professor Harvey Sutton's advice and suggestions and on the measures adopted to improve the health conditions of the natives especially in the matter of tuberculosis, the death rate for which was very high in spite of the improved knowledge in recent years as to the treatment of the disease.

It would appear from the 1938 report (page 13) that legislation had been passed making it compulsory for persons proved to be suffering from active tuberculosis to be isolated. How had that measure been received ? Was it meeting with any opposition ; what had been the initial results ?

Mr. HALLIGAN said there was every hope that the various measures adopted would reduce the infantile mortality rates still further. A message received in May 1939 from the Administrator confirmed that the infantile mortality position had vastly improved.

Count DE PENHA GARCIA noticed (page 23 of the report) that a large number of natives still suffered from leprosy. The table on page 15 showed also that there had been seventy-two convictions of natives for breaches of the Leprosy Suppression Ordinance. Were such breaches of the regulations frequent ?

Mr. HALLIGAN thought that a reference to previous annual reports would show that the number of cases of leprosy had decreased ; 156 patients were now segregated in the Leper Station and Leper Clinic. The statistics on pages 23 and 24 of the report showed, he thought, that the spread of the disease had been arrested. The offences listed on page 15 doubtless referred to cases of lepers who had failed to report themselves as infected.

¹ See Minutes of the Thirty-fourth Session of the Commission, page 230.

² *Ibid.*, page 26.

Count DE PENHA GARCIA observed further from the Medical Officer's report (page 23 of the 1938 report) that it had been necessary to cart well-water to the Leper Station for a period of some three months, owing to the shortage of water. Was water normally obtained from tanks or springs ?

Mr. HALLIGAN replied that water in Nauru was derived from the district catchment areas.

Count DE PENHA GARCIA referred to the section of the Medical Officer's report dealing with tuberculosis (page 24 of the 1938 report), particularly the regulation regarding the isolation of persons proved to be suffering from active tuberculosis. It would be useful if the 1939 report could indicate how that isolation would be carried out and what results it had produced. What was the sanatorium mentioned in the tuberculosis section of the Medical Officer's report ?

Mr. HALLIGAN assumed that it was a special compound attached to the Administration Hospital. Fuller details would be supplied in the next report.

Mlle. DANNEVIG thought that the figure of 395 shown in the table on page 24 of the report as the number of natives with positive reactions to tuberculin testing constituted a big percentage of the population (one-fourth). She observed also that the radiological work had been somewhat interfered with by water shortage. As cleanliness was a most important factor in the treatment of tuberculosis, might not a lack of water be one of the causes that made it difficult to prevent the transmission of contagion ?

Mr. HALLIGAN replied that he was unable to add anything to the information contained in the Medical Officer's report.

Mlle. DANNEVIG noted from Table F (page 11 of the report) that the Nauruan Food Supply Fund had purchased foodstuffs to the value of £282. Was it not a rather small amount in comparison with the £198 paid for staff salaries in that organisation ? Referring to page 22, she asked how far the natives' own supplies of food had been destroyed by the persistent drought.

Mr. HALLIGAN explained that the fund in question was created in 1937 to provide natives with special health foods in addition to their own supplies of ordinary foodstuffs. According to the latest reports received, the original scheme had been considerably curtailed. The free issues of tinned tomatoes, etc., had been discontinued and replaced by a special " vegemite " soup, which was supplied to all school-children free of charge.

Lord HANKEY asked whether the distribution of this form of " marmite " had had any effect on infantile beri-beri, from which, apparently, many of the children in Nauru suffered.

Mr. HALLIGAN quoted from a report covering the first months of 1939 a statement to the effect that the health of the population was very satisfactory ; no infantile beri-beri had been reported up to date, and infantile mortality had vastly improved.

Lord HANKEY observed that that was a particularly interesting piece of information.

Mlle. DANNEVIG observed from the *Pacific Islands Monthly*, of December 15th, 1938, that the rain-fall had been very scanty and that Europeans were having their water supply looked after. The natives seemed to be in bad health—both children and grown up people. Were the natives really adequately supplied with water and food ?

Mr. HALLIGAN confirmed that no serious apprehensions need be entertained on that subject. There were district water catchments and reserve supplies which had proved quite adequate in times of drought. The natives, moreover, had their natural food supplies in the form of coconuts and fish which they could supplement by purchases at the stores.

He added that, according to a telegram received from the Administration in May, welcome rains had relieved the situation.

QUESTION OF CULTIVATING WORKED-OUT LAND : PROBABLE DURATION OF THE PHOSPHATE DEPOSITS

M. VAN ASBECK recalled the question asked by the Chairman at the thirty-fourth session¹ as to whether worked-out land was permanently unsuited for cultivation of any kind. Was any more recent information available on that point ?

¹ See Minutes of the Thirty-fourth Session of the Commission, page 20.

Mr. HALLIGAN referred to the photographs contained in the annual report for 1926, which showed that the removal of phosphate deposits left pinnacles of coral exposed which were obviously unsuitable for cultivation.

COUNT DE PENHA GARCIA asked whether the Administration had made any calculation of the probable duration of the phosphate deposits.

Mr. HALLIGAN replied that several rough estimates had been made of the probable life of the phosphate fields. Much would depend on the depth of the deposits and the rapidity of working. At the present rate of output, it could be calculated that the deposits would probably last up to eighty or even to a hundred years.

DEMOGRAPHIC STATISTICS

M. RAPPARD found it rather difficult, from the various tables on pages 19 and 20 of the report, to calculate the exact figure of the native population. According to Table (1), Nauruans in 1938 numbered altogether 1,727. According to Table (2), the population at the end of 1938, after allowing for eighty-seven births and fifty-five deaths, should be 1,693, whereas, according to Table (5), it had risen from 1,658 in 1937 to only 1,661 in 1938. In view of the smallness of the population involved, those discrepancies were rather surprising. Assuming the figures to be accurate, the birth rate would amount to the abnormal figure of 52 per thousand, which was, however, counterbalanced by the rather high death rate of 33 per thousand.

Mr. HALLIGAN explained that the figure of 1,661 represented the population as recorded by the census taken on April 1st, 1938, whereas the figure in Table 1 was an estimate of the native population as at December 31st, 1938. It was proposed in future to take the census at the end of the year.

M. RAPPARD asked whether there were any Chinese women resident in Nauru. He asked the question, as two Chinese births were reported (page 19).

Mr. HALLIGAN replied that there were two or three women among the families of the Chinese interpreters. Chinese labourers had their own compound and were not allowed to remain out of such compound after 9 p.m.

CLOSE OF THE HEARING

The CHAIRMAN thanked the accredited representative for his co-operation, which had facilitated considerably the Commission's task.

The hearing that was just completed would doubtless have afforded Mr. Halligan, in his capacity of Officer in charge of the Territories Branch of the Prime Minister's Department of the Commonwealth Government, a useful opportunity of acquiring closer knowledge of the Commission's methods and of the special aspects of mandatory administration in which it was interested. The contact thus established would, he hoped, prove extremely beneficial to both parties.

Mr. HALLIGAN assured the Commission that he had derived considerable benefit from the opportunity which he had had of seeing the working of the mandates system from the centre. He greatly appreciated the way in which the examination had been conducted and the courtesy which had been extended to him.

Mr. Halligan withdrew.

Palestine : Communications from Private Sources received on the Occasion of the Examination of the Problem of Palestine (Annex 5).

M. DE HALLER announced the distribution to members of the Commission of a supplementary list of communications from private sources received on the occasion of the examination of the problem of Palestine ; that list was in addition to those already submitted to the Commission at its thirty-second (extraordinary), thirty-third and thirty-fourth sessions.¹ A copy would, as usual, be communicated to the accredited representative of the mandatory Power.

The communications in question were not petitions in the strict sense, but texts the authors of which expressed their point of view on the Palestine problem. The communications had been filed in the archives of the Secretariat and were at the disposal of the members of the Commission.

¹ See Minutes of the Commission : Thirty-second (Extraordinary) Session, pages 137, 206 and 222-225 ; Thirty-third Session, pages 138-139, 172 ; Thirty-fourth Session, pages 189 and 204.

TWENTIETH MEETING

Held on Tuesday, June 20th, 1939, at 3.30 p.m.

Palestine : Policy laid down by the United Kingdom Government in the Document entitled "Palestine—Statement of Policy" of May 1939 (continuation) : General Discussion (continuation) : The Constitution (continuation).

The Right Honourable Malcolm MacDonald, Sir Grattan Bushe and Mr. Downie, accompanied by Mr. Moody and Mr. Kirkbride, came to the table of the Commission.

The CHAIRMAN said that the Commission would now conclude its examination of that part of the White Paper which dealt with the Constitution. It had already broached that subject, and he reminded his colleagues that the Commission proposed to devote the present meeting to a general examination of that section of the White Paper, without going into details.

On behalf of the Commission, he thanked Mr. MacDonald for being good enough to return to Geneva in order to attend a single meeting. The Commission had deemed that meeting sufficiently important to ask him to be good enough to attend it. The Commission regretted that it had had to inconvenience the Secretary of State for the Colonies to that extent, and highly appreciated the great goodwill he had shown in facilitating the Commission's work.

Mr. MACDONALD thanked the Chairman for his kind remarks on behalf of the members of the Mandates Commission. He regarded it as a duty, and a pleasure, to come back and finish the discussion between the Commission and the representative of the United Kingdom Government on the very important recent White Paper.

Mlle. DANNEVIG reverted to a question she had put previously. She wished to know what was the view of the accredited representative on the suggestion of a federation inside Palestine, and possibly of a federation with States outside Palestine.

The CHAIRMAN asked his colleagues to remember that that subject was a very hypothetical one and that, so far, the mandatory Power had not drawn up any definite plan in that respect.

Mr. MACDONALD said that Mlle. Dannevig had asked one or two questions at an earlier stage of the discussions which seemed to fall properly within the examination of the constitutional chapter of the White Paper. He had promised at that time to answer those questions during the discussion on which the Commission was now engaged.

With regard to federation, he had referred, during the whole discussion, to a scheme confined to the boundaries of Palestine itself. The United Kingdom Government contemplated that as one of the possible solutions of the constitutional problem of the Jews and the Arabs inside Palestine, and one that would satisfy the principle which must govern the whole Constitution of an independent State. That principle was set out in the closing sentence of paragraph 8 of the White Paper : " It should be a State in which the two peoples in Palestine, Arabs and Jews, share authority in government in such a way that the essential interests of each are secured. " Mlle. Dannevig had raised the question whether the Government had in mind a federation on a wider basis—that was to say, some sort of federation between Palestine and States outside. That was another question altogether and he had not been referring to it. That question had not been discussed at the Conference with Arab representatives in London.

Mlle. DANNEVIG asked what would be the answer to her question about the disproportion between Arabs and Jews under a democratic Government. Would it not make the position of the Jews very difficult if they were in a minority, even if they had great economic power and other means of defending their interests ?

Mr. MACDONALD said that that question raised another one which Mlle. Dannevig had put to him previously and which he was anxious to answer. She had referred to the proposal contained in the section of the White Paper on the Constitution, under which Palestinians would become members of the Executive Council during the transitional period in approximate proportion to the Arab and Jewish populations in Palestine. That, of course, meant that two Arabs would sit on the Executive Council, as against one Jew, during the transition period.

Mlle. Dannevig had said that if the Government was to be democratic, power would automatically go to the Arab majority. He wished to make a few comments on that point.

In the first place, that provision referred only to the transition period. The Arab and Jewish representatives would be put on the Executive Council, but British representatives would also sit ; although the Arabs would have a majority over the Jews, they would not

have a majority on the Council as a whole, because the British heads of department, and probably also the British advisers to the Arab and Jewish heads of departments, would be equal members on the Council. That was the first safeguard.

In the second place, and in any event throughout the transitional period, the last word would remain with the High Commissioner. The Palestinian representatives would not have exclusive executive powers on any vital matters. On all important matters, power would be reserved to the High Commissioner; he, and he alone, would be able to overrule the views of his Arab, or Jewish, or British advisers. During the transition period, there would therefore be no question of an Arab majority able to take decisions on important matters against the will of a Jewish minority.

The question might however be raised, whether the position after the transition period—when the mandatory Power's authority would be withdrawn—would not be prejudiced by the provision, during the transition period, of a two-to-one representation for Arabs and Jews. Mr. MacDonald's answer was, in the first place, that the provision was not meant necessarily to set the pattern for the constitutional arrangements of the independent State. For instance, supposing that the independent State were a federal State with, say, one Jewish province and one Arab province, it would be appropriate, under such a Constitution, that the representatives of the Arab province should be equal in numbers and powers to the representatives of the Jewish province; therefore there would not arise a situation in which there was, at the centre of government, an Arab majority ruling over a Jewish minority.

Again, supposing there was no federal State, but a unitary State: nothing in the White Paper compelled a two-to-one proportion of Arabs either on the Executive or in the legislature of that State. Those concerned with framing the Constitution might also discuss the proposal, which had often been advanced, for parity in representation, and regard the Arabs and Jews as communities possessing equal status, and consequently entitled to equal representation on the Executive and in the Legislature. But supposing that that was not practicable, supposing further, that it was thought desirable that representation should be on a strict population basis, and that the Legislature should contain approximately two Arabs for every Jew, the provision might be made in the Constitution under which, on any matter of importance, no decision could be taken unless a majority of the Arab representatives and a majority of the Jewish representatives were in agreement. Therefore, even though, in an independent State, there were, numerically, two Arab representatives for every Jewish representative, there could still be introduced into the Constitution a provision which provided for the consent of the Jewish minority as well as the consent of the Arab majority for all important decisions.

Those were possibilities; there were others; the whole matter was for consideration first by the body to be set up some five years hence. Nothing more than the bare principles of the independent State figured in the White Paper. He would say definitely, however, that the provision for a two-to-one representation of Arabs and Jews on the Executive Council during the transitional period did not in any way prejudice what would happen when the independent State came into being. All that the White Paper provided for, was that the principle of non-subjection of Arabs to Jews, or of Jews to Arabs, in matters concerning their essential interests, must be respected.

Mr. MacDonald added that those possibilities had all been sketched both to the Jewish and the Arab representatives during the London discussions.

COUNT DE PENHA GARCIA wished to put one or two questions in order that both the present situation and the situation five years hence might be made clear.

First of all, there were constant references to the relations between the Jews and the Arabs; that, he thought, was a fundamental weakness in the present situation. There was no suggestion of regarding them all as Palestinians. All the reports and statements spoke, on the one hand, of Arabs, and, on the other, of Jews. He thought that the question of nationality ought to be the subject of further study with a view, if possible, to the establishment of a situation in which the Arabs would not regard the Jews as foreigners—as they did at the present time—but in which all would have a definite national status, with all the guarantees arising from it.

MR. MACDONALD entirely agreed with Count de Penha Garcia that one of the great weaknesses of the present situation was the division of Palestine on what might be called a communal basis. But he feared that no one could close their eyes to the fact. One of the aims of the Government was to do everything possible to narrow the gulf between the communities. If political friction between the Arabs and Jews as communities could be lessened, there might gradually grow a co-operation between one class of Jews and the corresponding class of Arabs on the basis of common economic interests; then communal divisions would tend to disappear. This would be rather a slow process in Palestine. It would be the Administration's aim to do everything it could to narrow the communal gulf by encouraging the idea of Palestinian nationality.

COUNT DE PENHA GARCIA said that among the many documents sent to the Commission by the Arabs, outlining complaints and dissatisfaction, was a statement to the effect that all that the Arabs had taken away with them from the London Conferences was a recognition of one principle—namely, their right to independence. That principle obviously existed before.

Perhaps it was only now that the mandatory Power had taken up a definite attitude as to the way in which the Palestine mandate should be regarded—that was to say, whether it should be considered as an A mandate or not. He understood the attitude of the Secretary of State for the Colonies to be that it was indeed an A mandate, but that special conditions attached to it—namely, that the Arabs, like the Jews, had a right to their independence, but that that independence would be subject to certain special conditions, due to the lack of homogeneity in the population of Palestine. Was that a true picture of the situation ?

Mr. MACDONALD explained that what was assured to the Arab delegation in London was not specifically the right of the Arab people in Palestine to independence, but the right of the whole people of Palestine to eventual independence. What was contemplated was an independent Palestine State, based on the principles he had already quoted, with Arabs and Jews both sharing authority in the Government, in such a way that the essential interests of each were adequately protected. That was the promise of independence made to the delegates assembled in London.

The exact technical position of the Palestine mandate had never been clearly and exactly defined. It had been argued, perhaps correctly, that the mandate was an A mandate because it applied to one of the old Turkish territories ; if so, it was an A mandate with special conditions and circumstances attaching to it. Any question of a constitutional evolution towards independence must always contemplate an independence in which the position, not only of the Arabs but also of the Jewish National Home, was thoroughly secured.

COUNT DE PENHA GARCIA welcomed the Secretary of State's remarks ; it seemed clear that the Arabs had not fully appreciated the position. They took the view that the independence which had been promised them was the independence of the Arabs as such ; that was clearly not the case.

He then turned to the new situation which would arise five years hence, if Jewish immigration was then stopped. The situation would then be more or less crystallised ; the Arab and Jewish communities would each be subject only to a natural increase in population, without any disturbing influences arising from the immigration factor. So far, immigration had always been regarded as essential to the development of the Jewish National Home ; yet, in five years, it would be arrested at the point which it had then reached, while the Arabs would be in practically the same state as they were now. Assuming that peace had been restored in five years, therefore, a new and experimental period would then begin, marked by the creation of a kind of Executive Council, which reminded Count de Penha Garcia of a somewhat similar institution in Iraq, with the difference that, in Iraq, there was unity amongst the population and the Executive Council represented only Iraqi, whereas, in Palestine, the Council would be made up of Jews and Arabs.

Paragraph 10, sub-paragraph (4), of the White Paper gave some idea of the composition of the Executive Council : the Arabs and Jews were to be invited to supply representatives, etc. Was the High Commissioner himself to choose the representatives, or would he apply to some qualified representative organisation for that purpose ? On the Jewish side, of course, there was the Jewish Agency ; was there any similar body able to speak for the Arabs in the matter ? There did not seem to be any one person, not even the Mufti himself, qualified to represent Arab opinion as a whole. Would there be some other process of choice, and had any decision been reached in the matter ?

Mr. MACDONALD answered that throughout the transition period, the choice of Arab and Jewish representatives to sit on the Executive Council would rest with the High Commissioner. He would appoint the individuals in each case, and use his discretion in choosing those he thought best qualified for the posts. But, before making up his mind, he would doubtless consult informally Jewish opinion on the one hand, and Arab opinion on the other. As Count de Penha Garcia had said, the obvious body with which to have those informal consultations on the Jewish side was either the Jewish Agency or the Jewish National Council. At any rate, there were organisations which the High Commissioner could consult, and he would possibly wish to consult several Jewish organisations, as existing bodies represented rather different shades of Jewish thought.

It was true that there was at present no recognised organisation able to speak for the Arabs as a whole, and it might well be that no such organisation would emerge. The tendency in the Arab world in Palestine had been for a number of different parties to co-exist ; sometimes they coalesced, and at other times they broke apart and led an independent existence. The High Commissioner would have to use his judgment as to how wide to make his informal consultations before making the appointment. In the last resort, he would be perfectly free to choose whatever persons he believed to be qualified for the posts, and who, at the same time, had the confidence of their respective communities.

COUNT DE PENHA GARCIA took the reply to mean that the direction of affairs in Palestine, for the first five-year period, would still effectively remain in the hands of the High Commissioner, who would endeavour to set up an Executive Council and to judge how it performed its duties. In that way, there would be guarantees throughout the transition period.

Obviously, it was difficult to forecast the future ; but, at the end of the five-year period, another one would commence and it would seem that, in respect of that second period, the possibility of creating some other organ was being contemplated, one which would review the working of the constitutional arrangements during the first transition period and make recommendations regarding the Constitution of the future independent Palestine State.

He understood that it was the intention of the mandatory Power that some new organ should be created ; not an Executive Council, but one having wider powers—so wide, indeed, that it would be entitled to form an opinion, and to review the working, of the constitutional arrangements during the first five-year period. In this, Count de Penha Garcia foresaw the possibility of very great difficulties. It was comparatively easy to create an Executive Council of selected members, but he doubted whether at the end of five years, it would be possible to create a new organisation, representative both of Arabs and Jews, with very much wider powers—that was to say, to propose the creation of a body which was apparently not to be nominated, nor chosen. It might not be impossible, but he foresaw great difficulties, even if the first five-year period proceeded satisfactorily.

What would be the special body which was to give its views on the future Constitution ? What idea was entertained as to the shaping of the future Constitution ? Would it, for example, be a Republic ? In any case a Head of State would be necessary, even if the High Commissioner remained at his side. If there were a potential king in Palestine, the situation would be easier, because there would be then someone who could assume responsibility. The Jews already had more or less representative bodies, but so long as there was no really representative Arab body, that fact would constitute one of the stumbling-blocks at the end of the five-year period. The duty of the authority which was to be set up would be to judge the working of the Administration—that was to say, the way in which the High Commissioner and his advisers had carried out their duties, and to recommend a future form of Constitution. Would it really be possible for a body of that kind to have sufficient authority to undertake such far-reaching work ?

Mr. MACDONALD said that he was glad that Count de Penha Garcia had put that question, because his answer to it might remove a certain amount of misapprehension as to the exact nature of the contemplated machinery.

In the first place, the Executive Council, with its Palestinian members, would not come to an end after the first five years, when the other body was set up. It would continue throughout the transition period during which the High Commissioner retained the final direction of affairs on the Executive Council and in Palestine generally. The Executive Council, with its advisory or, later, some executive powers, would continue throughout the period during which the second body, referred to in sub-paragraph (6) of paragraph 10 of the White Paper, carried out its very different functions. The new body would have no functions of government at all ; it would not be an executive body, or a substitute for the Executive Council, but a constituent body appointed for the sole purpose of working out a Constitution for an independent Palestine State. Its review of administration during the transition period would have the object of providing guidance as to what might prove practicable or impracticable in an eventual independent Palestine Constitution. It would be a special *ad hoc* body, set up to carry out a particularly important piece of constitution-making. As stated in sub-paragraph (6) of paragraph 10 of the White Paper, it was a body " to be set up ". It had not been decided whether its members would be nominated or elected, or partly nominated and partly elected. It would be possible, under sub-paragraph (6), for the Palestinian representatives to be elected ; but that was unlikely. Much more probably, it would be a wholly nominated body.

There were precedents for that kind of constituent body. For example, in connection with Egypt, a rather large and special expert body had been nominated to draft the Constitution of the independent State. In recent years, when tackling the extremely complicated problem of Indian constitutional reform, the Government had called together in London the famous Round-table Conferences ; every single member of those Round-table Conferences had been nominated.

Under sub-paragraph (6) of paragraph 10 of the White Paper, the body was " to be representative of the people of Palestine and of His Majesty's Government ". There would be Arab representatives, Jewish representatives and British representatives on it. Assuming that it was a wholly nominated body, the principles which would govern the selection of the members would no doubt be as follows : In the first place, there would have to be a proper representation of political opinion, both Arab and Jewish, in Palestine, so that the body had, so to speak, the support, through their leaders, of the people of Palestine generally. But there would also have to be individuals with great experience in constitutional matters, in the working of constitutions under democratic conditions ; those constitutional experts would ensure the proper mixture of what might be called the popular will and expert opinion.

Count de Penha Garcia had asked what authority the proposed body would have. Mr. MacDonald thought that its authority would have to be drawn mainly from the quality and experience of the members selected to serve on it ; he had no doubt that a body with great authority could be obtained. It might well be that, in order to have the full authority it required, the draft Constitution would ultimately have to be submitted to, say, a popularly-

elected assembly of Palestinians. The proposed body itself would be much more in the nature of an expert body.

Count de Penha Garcia's further point necessitated looking very far into the future. He had asked what kind of Constitution might evolve, whether there would be a Republic or a monarchy; and he had observed that the position would be much easier if there were a king at the head of the State. Those were matters on which a variety of views were held to-day, but on which views would become very much more definite as the years went by. In any case, all those important points would be considered, in the first place by the body representative of the people of Palestine and of British authority as a whole. He would not like to anticipate the main lines of the Constitution which that body might produce.

COUNT DE PENHA GARCIA concluded that the organ to be set up would be purely for purposes of study and investigation. It would not have effective power, except that of studying the problem and making recommendations as to solutions, and submitting those recommendations to the mandatory Power.

Sub-paragraph (7) of paragraph 10 of the White Paper indicated two possible solutions. There was the suggestion of a treaty, and that of a Constitution. Were the treaty method and the constitutional method considered incompatible, or could they both be employed in conjunction?

MR. MACDONALD concurred in Count de Penha Garcia's description of the function of the *ad hoc* body to which reference had been made. It would have to study and make recommendations with regard to the future Constitution.

Turning to sub-paragraph (7) of paragraph 10, Mr. MacDonald explained that the proposal for a Constitution and the proposal for a treaty were not meant to be mutually exclusive. The Constitution would deal with some matters, and the treaty with others. For instance, most of the matters covered by clause (b) of sub-paragraph (7) would be dealt with in the Constitution, whereas the subjects dealt with in clause (c) would more naturally be dealt with in the treaty.

COUNT DE PENHA GARCIA then referred to paragraph 11 of the White Paper, reading as follows:

"During the transitional period, steps will be taken to increase the powers and responsibilities of municipal corporations and local councils."

He agreed that it was in the extension of the autonomy of such institutions that means might be found of creating a situation in which Arabs and Jews would be able to reconcile their interests more fully from the administrative point of view. That, of course, would not apply to their economic interests.

In that connection, it seemed to Count de Penha Garcia that some form of corporate system, specially adapted to the circumstances of Palestine, might also hold out opportunities of establishing co-operation between the Jewish and Arab elements.

MR. MACDONALD, replying to the first question, said that it might be true that co-operation in local government between the Arabs and the Jews could be encouraged, if there were a great many municipal corporations in which the Jewish and Arab representatives were mixed. But one of the features in Palestine was that most of the important municipalities were either wholly Jewish or wholly Arab; only in two or three cases did the two co-operate on local bodies. Where that state of affairs existed, co-operation between Jews and Arabs in the past had been a considerable factor in improving relations between the two.

With regard to the second question, wherever it was feasible, the Administration encouraged the establishment of corporative institutions such as co-operative societies. Mr. Mac Donald agreed that if it were possible to emphasise the common economic interests of Arabs and Jews in Palestine, that might be the most effective way of securing better understanding between them and of reducing the gulf between the two communities. That, of course, was one of the objectives of the whole White Paper policy—to try to remove causes of political friction, so that both communities could concentrate on the economic advantages of co-operation, and each strive towards its.

COUNT DE PENHA GARCIA referred to sub-paragraph 8 of paragraph 10 of the White Paper, reading in part as follows:

"If, at the end of ten years, it appears to His Majesty's Government that, contrary to their hope, circumstances require the postponement of the establishment of the independent State, they will consult with representatives of the people of Palestine, the Council of the League of Nations and the neighbouring Arab States before deciding on such a postponement."

Was it to be understood that, during the ten years, the neighbouring Arab States would not in any way concern themselves with affairs in Palestine?

Mr. MACDONALD said that there could only be intervention in the affairs of Palestine, during the ten years, on the invitation of the mandatory Power. That was not excluded in the White Paper, but it was not provided for. He would not like to say that in no circumstances would the Government invite consultation with the Arab States; but he did not anticipate at present that that position was likely to arise.

M. RAPPARD wished first to refer to the present position. He felt he was correct in saying that the United Kingdom Government had summoned representatives of Arabs and Jews to London and placed before them certain proposals, with the intention of acting upon them if those proposals, perhaps in a modified form, were accepted. If they were not accepted—and that was the case which had arisen—the Government proposed to formulate its own policy. As was said in the opening statement of the White Paper, His Majesty's Government was now free to formulate its own policy. After careful consideration, it had decided to adhere generally to the proposals which it had placed before the two groups. But if the Government had at that time been free to formulate its own policy, he could not understand why the Secretary of State for the Colonies constantly referred to the promises given to the Arabs. It seemed to him that those promises were only binding so long as there was hope of an agreed solution. What was the extent of the promises given to the Arabs? Were similar promises given to the Jews, and, if so, were both considered binding at the present time?

Mr. MACDONALD said that he was unaware of having constantly referred to promises made to the Arabs in the course of the London discussions. Count de Penha Garcia had quoted from an Arab document asserting that they had been promised their independence; in reply to that, he had defined more clearly the promise actually given. Of course, the promise was dependent on an agreement being reached; when agreement failed to emerge, the promise fell to the ground and the Government was left completely free to compose its own policy. It had composed that policy, which contained certain undertakings; but those undertakings drew their authority from the unilateral statement of the United Kingdom Government, not from any prior promises.

M. RAPPARD welcomed that statement. He believed that the Secretary of State for the Colonies would see in the Minutes that he had spoken of assurances given and promises made. His second group of questions related to the transitional period. As he understood it, there was not to be just one transitional period followed by independence, but four periods. During the first, peace and order were to be re-established, for the five-year period began to run from the moment when peace and order had been sufficiently restored, not forthwith. That five-year period was referred to in sub-paragraph (6) of paragraph 10 of the White Paper as the transitional period, but, in another place, the transitional period was defined also as beginning when peace and order had been restored, but as ending within ten years.

Mr. MACDONALD said the transitional period was meant to extend from the moment when peace and order had been restored until the grant of independence.

M. RAPPARD went on to say that during the first five-year period, Palestinians were to be drawn into consultation and co-operation in the ratio of two Arabs to one Jew, until all heads of departments were Palestinians, at which point the Executive Council was to be transformed into a Council of Ministers. The accredited representative had said that there was no danger of any submergence of claims on either side, for two reasons: first, because there would always be British advisers sitting with the other members of the Council, and, secondly, because that body would have only advisory functions. But that was hardly what the White Paper said. That document stated that development was to be continued until all heads of departments were Palestinians, which implied that there would no longer be any British representatives on the Executive Council. And if the Council of Ministers—when it emerged—was only to have advisory functions, surely the name of the earlier body, the Executive Council, was a misnomer: the Council of Ministers would have more executive functions than the Executive Council itself.

Mr. MACDONALD quite agreed that there was some confusion in expression. The explanation was that no new body would be created in Palestine; there was already an Executive Council, composed of five British officials; but although it was called an Executive Council, its powers were purely advisory. The confusion, therefore, arose out of the existing situation. It was, in fact, proposed to add to the existing Executive Council a number of Palestinian heads of departments until, eventually, there were Palestinians at the head of every department. M. Rappard had assumed that that meant that the Executive Council would be composed entirely of Palestinians, with no British members. That was not necessarily so. For instance, in the similar case of Iraq, the Iraqi heads of departments had been members of the Executive Council, but sitting beside them on that body were their principal British

advisers. It might be that that precedent would be followed in Palestine, so that even when there were Palestinians at the head of every department, the Executive Council would still be composed of Palestinian members and of British advisers, the latter sitting as both advisers and colleagues. Whether those advisers sat on the Executive Council or not—and nothing had yet been decided regarding them—they would in any case have the right of direct access to the High Commissioner, who would consult them, as well as the Palestinian heads in any matter in which there might be a divergence of view between a Palestinian head and a British adviser.

M. Rappard had further said that, at the moment when Palestinians were at the head of all the departments, the Executive Council would be turned into a Council of Ministers having executive powers. That was not exactly what the White Paper said. It said (sub-paragraph (4) of paragraph 10):

“ . . . When that stage is reached, consideration will be given to the question of converting the Executive Council into a Council of Ministers with a consequential change in the status and functions of the Palestinian heads of Departments.”

Mr. MacDonald quite agreed that it was intended that at that moment the so-called Executive Council would cease to be wholly advisory, and that the Ministers, as they would then become, would acquire some executive powers. But it was certainly contemplated that, after that change had been made, the High Commissioner would still possess “ reserve powers ” on various matters of importance. The Ministers’ executive powers would therefore at the best be limited, and throughout the transition period—which was to run right up to the creation of an independent State—the High Commissioner would have the power of intervention on all important matters.

M. RAPPARD would not pursue further a verbal quibble: it was a part of the great administrative experience and wisdom of the Government of the British Commonwealth of Nations to use words intended to give satisfaction to those who misunderstood them—a course often justified by results.

With regard to the third period, if it took some optimism to hope that the first five-year period would be carried out in conformity with expectations, one had to be still more confident to hope that an independent Palestine State would be established. If everything went well, an appropriate body would be set up, after consultation with certain organs, and that body would work out a constitutional scheme. It would have to deal with Jews and non-Jews in Palestine as it found them, and it could only be supposed that they would not be very different then from what they had been in the past. How could it be hoped that Arabs and Jews would agree on anything fundamental, especially on the basis of the experience of a period when Jews were outnumbered by two to one both as to population and in the advisory Government? No Jew could be expected to agree to an arrangement which would perpetuate a scheme under which he was always outnumbered. It was true that nothing in the White Paper justified the claim that the two-to-one arrangement would persist once the Constitution had come into force. Nothing specific had been said to that effect; but, during the past seventeen years, the Jews had been led to hope that their numbers could increase without being limited by a fixed proportion. If, even now, they refused to consider any Constitution placing them in a state of permanent minority, surely after that period had elapsed they could not become accustomed to such a regime. Would they not probably be more intransigent than ever?

What was the Constitution to contain? The answer to that question was to be found in paragraph 10 of the White Paper:

“ . . . such treaty relations with the United Kingdom as will provide satisfactorily for the commercial and strategic requirements of those countries in the future ” (sub-paragraph (1)).

“ . . . such requirements to meet the strategic situation as may be regarded as necessary by His Majesty’s Government in the light of the circumstances then existing ” (sub-paragraph 7 (c)).

M. Rappard would not say there was a contradiction, but there was a great difference between those two clauses. In the second case, only “ the strategic requirements ” regarded necessary by His Majesty’s Government were mentioned, while, in the first case “ the commercial and strategic requirements ” of both countries were mentioned. The tutor and the pupil would, at the end of the tutelage, agree on commercial agreements mutually advantageous; but nothing was said of the rights and interests of other countries. It would seem here as if it were announced, ten years beforehand, that, at the end of the period of tutelage, agreements would be made meeting the commercial requirements both of the tutor and of the pupil. Would third parties have much chance of receiving equal rights?

Mr. MACDONALD thought that it might cause confusion to divide the transition period into two five-year periods. M. Rappard, like Count de Penha Garcia, had tended to divide the period into a first five-year period in which the Executive Council was developing in the way suggested, and another period, at the end of the first five years, when the constituent body would have come into existence.

Mr. MacDonald wished to make it clear that the Executive Council principle ran right through the transition period; the stage at which Palestinians would be at the head of all

departments might not be reached in the first five years, but after six, seven or eight years. In fact, the Executive Council proposal, and the constituent body proposal, were two developments which would proceed parallel with each other after the first five years.

M. Rappard had expressed some doubts as to whether the constituent body would produce any results at all. Mr. MacDonald was not going to enter into a discussion of that point. The mandatory Power would do all it could to improve relations between the two communities in Palestine by some compromise which would safeguard the position of each ; but, admittedly, the whole problem was peculiarly complex and difficult.

The particular points to which M. Rappard had referred would have to be dealt with by the constituent body or by the treaty makers. It was true that in one paragraph of the White Paper the strategic and commercial requirements of Palestine and of the United Kingdom were mentioned ; that, of course, was the proper perspective in which to look at those mutual requirements. The only reason why the strategic requirements of the United Kingdom were specially mentioned again in paragraph 10, sub-paragraph (7), was that clauses (a), (b) and (c) enumerated the different points to which particular importance was attached, and on which the United Kingdom Government had to be satisfied before it would agree to a treaty and to a Constitution.

M. Rappard had suggested that if the tutor and the pupil were to get together to make commercial arrangements advantageous to both of them, perhaps they would forget the commercial interests of foreign Powers. Under the White Paper they could not do that, because the document specifically provided for the protection of foreign interests (last sentence of sub-paragraph 7 of paragraph 10), and the foreign interests referred to were intended to include not merely educational institutions, missions, etc., but quite definitely commercial arrangements also.

M. RAPPARD asked why the interests of certain foreign Powers only came into consideration:

Mr. MACDONALD said that he assumed there were only certain foreign Powers who were commercially interested in Palestine. Perhaps there was something ambiguous about the drafting : the definite intention of the phrase was to cover commercial as well as other relations—that was to say, all foreign interests for which the mandatory Power was responsible at the present time.

M. RAPPARD quite understood that the constitution-making body was not to assume the responsibilities of government ; but from the time of its inception, constitution-making would no doubt overshadow everything else. The crux of the whole matter would lie in the contents of the Constitution, as set out in paragraph 10, sub-paragraphs (2) and (3) of the White Paper :

“ The independent State should be one in which Arabs and Jews share in government in such a way as to ensure that the essential interests of each community are safeguarded.

“ The establishment of the independent State will be preceded by a transitional period throughout which His Majesty's Government will retain responsibility for the government of the country. During the transitional period the people of Palestine will be given an increasing part in the government of their country. Both sections of the population will have an opportunity to participate in the machinery of government, and the process will be carried on whether or not they both avail themselves of it.”

A great deal had already been said on that subject. One solution would be a Federal State, with local autonomy, in which the Jews should be master in one half and the Arabs in the other half. Incidentally, the idea of a king had a great deal in its favour. A king would possess authority allowing him to disregard the claims of political demagogues ; yet how could the Jews be expected to agree to being under the authority of an Arab king in their National Home ?

It was also stated in the White Paper that everything would be done to work the country on an independent basis ; from the time when independence was established, the United Kingdom Government bound itself to ensure that the essential interests of each community were safeguarded. Thus the special position of the Jewish National Home in Palestine was also made secure. But was that compatible with real independence ?

M. Rappard's last question dealt with consultation. If, at the end of ten years, the conditions were not such as to allow the establishment of an independent State, His Majesty's Government intended to consult the people of Palestine—a population in which the Jews were outnumbered by two to one—and the neighbouring Arab States. That was another indication of what the Secretary of State for the Colonies had referred to in a previous statement as a shifting of the emphasis from the defence of the rights of the Jews to the defence of the rights of the Arabs. The population of Palestine was composite in a two-to-one proportion. According to the preamble of the mandate, on the other hand, the Jewish people—not only those who inhabited Palestine—had a certain interest in the Jewish National Home. They were not to be consulted, whereas the Arabs, both inside and outside the country, would be consulted.

It seemed to M. Rappard that, if the White Paper had been drafted in the same spirit as that which had inspired the mandate, the population of Palestine might very properly have been consulted whatever its numbers were at that time, together with some organ able to speak for the Jewish people outside Palestine. There would have been no reason for a mention of the Arab States bordering upon Palestine. He supposed that it was this shifting of emphasis to which the Jews referred when they spoke of betrayal ; for they felt they deserved special consideration under the mandate ; whereas now they were to be deprived of it in favour of the Arabs.

Mr. MACDONALD observed that many people spoke about the transition period in the same sort of phraseology as that M. Rappard used ; representation on the Executive Council would indeed be on a two-to-one basis, but he thought he had made it clear that, during the transition period, power was not to be in the hands of the two-to-one Council, but in the hands of the High Commissioner.

With regard to the framing of the Constitution for the following period, nothing was said in the White Paper as to the composition of the constituent body, but that did not necessarily mean that there would be two Arab representatives to every Jewish representative. The constituent body would be representative of various interests, and its sole function, as Count de Penha Garcia had described it, would be to study the problem and to make recommendations to the mandatory Power. The latter, in considering any proposals, would pay heed to any division of opinion which had appeared in the constituent body, and would be guided very largely by the appropriate considerations connected therewith. It followed that, in the organ which was to draw up the Constitution, there would be no suggestion of either one party or the other being outweighed and being made subject to decisions arrived at by a majority of the other party.

Sub-paragraph (8) of paragraph 10 of the White Paper merely dealt with the question whether the establishment of the independent Palestine State should take place forthwith or should be postponed. It seemed to Mr. MacDonald that here again it was a mistake to suggest that the various peoples to be consulted had been selected in order to change the emphasis. Who were the groups of people to be consulted ? First of all, they were the representatives of the people of Palestine. The representatives of the Jews of Palestine would, if the Jews so desired, be the body which, under the mandate, had to be consulted on such matters—the Jewish Agency. It would be the appropriate body for representing the Jewish community in consultation, and there was no suggestion of getting away from consultation with the Jewish Agency.

In the second place, the mandatory Power would consult with the Council of the League of Nations. He did not think the Council was at all prejudiced in the matter. It was entirely capable of looking after the interests of both the Jewish community and the Arabs in Palestine ; but it was a fact that the Arab community had regarded its interests, and the obligations to it under the mandate, as being inadequately protected by the Council of the League. If the proposal had simply been for consultation with the peoples of Palestine and the Council of the League of Nations, there would have been a lack of confidence on the part of the Arab community ; it was partly in order to keep the emphasis well-balanced as between the obligations to the Jews and the obligations to the Arabs that consultation with the neighbouring Arab States also had been suggested.

But the last word in this matter would rest with the mandatory Power and with the Council of the League of Nations. Mr. MacDonald did not think that the Jewish representatives ought to feel that the provision in any way lessened the emphasis which those two bodies would place upon their obligations to the Jews, any more than on their obligations to the Arabs.

M. RAPPARD understood the position as the Secretary of State for the Colonies had described it to be that the mandatory Power had full powers until independence was proclaimed. But he would really have to be blind to political realities to feel that the mandatory Power was free to do as it liked. Even up to the present, it had been coerced by circumstances. No one could pretend that if the Arabs had been quiet, the present developments would have taken place. M. Rappard quite understood the reasons which had led to the suggestion of representation on a two-to-one basis. The mandatory Power wished to assure the Arabs that they would never be outnumbered. He did not know if that had pacified the Arabs ; it had certainly infuriated the Jews. After five years of that regime, with representation on that basis, the Jews would always look upon it as insufficient, while the Arabs would look upon any suggested change as excessive. A feeling that the Arabs were unduly favoured would emerge. To sum up, M. Rappard felt that the day after to-morrow had been sacrificed to to-morrow.

The mandatory Power had hoped to appease the Arabs by a concession for which they did not seem to be grateful. The certain result had been to make any equitable dealing on the basis of parity between the two parties not easier but more difficult.

His fear in that respect was combined with another fear, that Palestine had been suffering for the past seventeen years from an excess of political-mindedness. The people had been too absorbed by political controversy to be able to get together, to form a common basis of economic and other interests. The curse of Palestine was that politics had overridden everything else. He feared for the proposed scheme of government, which was dynamic, which provided for a Council acquiring more and more executive power and more and more responsibility, always

with a proportion of two Arabs to one Jew. At the end of the five-year period, everybody would be looking forward to a constitutional body to draft a Constitution, which would then be submitted for approval to His Majesty's Government. The Secretary of State for the Colonies had said that it would be for the constitutional body in Palestine to set up its own form of government; so they would not receive the Constitution as a gift, but impose it on themselves.

M. RAPPARD was afraid that the mandatory Power was in for ten years of political agitation, and wondered whether respect for consultation and for fair compromise would not lead it along paths fraught with more dangers and discontent than a somewhat more authoritarian attitude would have involved. He sincerely hoped that he was wrong, because all his sympathies were with the parliamentary way of dealing with political difficulties; but, in this case, he shuddered when he thought of the ten years which were only to begin when peace and order had been restored, if that day ever arrived. He realised that wise and generous preoccupations had inspired the White Paper, and had no opinion to express on that. The Commission's duty was not to express political fears or hopes, but merely to examine the White Paper in the light of the mandate.

Mr. MACDONALD said that M. RAPPARD was quite right to exercise his critical faculties on the proposals of the White Paper. That document, or any other White Paper which could be produced with a positive policy for Palestine, would give plenty of room for criticism; he himself could also express doubts and criticisms, as anybody could. The problem of Palestine was so difficult that any policy must be open to certain quite legitimate doubts and criticisms; one could discuss interminably the prospects of the proposals having a successful issue or not. He would not, however, follow M. RAPPARD into the field of speculation.

The kind of considerations which M. RAPPARD had expressed had been in the mind of His Majesty's Government, which had considered them very carefully, weighing all the pros and cons. As a result of that consideration, His Majesty's Government was fully aware of all the points which M. RAPPARD had mentioned, and had decided on its policy as the best of the alternatives.

M. RAPPARD had said that, in some ways, it was a rather generous policy, with an impulse towards consultation and democratic systems of government; and he had wondered whether something more authoritarian would not have been more suitable. But His Majesty's Government had decided on something which was in the spirit of the present age, and all that it could ask was for the sympathetic help of those who were interested in Palestine—especially, if he might say so, of people like M. RAPPARD, whose own natural instincts were all towards democratic government as opposed to authoritarian methods.

Lord HANKEY observed that attention had been drawn to the uncertain position about immigration which would arise after the independent State had been set up. Was it not probable that among the many questions that the constituent body would have to consider, would be the question of some regime to regulate immigration in the independent State?

Mr. MACDONALD replied that the question of immigration and what provision should be made for it in the Constitution, was almost certain to arise in the discussions of the constituent body.

Lord HANKEY then referred to a matter raised by M. RAPPARD, who had suggested that the interests of other countries were somewhat ignored in the references to certain arrangements found in paragraph 10, sub-paragraphs (1) and (7) of the White Paper. In his reply, the accredited representative had quoted the passage in sub-paragraph (7) which was as follows: "His Majesty's Government will also require to be satisfied that the interests of certain foreign countries in Palestine . . . are adequately safeguarded." It occurred to Lord Hankey that the interests of those other countries were safeguarded by the provision in paragraph 10 (1) that a proposal for the establishment of an independent State would involve consultation with the Council of the League of Nations. If the interests of other Powers had been ignored, the Council would refuse to terminate the mandate, and of course that fact would be kept in mind by the constituent body.

Mr. MACDONALD agreed that the commercial and other interests of foreign Powers would be safeguarded by the fact that the mandate could not be brought to an end, or the Constitution of an independent State put into effect, without the consent of the Council of the League.

Referring to the point raised by M. RAPPARD, he pointed out that the short paragraph just quoted by Lord Hankey was intended to cover, not only educational institutions and other special interests which certain foreign Powers had in Palestine, but also the commercial interests of a large number of Powers. Great Britain was especially charged with the protection of the commercial interests, in Palestine, of all the nations which were Members of the League.

M. RAPPARD did not want to stress the point unduly; that was not the rock on which the mandate was going to founder. All would be plain sailing if that were the only obstacle.

Lord HANKEY then quoted the accredited representative's references to the extraordinary difficulties which attended every policy that could possibly be devised to meet this unfortunate situation. Would Mr. MacDonald agree that the following pronouncement of a mediæval statesman met the case :

" Never let any Government imagine that it can choose perfectly safe courses ; rather let it expect to have to take very doubtful ones, because it is found in ordinary affairs that one never seeks to avoid one trouble without running into another ; but prudence consists in knowing how to distinguish the character of troubles and for choice to take the lesser evil."

Mr. MACDONALD agreed that the quotation was very applicable to Palestine.

M. GIRAUD wished to refer to the status of the holy places. When the mandatory Power, some two years previously, had contemplated a solution by way of partition, the impossibility of placing the holy places under either the Jewish or the Arab State had been recognised. It was considered that the holy places needed special protection, and that the mandatory Power itself would have to retain control. In the future Palestinian State, would the holy places come entirely and solely under the authority of that State ? No doubt, in that case, special guarantees would be included in the treaty to be concluded between the mandatory Power and the new State. But could it be thought that those guarantees would be sufficient to ensure the protection of the holy places really effectively ? If even the treaty went so far as to allow of the possible intervention of the mandatory Power should that protection be menaced, might there not be reason to fear that that intervention might give rise to serious difficulties in a country where religious passions were so liable to become bitter ?

If the future State, instead of being a single State, were a Federal State, consisting of one territory administered by the Jews and another administered by the Arabs, the solution would be similar, in its general lines, to that of partition contemplated two years previously ; but M. Giraud recalled that it was in relation to that arrangement that it was considered impossible to make either the Jewish or the Arab State responsible for the holy places.

Mr. MACDONALD said that the mandatory Power fully appreciated the great importance attaching to the security of the holy places under any arrangement made. It had shown its special recognition of that in paragraph 10, sub-paragraph (7) (a), of the White Paper which stated that His Majesty's Government would require to be satisfied that either in the treaty or in the Constitution, adequate provision had been made for " the security of, and freedom of access to, the holy places, and for the protection of the interests and the property of the various religious bodies ". As a principle, he recognised that there must be proper security for those things, but the matter had been left open as to the practical arrangements. It might be that some satisfactory arrangement, which commended itself to His Majesty's Government and to the Council of the League, could be made under the authority of the Government of the new State. In that case, provision for it would perhaps most appropriately be made in the Constitution. Alternatively, it might be that the only satisfactory way of securing those precious things was by some special arrangement—perhaps an international regime for the holy places. In that case, the proper instrument for making that provision would be a treaty. It was because His Majesty's Government had not made up its mind that the matter had been left open in the White Paper. All that was said was that it must be satisfied that proper provision was made for the protection of the holy places.

M. GIRAUD, in connection with the question of official languages, referred to Article 22 of the mandate, which laid it down that there should be three official languages as follows : English, Arabic and Hebrew. He asked whether, in the new State, assuming that it took a unitary form, these three official languages would be maintained, and, in particular, whether Hebrew would continue to be an official language throughout the whole of the territory.

Mr. MACDONALD replied that the matter would remain to be discussed by the constituent body, who would, in the first place, make a recommendation. He could not go further than that for the present. Certainly, Hebrew would have to be recognised as an official language, at least in the Jewish province, if it were a federal constitution, and over the whole territory, just as Arabic, if it were a unitary State. That general principle once laid down, the precise arrangement would be a matter for consideration in the first instance by the constituent body.

M. VAN ASBECK asked whether, in choosing his departmental heads, the High Commissioner would be rigidly bound by the two-to-one proportion, in spite of any considerations of capacity.

Mr. MACDONALD pointed out that the White Paper required that Arab and Jewish representatives should be invited to serve as heads of departments, approximately in proportion to their respective populations. It seemed to him that even the word " approximately " allowed of no divergence from the general two-to-one proportion, and therefore the High Commissioner would be bound to maintain that proportion during the transition period.

As to the criterion of capacity, the High Commissioner was instructed to increase the number of Palestinian heads of departments as and when conditions permitted. No doubt one of the considerations which he would bear in mind in contemplating the extension of the number of Palestinians at the head of departments would be whether he would secure the right number of Arab and Jewish representatives with the right qualifications to fill the posts. If he felt that no such candidates were available, he would postpone the extension.

M. VAN ASBECK asked whether instructions had already been given to the High Commissioner to begin this constitutional reform.

Mr. MACDONALD said that he had had some consultations with the High Commissioner on the question of the numbers of Palestinians who might be invited to join the Executive Council in the first instance, and on the departments which might be put under their charge. That had, however, been quite a tentative discussion; the High Commissioner would, of course, not receive instructions to take action until peace and order had been sufficiently restored. He added that no special provisions about the staffing of the departments were contemplated.

M. VAN ASBECK said that the main point of the White Paper, of the accredited representative's preliminary statement, and of all the replies to questions, was that there would be no subjection of one people to the other; hence a Jewish State—if he might refer for the last time to what Mr. Churchill in 1922 did not preclude—seemed to be ruled out. Nevertheless, so long as the present White Paper ruled the situation, the Jewish National Home would be one of the paramount interests in Palestine. It was therefore not a mere question of words, but a matter of the most important substance that, when considering the White Paper, one should think, in accordance with its lines of argument, in terms of a Palestinian State, and not, as Jewish memoranda had proclaimed, of an Arab State. The term "Palestinian State" was not a matter of words; it was meant to express a policy.

The whole intention of the framers of the White Paper was to arrive at a Palestinian State comprising two racial groups placed in equilibrium, irrespective of their numbers. To achieve that, safeguards of the essential interests of each of the two communities were necessary; it had been said that those safeguards might take the form either of a treaty, or of a Constitution. That reminded M. van Asbeck of the emancipation of the Phillipine Islands, where it had been thought necessary to include safeguards for the fundamental rights of the citizens, first in a treaty and again in the Constitution.

A machinery was contemplated for Palestine which would have to ensure that neither of the two communities would be outvoted by the other in matters of principle and of vital importance. The White Paper stated that those safeguards would protect the essential interests of *each* community. Since safeguards were only necessary to protect the rights of a minority, since none of the rights of a majority could possibly be threatened by a minority, the only possible interpretation of the White Paper was a Palestine State composed of two equal groups. That would explain the Secretary of State's declaration that the Jews in Palestine would not be an ordinary, but an "extraordinary" minority, because of the specific history and the development of the Jewish National Home.

When Lord Harlech (then Mr. Ormsby-Gore) had come before the Commission in 1937, he had said that what mattered most for the Jews was the question of status. It was the dream of the Jews to return to Palestine, to found, not merely a National Home, but a Jewish State. But status was also important for the Arabs, and that led M. van Asbeck back to the statement by the Secretary of State for the Colonies, made at the present session, that there would be neither majority nor minority, but two ethnical groups safeguarded by the international and national machinery of Palestine. To assure that equality of status to a numerical minority meant that there would have to be a somewhat unusual machinery: a weighting of Jewish representation perhaps even up to parity. Similarly, in India, the Moslems and the Princes had their representation weighted, to bring them nearer to parity with the majority.

M. van Asbeck asked whether it was the present intention of the mandatory Power to press for such weighting in Palestine; it of course meant a concession from the Arab side. Nevertheless, one important point seemed to arise in that connection; in India, in addition to weighting of representation, wide powers of intervention had had to be reserved to the Governors of the provinces and to the Viceroy, in spite of the eighty years of constitutional development and political education which the country had experienced. He therefore asked whether, in view of the experience of India, the period of ten years proposed for Palestine was not strangely short for coming to a decision regarding proper safeguards for the interests of the two communities.

The whole question was, who would hold the balance between the two groups? M. van Asbeck hoped that the Secretary of State for the Colonies would be able to dispel his misgivings, for it seemed to him that the only power in the world able to hold that balance—not for ten years but for a much longer period—was the present mandatory Power. It was one of the essentials of the mandate that it should not terminate, nor reference to its termination be made, before it became quite clear that the vital interests of the two groups were efficiently guaranteed. He therefore regretted very much the vagueness of the constitutional chapter of the White Paper.

Mr. MACDONALD agreed with M. van Asbeck that the possibility of a Jewish State was not precluded in the 1922 White Paper, although it had disappeared into the region of very remote possibility even at that date, and the whole tendency of the description of the Jewish National Home in the 1922 White Paper was against the conception of Palestine as a Jewish State and in favour of a Palestine in which was included a Jewish National Home.

A great deal of importance attached to the point made by M. van Asbeck that the mandatory Power did conceive of a Palestine in which, whether in its dependent or in its independent stage, the Jewish National Home had a special position. That was one of the paramount interests of Palestine, and sub-paragraph (7) (b) of paragraph 10 of the White Paper referred specifically to the special position of the Jewish National Home in Palestine. He agreed that the conception of an independent Palestine State was one in which the interests of the two communities were balanced. It was therefore not merely a matter of words, but one of substance, which His Majesty's Government had in mind when speaking not of a Jewish or of an Arab State, but of a Palestine State. It did not seek in the least to evade the fact that the Jewish National Home had a special position in Palestine.

M. van Asbeck had quoted him as saying that the Jewish minority in Palestine was not an ordinary, but an extraordinary minority. He had merely repeated words which he had used over and over again in the discussions with the Arab representatives in London. He had impressed upon them that under the terms of the mandate, the Jewish minority—if it were to remain a minority in Palestine—was to be an extraordinary minority with a special status in the country. M. van Asbeck had said that, if really effective security were to be given to the Jewish National Home, some constitutional arrangement must be found for the independent State by which a mere majority of Arabs could not interfere with the essential interests of the Jewish minority; that was foreshadowed in sub-paragraph (6) of paragraph 10 of the White Paper. There were various constitutional means of ensuring that object; the various alternatives would have to be considered by those who would in due course be concerned with framing the Constitution.

After referring to some of the possible alternatives, Mr. MacDonald said that M. van Asbeck had suggested that ten years was a very short period in which to solve an extremely difficult political problem caused by the presence of two communities together in Palestine. But the ten-year period was not a hard and fast requirement—there was a provision in the White Paper itself for the postponement of the establishment of the independent State if conditions were such that it could not come into being within that period. He had said previously that he thought that everything possible should be done to promote agreement between the two peoples, so that the independent State could begin to function after ten years. Everyone must admit the difficulties; but he would not say that, given a reasonable amount of goodwill, and given recognition by the Jews and the Arabs of the fact that they had to live side by side in Palestine in peace and prosperity, and that they each had to make some concession to the other, it would be impossible to solve the problems and launch the independent State ten years from now.

The CHAIRMAN noted that each member of the Mandates Commission had now had an opportunity of putting all the questions he thought necessary for his enlightenment. In his turn, he would like to offer one or two observations. He hoped to be excused if he touched upon certain points to which reference had already been made, although perhaps from a different angle.

He regretted to find that one notion of paramount importance in the mandate had gradually become obscured during the evolution of the problem of Palestine in the past two years.

In the view of the Mandates Commission, all the territories under mandate were so many distinct political entities, and the Commission had strongly insisted on respect for that principle on many occasions in connection with other territories.

Palestine was, in its eyes, a distinct political entity like any other territory; its administration was subject to the control of the League of Nations, but under the sole responsibility of the mandatory Power.

Nevertheless, in the first phase of the disturbances in 1937, the Arab princes had intervened in the internal affairs of the territory under mandate; as had been stated at the time, their intervention had been welcomed by the mandatory Power. To the recent London conferences, designed to seek a settlement of the protracted internal conflict in Palestine, had been invited, together with representatives of Palestinian Jews and Palestinian Arabs, representatives of all the Arab States in the Near East: Trans-Jordan, Iraq, Sa'udi Arabia, Egypt and even the Yemen.

The 1939 Statement of Policy announced (paragraph 10, sub-paragraph (8)) that, if at the end of ten years it appeared to His Majesty's Government that circumstances required the postponement of the establishment of the proposed independent State, the Government would then consult with representatives of the people of Palestine (that appeared to be a politic step), with the Council of the League of Nations (that went without saying), but also with the neighbouring Arab States. It was thus formally admitted that the Arab States, although foreign to the affairs of Palestine, were to be consulted regarding the advisability of the pursuit, in Palestine, of a certain policy by the mandatory Power. The fact of consulting anyone meant that a right of intervention in the matter was recognised as attaching to that person. Whence had the Arab States derived such a right? By formally recognising that right, was not a further obstacle being placed in the way of a solution which was already beset by so many difficulties?

Intervention by the Arab States could, it seemed, only be explained by admitting that Palestine would in fact only represent a part of a wider whole—namely, an Arab world or an Arab federation, now in a state of gestation. If that was the mandatory Power's conception (not yet formulated but latent and perhaps imposed by considerations of such a character that it was inadvisable to take them into account in the present discussion), and if that conception influenced the attitude of the mandatory Power, then the whole aspect of the question became modified, and especially the prospects held out to the Jews in Palestine.

The mandate, in which the Balfour Declaration had been enshrined, placed Palestine under an international lien. It was only natural that the lien should seem a heavy one to the Arab inhabitants of the country. The Balfour Declaration was, however, an historic fact. The mandatory Government asserted its determination to abide by it, the Jewish National Home would survive whatever happened.

The Chairman had wondered whether Mr. MacDonald's reference to the spirit of Article 22 of the Covenant was the confirmation of an opinion, which was fairly current, that the very spirit of the Covenant was inconsistent with any suggestion that the Arabs should ever lose their majority in their own country. It would only be a step from that opinion to the one which held that the Balfour Declaration had created a state of injustice, the effects of which should first be attenuated and next stabilised in their existing form.

It was essential that each responsible person should be entirely free to express a different view on that point, free to refuse to subscribe to that particular opinion without incurring the reproach of lacking a certain moral sense. Was not consent to the establishment of a Jewish National Home in Palestine the price—and a relatively small one—which the Arabs had paid for the liberation of lands extending from the Red Sea to the borders of Cilicia on the one hand, Iran and the Mediterranean on the other, for the independence they were now winning or had already won, none of which they would ever have gained by their own efforts, and for all of which they had to thank the Allied Powers and particularly the British forces in the Near East? There were other peoples who, because they had failed to win independence by their own efforts, had paid for their independence by far heavier sacrifices, and in regard to whom the conscience of the world had nevertheless not been touched, even though the sacrifice demanded was not in any way designed to relieve another people whose fate deserved equal attention.

If Palestine were really only a part of a wider whole, in which it would ultimately be merged altogether, then the lien resulting from the Balfour Declaration and the mandate would be considerably lightened. In that case also, the Jews would still retain their status of an extraordinary minority in the sense which the Secretary of State for the Colonies appeared to have used that term—that was to say, a minority which, although consisting of immigrants foreign to the country, dwelt in that country as of right and not by mere tolerance. On the other hand, the Jewish minority, and the Jewish National Home, would lose the guarantees of effective security which they would otherwise up to a certain point still enjoy if Palestine were allowed to keep her present borders, in virtue of the numbers of that minority, of the individual worth of its members, of its economic strength and of the support it received from the outer world.

Mr. MACDONALD said that the Chairman had stated that one notion which used to be held had gradually faded into the background during the past two years. It was the conception that each territory under mandate was a separate political entity, an independent unit to be considered by itself and without the intervention of outside authorities; and the Chairman had brought forward the example of the consultation with neighbouring Arab States as evidence that that old conception had disappeared. He had suggested that the consultation of neighbouring Arab States could, it seemed, only be explained by admitting that the mandatory Power already regarded Palestine as part of some wider Arab federation.

Mr. MacDonald would reply straightaway that no such conception had occurred to His Majesty's Government in inviting representatives of neighbouring Arab States to London; it had nothing to do with the invitation to the neighbouring States to consultation, either at an earlier stage or at the recent London discussions. The reason for inviting the neighbouring Arab States to consultation had been different.

The Chairman had said that it had been the practice to regard each mandate as a separate political entity. In Geneva, or even in London, Palestine could perhaps be regarded as an isolated country whose problems lay strictly within her own borders. The neighbouring Arab States, however, were not quite in that happy position. Serious troubles in Palestine affected them rather closely and were a matter of practical, almost everyday concern to them. The neighbouring Arab States were more or less closely affected by what went on in Palestine, and conversely public opinion in those States exerted a certain influence on affairs in Palestine. Palestinian affairs were being daily discussed by authorities and public alike in those countries; in view of that fact, the mandatory Power had thought it much better to ask those countries quite frankly to send representatives to London to discuss a matter which concerned them so closely.

The Chairman had drawn attention to the provision in the White Paper for further consultations with the neighbouring Arab States, as well as with certain other bodies, in certain circumstances at the end of ten years. The reason for that provision was much the same as the reason behind the invitation to send representatives to London. If the situation in Palestine at the end of ten years was such that the independent State could not be established forthwith, it was a proper and friendly act to invite the Governments of those countries to consultation on a situation which might affect their affairs closely.

In any case, Mr. MacDonald could assure the Chairman that the mandatory Power had no intention whatever of abdicating its authority to take decisions. Sub-paragraph (8) of paragraph 10 of the White Paper had been carefully drafted to avoid any doubt in that respect ; the initiative in starting consultations, and the power of decision arising out of them, rested with His Majesty's Government alone, except in so far as the Council of the League of Nations was also concerned. Sub-paragraph (8) of paragraph 10 read as follows :

“ . . . If, at the end of ten years, it appears to His Majesty's Government that, contrary to their hope, circumstances require a postponement of the establishment of the independent State, they will consult with the representatives of the people of Palestine, the Council of the League of Nations and the neighbouring Arab States before deciding on such a postponement.”

It was clear that the responsibility for the decision rested with His Majesty's Government, and would continue to rest with it after consultations had taken place.

The Chairman had asked whether Mr. MacDonald's reference to the spirit of Article 22 of the Covenant implied that the Arabs should not lose their majority in Palestine. Mr. MacDonald had already explained that the spirit of Article 22 meant that certain rights to have their opinions on a vital matter heeded must be preserved to the Arab people of Palestine. Paragraph 1 of Article 22 referred to the sacred trust laid upon the mandatory Power to see that the well-being and development of the peoples in the territory under mandate should be safeguarded ; and as he had repeatedly stated, the Arabs of Palestine were not excluded from that article. It was not simply a question of their material and physical well-being, but of their mental and moral well-being as well. The mandate modified in practice the exercise of, but did not extinguish, the rights of a people who had long been in occupation of their native land. He would not repeat the arguments on that matter, but simply refer the Commission back to his first long statement on the subject.

If the Chairman agreed that the mandate came within the scope of Article 22 of the Covenant, it certainly seemed to Mr. MacDonald that the Arabs in Palestine had, in principle, the same rights as all the other people who came under the mandates system ; although one might be able to build a Jewish National Home in the country up to a certain strength against Arab will, there must come a point when, if their rights were preserved for them at all, notice had to be taken of their views on the matter, and further development of the National Home by immigration only be allowed subject to the acquiescence of the Palestine Arab people.

Mr. MacDonald wished to speak here very definitely as the representative of His Majesty's Government, which had not held any other view on the matter. No accredited representative of His Majesty's Government had suggested that the rights of the Arabs in Palestine had a narrower interpretation than the one he had just given. It seemed to him that the views of His Majesty's Government were of some importance. That Government was the author of the Balfour Declaration and of the Hogarth message—though he must accept the Chairman's previous description of the relevance of the Hogarth message so far as the Mandates Commission was concerned. Nevertheless, that message made perfectly clear what the British authors of the Balfour Declaration had in mind when speaking about civil and religious rights ; it was perfectly clear they meant to include the normal political freedom of the Arabs in Palestine.

The British authorities had not only taken a decisive part in the drafting of the Balfour Declaration, but the Palestine mandate had also been drafted in the first place by them. They could not have changed their minds as to what they intended in the three or four years which had passed between the Balfour Declaration and the framing of the mandate. On behalf of the United Kingdom Government, which had played that decisive part in connection with the Balfour Declaration and the mandate itself, he would say that that Government had always held the view that the rights which it had safeguarded for the Arabs were of a wider nature than their mere economic rights and position, or narrow civic and religious rights, as had sometimes been suggested in the course of the discussions.

If the Chairman considered that those wider rights had been given up by the Arabs as the price they had had to pay for their independence in other parts of Arabia, Mr. MacDonald could only reply that he did not believe that the Arabs had ever consciously paid that price. King Hussein had never indicated any such attitude, and the Emir Feisal would have repudiated that anything he did involved the complete surrender of the Palestine Arabs' political rights. From the very beginning, the Palestine Arabs themselves had been opposed even to the partial invasion of their rights which had taken place because the mandatory Power had faithfully carried out its undertaking to build a Jewish home in Palestine.

The mandatory Power had been given an extremely difficult task by the League of Nations. It had borne the responsibility in good times and bad for seventeen years, and had never met with a more difficult moment than that which it was facing now in Palestine. Mr. MacDonald was conscious every day of his life that, on the decisions which his colleagues and he made in regard to Palestine, might depend the lives of people there, and he knew that the same preoccupation filled the minds of his colleagues in the Colonial Office and in the Palestine Administration itself. They had a tremendously delicate task to perform, and he hoped it was not going to be made more difficult for them by misunderstandings of their methods or of the real objects which they had in mind. He was certain that the Mandates Commission was only anxious to be helpful ; not to increase the difficulties, but to help overcome them.

The CHAIRMAN pronounced closed the exchange of views on the 1939 White Paper.

He thanked on behalf of the Commission the Secretary of State for the Colonies once again for his assistance, which had been much appreciated.

The meetings had been marked by an atmosphere of frankness and sincerity which the Commission was proud to regard as a tradition of its discussions. If the Chairman had not been resolved not to lay himself open to the reproach of making personal remarks which might appear out of place on the present occasion, he would have been very tempted to express his feelings as regards the quickness of mind and a talent for expression which the exchanges of views that had taken place in the last days had brought to light, as well as the preoccupations which the Commission had heard expressed, and which, by their character, had helped to raise the debates to the level they had reached.

Mr. MACDONALD replied that, if his explanations of what His Majesty's Government had in mind in deciding upon and announcing the policy contained in the White Paper, had really been of value to the Mandates Commission, then he had all the reward he could wish for for any trouble to which he had been put.

His Majesty's Government was always extremely anxious, and Secretaries of State were also always very desirous, of helping the Mandates Commission in any way they could in connection with the mandates placed under its observation. He would say in all sincerity that he was deeply grateful to every member of the Commission for the great patience and courtesy with which they had listened to the various, and sometimes rather lengthy, statements he had made, and for the very kind way they had treated him and his colleagues.

Mr. MacDonald agreed with what the Chairman had said about the general spirit of the discussions, and felt certain that all those present had but one desire: to help in every possible way the Jewish community and the Arab community of Palestine, whose destinies had been so deeply touched by the terms of the mandate with which the United Kingdom was charged.

TWENTY-FIRST MEETING

Held on Wednesday, June 21st, 1939, at 10.30 a.m.

Trans-Jordan: Examination of the Annual Report for 1938 (continuation).

Mr. Moody and Mr. Kirkbride came to the table of the Commission.

CONSTITUTIONAL CHANGES : POWERS OF THE AMIR : INCREASED PARTICIPATION OF LOCAL AUTHORITIES IN ADMINISTRATIVE ACTIVITIES : MUNICIPALITIES

The CHAIRMAN asked what were the new powers conferred on the Amir to which the accredited representative had referred in his general statement.¹

Mr. KIRKBRIDE explained that the reference had been to a relaxation of the control exercised by the Mandatory rather than the grant of additional powers to the Amir. The discussions in London on that subject had resulted in agreement in principle on certain points, details of application having been left to be settled with the local Trans-Jordan authorities. The main features of the proposed new arrangements were as follows :

(1) The present Executive Council would be replaced by a Council of Ministers, consisting of the Prime Minister and five Ministers, exercising the same functions as the Executive Council ;

(2) The Government of Trans-Jordan would appoint consuls in certain neighbouring Arab countries. Such appointments had already been provided for in the Trans-Jordan Agreement, but the explicit consent of His Majesty's Government in the United Kingdom had now been given ;

(3) The provision at the end of Article 10 of the original Agreement according to which the Amir could not raise armed forces in Trans-Jordan without the consent of His Majesty's Government would be rescinded ;

(4) The control exercised by the British Resident over the finances and administration of the territory would be relaxed. Detailed instructions on that subject would be issued to the British Resident by the High Commissioner in Jerusalem.

In explanation of the change in the title of the Executive Council, Mr. Kirkbride pointed out that the present body consisted of permanent pensionable officials who were heads of departments, so that a change in Government interrupted the continuity of departmental administration. Under the new scheme Ministers would not be pensionable officials but would

¹ See page 63.

have attached to them permanent executive heads of departments who would be independent of changes in the Government.

The removal of the restriction on the raising of troops would make little practical difference as the mandatory Power would still control the appropriation of the funds necessary for paying such troops. No increase had yet been made in the strength of the Trans-Jordan forces as a result of the change.

Lord HANKEY asked how the decision to allow the Amir to levy troops at will could be reconciled with Article 17 of the mandate according to which the organisation of forces for the preservation of peace and order was to be subject "to the supervision of the Mandatory".

Mr. KIRKBRIDE pointed out that there was no intention to diminish the mandatory Power's right to exercise a general supervision over the actions of the Trans-Jordan Government.

Lord HANKEY suggested that the reply given had a more appropriate bearing on the next sentence in Article 17 reading: "but shall not use them for purposes other than those above specified save with the consent of the Mandatory". If the Amir were given a free hand, as proposed, surely that provision would be overridden.

Mr. KIRKBRIDE disagreed since, under Article 5 of the agreement, the mandatory Power had a general right of control over the acts of the Trans-Jordan Government. Moreover, as he had already stated, the levying of forces by the Amir depended on financial considerations and in that respect the mandatory control was unchanged.

Lord HANKEY concluded that direct control was being replaced by indirect control applied through financial channels. In other words, the actual organisation of such levies would still be completely controlled by the mandatory Power.

Mr. KIRKBRIDE confirmed that, broadly speaking, financial considerations would govern the matter. In addition, the officer commanding the Trans-Jordan forces would continue to be a British officer.

The CHAIRMAN asked whether, independently of all military provisions in the new Agreement, it was still true that the mandatory Power retained a sovereign right of veto over all measures taken by the Trans-Jordan authorities which were incompatible with the Mandatory's own obligations.

Mr. KIRKBRIDE confirmed that power to exercise such general control was specifically provided for in the Agreement.

M. VAN ASBECK concluded that the scheme constituted a psychological rather than a practical modification of the old arrangement.

Mr. KIRKBRIDE agreed that formal control was being relaxed while the essential rights of the mandatory Power were still being maintained.

Count DE PENHA GARCIA gathered that, under the new constitutional provisions, the local population would be more closely associated with the administration of the country. Was he right in thinking that the powers of the Executive Council would be increased and those of the Legislative Council diminished? Was there anything in the activities of the Legislative Council which justified such a change?

Mr. KIRKBRIDE said that the amendments made in 1938 in the Organic Law (paragraph 16, page 312 of the report) were intended to give the Amir wider powers when the Legislative Council was not in session and thus enable him to ensure the fulfilment of the mandatory Power's international obligations without requiring the Legislative Council's approval. Such approval had never been refused, but the previous arrangements were sometimes inconvenient in practice.

M. GIRAUD asked if it would be correct to say that the transformation of the Executive Council into a Council of Ministers was an intermediate stage in transition to responsible parliamentary government.

Mr. KIRKBRIDE would not go so far. The intention of His Majesty's Government was to give the local authorities progressive increases in responsibility for the administration of their own affairs.

M. RAPPARD asked whether the duplication of Ministers by permanent heads of departments would not impose a serious financial burden on the territory.

Mr. KIRKBRIDE said that no detailed scheme had yet been framed but the additional cost might be estimated at about £3,000 per annum.

M. VAN ASBECK asked what was the reason for the resignation of the Chief Minister referred to in paragraph 6, page 308 of the report.

Mr. KIRKBRIDE replied that Ibrahim Pasha had retired for reasons of health.

M. VAN ASBECK would welcome in the report for 1939 information regarding the operation of the new municipal law referred to in paragraph 19, page 316.

LAND TENURE : IRRIGATION

M. VAN ASBECK drew attention to the interesting information given in paragraphs 4 and 5 on page 407 of the report regarding the progress of irrigation work.

He gathered from the references on pages 324-325 that land settlement was being accelerated with the help of grants from the Colonial Development Fund. How long would it take to complete such settlement ?

Mr. KIRKBRIDE believed that the plans provided for the completion of the settlement of Trans-Jordan within some twelve years.

M. VAN ASBECK noted further from the last column of the table in paragraph 12 on page 326 that a certain amount of land was being sold. Did this refer to sales, or possibly transfers by Bedouin proprietors ; was any control exercised over sales of land to foreigners ?

Mr. KIRKBRIDE replied that no sale of land to a person who was not a national of Trans-Jordan could be registered in Trans-Jordan without the Government's permission. He assumed that the transactions in question took place between Trans-Jordanian nationals.

NATURALISATION

M. GIRAUD expressed his appreciation of the statistical table in paragraph 4 on page 332 of the report, showing the previous nationality of persons who had become naturalised Trans-Jordanians.¹ He trusted that a similar table would appear in future annual reports.

JUDICIAL ORGANISATION : TRIBAL COURTS : CRIMINAL INVESTIGATION DEPARTMENT

M. VAN ASBECK had still no clear idea as to the exact competence of tribal courts. According to paragraph 24 on page 317 of the report, tribal courts had jurisdiction in all cases between members of nomadic tribes, with two exceptions, and in all cases of compensation for blood, honour and horse partnerships, with the exception of written agreements. That seemed to be in direct opposition to the reply given by the accredited representative at the thirty-fourth session.¹

Mr. KIRKBRIDE said that the position was as stated in the report now under examination.

M. VAN ASBECK asked if there had not been some justification for enquiring last year whether the reference of important cases to Government courts was not a disadvantage for the good administration of justice.

Mr. KIRKBRIDE pointed out that any case brought before a tribal court could be referred to the civil courts if the official presiding over the court deemed it advisable. The exception made in the case of written agreements was due to the fact that the civil courts were better qualified to deal with written evidence.

Mlle. DANNEVIG asked whether the payment of blood money resulted in peace between the opposing parties.

¹ See Minutes of the Thirty-fourth Session of the Commission, page 68.

Mr. KIRKBRIDE said that such cases were taken to the tribal courts in order to ensure a reconciliation and prevent the continuance of a blood feud.

Lord HANKEY noted from paragraph 6, page 337 of the report, that the introduction of new codes was under consideration. Had any progress been made in that respect ?

Mr. KIRKBRIDE explained that the amendments proposed to be introduced in that part of the Ottoman Law which was in force in Trans-Jordan would not affect points of principle, but would modernise a rather antiquated form of legal procedure. It was intended, for instance, to redraft entirely the Criminal Code when a suitable opportunity offered.

Lord HANKEY asked whether the Criminal Investigation Department operated satisfactorily (paragraph 6, page 350 of the report).

Mr. KIRKBRIDE replied in the affirmative.

ECONOMIC EQUALITY : AMENDMENTS TO THE ORGANIC LAW

Count DE PENHA GARCIA gathered from the information in Chapter VI on page 346 of the report that economic equality was maintained in the territory in conformity with the principles of the mandate. He asked for an explanation of the amendments to the Organic Law made in 1938, as described in paragraph 2 of that chapter of the report.

Mr. KIRKBRIDE replied that in the original text of the Organic Law all rights in mines and minerals in Trans-Jordan had been vested in the Amir personally, a provision which had been misinterpreted in certain quarters. The amendments were therefore introduced in order to make it clear that the rights in question were held in trust for the population as a whole.

ECONOMIC SITUATION : IMPORTS AND EXPORTS : AGRICULTURE : CATTLE

M. GIRAUD pointed out that, in 1938, the agricultural situation of the territory had been unfavourably affected by the low yield of the wheat and barley crops, due to damage from rust (paragraph 1, page 403 of the report). Fortunately, the prices of cereals had remained satisfactory. Further, olives and grapes had, in general, yielded good results. Thanks to that fact and to the results of the excellent agricultural campaign of 1937, the situation of the farmers had not given rise to serious anxiety.

Foreign trade had been active. Trade with Palestine, which showed an increase in 1937, had developed in 1938 (paragraph 2, page 390 of the report). On the other hand, transit trade between Palestine and Iraq across Trans-Jordan, which, as was known, assumed considerable proportions, showed a rather substantial decrease (paragraph 3, page 391 of the report).

Referring to the table of " Principal Imports " on page 396, M. Giraud asked what was the explanation of the extraordinary increase in imports of " animals ". Where did that trade originate ? Were the animals intended for domestic consumption, or were they an item in transit trade ?

Mr. KIRKBRIDE believed that the increase was due partly to the fuller statistics now available as a result of the opening of a new Customs post, at pumping-station No. 4, on the Haifa-Iraq pipe line, and partly to the good grazing conditions produced by the plentiful rains which had fallen in the desert between Trans-Jordan and Iraq at the beginning of 1938, as a result of which large numbers of animals had been imported on the hoof from Iraq. Some of the animals would be consumed locally in Trans-Jordan and Palestine, while others would pass on to Egypt.

M. RAPPARD asked if a similar table to that given for " Principal Imports " could not be supplied for exports, which were important as showing the production of the country.

Mr. KIRKBRIDE said that export statistics were available and details would be included in future reports.

Count DE PENHA GARCIA asked whether olive-growing had a future in Trans-Jordan.

Mr. KIRKBRIDE said that there had been an increase in the area planted with olive trees in the Ajlun district. The demand for grafted wild olive suckers issued free of charge by the Government nurseries exceeded the supply. Olive trees could only be grown successfully in the northern part of the territory, where increased plantings coincided with the progress of land settlement.

In reply to further questions, Mr. Kirkbride said that the yield of the olive crop was regular but was sometimes unfavourably affected by the careless methods of picking practised by the natives. He confirmed, further, that the Mediterranean fruit-fly, which appeared in Palestine, had not yet reached Trans-Jordan.

FREEDOM OF CONSCIENCE : MISSIONS

Lord HANKEY asked what was the reason for the enactment of the Non-Moslem Religious Community Councils Law, No. 22, of 1938, referred to in paragraph 4 on page 347 of the report.

Mr. KIRKBRIDE stated that the amendments in question did not affect matters of principle, but removed certain practical difficulties.

Lord HANKEY asked whether the authorities in Trans-Jordan granted legal recognition to conversions from Islam to Christianity or vice versa.

Mr. KIRKBRIDE said that there was no system of registration, but the law provided that a person desiring to change his religion must appear before the authorities and satisfy certain conditions before the change could be recognised as affecting his personal status.

M. RAPPARD asked whether there were many cases of conversion from Islam.

Mr. KIRKBRIDE said that there were very few conversions of Moslems to Christianity. The Christian missions listed on page 348 of the report not only sought to convert Moslems to Christianity, but also looked after the well-being of the communities following the western rites which had been formed by conversions from the Greek Orthodox Church.

Mlle. DANNEVIG noted from paragraph 3, page 347 of the report, that the heads of religious communities were members of the selection committees. Were there many such communities and did their heads exercise any authority?

Mr. KIRKBRIDE replied that the religious communities in question were the three principal Christian communities—Greek Orthodox, Latin and Protestant—each of which was represented on the Administrative Councils.

Lord HANKEY referred to the statement at the end of paragraph 7 on page 348 of the report that there had been no change in 1938 in the number of missions and practically no change in the number of persons connected with them. Were relations between the various missions satisfactory?

Mr. KIRKBRIDE replied that to some extent, the Christian missions competed with one another.

M. VAN ASBECK thought it important to stress the splendid work done by Christian missions in the sphere of health and public education, which constituted their major activities. Moslem children also attended Christian schools, but did not necessarily become converts to Christianity: that was not the only thing which mattered for the Missions, nor was it their main objective.

Mr. MOODY added that the missionaries themselves aimed not so much at proselytising as at raising the social, cultural and moral standard of the population to a Christian level. The number of converts was a minor consideration.

Mr. KIRKBRIDE confirmed that Christian schools were attended by Moslem children and were a valuable agency in dissipating the religious ill-feeling which might prevail between the followers of the two faiths.

ARAB LEGION : TRAINING OF POLICE RECRUITS

Lord HANKEY noted from paragraph 2 on page 348 of the report that the strength of the Arab Legion was now 1,624, as compared with a total strength of 1,018 in 1937. Was the force large enough to maintain law and order in the territory?

Mr. KIRKBRIDE replied that the supplementary force referred to at the end of paragraph 2 on page 348 had been brought up to 600 strong in 1939. He confirmed, further, that the Arab Legion Reserve, referred to in paragraph 10 on page 310 of the report, was not included in the figures given on page 348.

Lord HANKEY asked whether the period succeeding the gathering of the harvest in Trans-Jordan was an anxious time from the standpoint of public order.

Mr. KIRKBRIDE replied that the slack season after the harvest was gathered in was the time when disturbances were most likely to occur or be intensified.

Lord HANKEY asked, further, whether the staff of the Arab Legion workshops in Amman, mentioned at the end of paragraph 3, page 350 of the report, were satisfactory employees. Did they work under European supervision ?

Mr. KIRKBRIDE confirmed that the personnel in question, consisting of local Arabs and Circassians, had proved efficient. Up till 1937, the workshops had been in charge of a British officer, who had now been replaced by an Arab.

M. RAPPARD noticed from the table in paragraph 2 (page 348 of the report), that seventy-nine other ranks of the Arab Legion were paid for by the Iraq Petroleum Company, Royal Air Force and Royal Engineers. Presumably those paid by the Iraq Petroleum Company were engaged in guarding the pipe-line, but why did the Royal Air Force and Royal Engineers require to subsidise the Arab Legion ?

Mr. KIRKBRIDE explained that the seventy-nine other ranks in question were special constables detailed to guard depôts of various kinds. They were enlisted and controlled by the Arab Legion for the performance of duties outside ordinary police work. When detailed to guard Royal Air Force petrol dumps or Royal Engineers working parties, they were paid for by the units in question.

Mlle. DANNEVIG asked for information concerning the reference in paragraph 9 on page 364 of the report to the attendance of men of the Desert Police at a school at Al Jaffer.

Mr. KIRKBRIDE explained that the men in question were police recruits who desired to improve their education.

ARMS AND AMMUNITION

Lord HANKEY observed from the reference to this subject on page 359 of the report that there was no system of registering arms and no restrictions on their possession, except in the Jordan Valley.

Mr. KIRKBRIDE said that any general restriction or system of registration would be highly unpopular and might lead to trouble.

Lord HANKEY noted, further, that no advantage had been taken in 1938 of the arrangements made to permit the manufacture of blasting powder (paragraph 3, page 359 of the report). As considerable amounts of dynamite were being misused in Palestine, were the authorities keeping a close watch on any possible transit trade in this material ?

Mr. KIRKBRIDE confirmed that frontier control had been intensified with a view to checking such traffic. As stated in the report, only one large seizure had been made.

INTERNATIONAL CONVENTIONS

Count DE PENHA GARCIA asked whether the agreements concluded with Palestine for the circulation of motor-vehicles and interchange of judicial documents had been necessitated by difficulties experienced in those matters (page 352 of the report).

Mr. KIRKBRIDE pointed out that the original arrangements had been concluded in 1934. The amendments promulgated in 1938 dealt with minor details.

ANTIQUITIES

Count DE PENHA GARCIA asked, with reference to paragraph 2 on page 357 of the report, whether the postponement suffered by certain archæological surveys was attributable to the troubles in Palestine.

Mr. KIRKBRIDE confirmed that, in view of the prevailing unrest, the archæologists operating in Trans-Jordan had been dissuaded from undertaking risky journeys to remote parts of the territory.

Count DE PENHA GARCIA observed that there had been a slight decrease in the number of tourists visiting Petra (paragraph 5, page 358 of the report), doubtless due also to the continued unsettled conditions in Palestine.

M. GIRAUD asked what was the usual route taken by tourists travelling to Petra.

Mr. KIRKBRIDE replied that they could travel via Amman and Ma'an, or via Suez, Aqaba and thence by motor-track to Ma'an.

LABOUR

M. GIRAUD had observed in those parts of the report dealing with economic affairs (paragraph 30, page 319) that the labour demanded for certain road construction work (in particular, for the road being made from Haifa to Baghdad) had provided welcome assistance for certain elements of the population of the territory during a period when the inadequate cereal harvest might have caused some inconvenience. He asked whether, in other circumstances, if, for example, the harvests had equalled those of 1937, the Administration would have experienced difficulties in finding the necessary labour for that road work. Was there not available in the country at all times sufficient labour to meet such important requirements ?

Mr. KIRKBRIDE said that the circumstances described had actually arisen in 1939, but work had not been interrupted : the daily wages of harvesters had, however, risen abnormally.

M. GIRAUD asked whether it was not usual for the inhabitants of Trans-Jordan to go to Palestine every year to seek employment.

Mr. KIRKBRIDE replied that, in normal times and during the slack seasons, Trans-Jordanians sought employment in Haifa and Jaffa.

M. GIRAUD, on behalf of Mr. Weaver, said that the paragraphs of the report (pages 358 and 359) relating to labour were not very informative. It would be useful if the next report could give some information about the number and nature of the factories which apparently exist in the country, the nature of the labour employed (that was to say, men, women, children) and the approximate number of workers, the actual conditions of employment, and the provisions of the local legislation referred to in the report for 1938.

Mr. KIRKBRIDE promised to have this matter examined and the necessary information included in the next report.

Mlle. DANNEVIG asked how the reference in paragraph 2 on page 359 to undertakings given by factory-owners regarding the employment of children was to be understood.

Mr. KIRKBRIDE explained that factory-owners had promised not to employ children below a prescribed age.

ALCOHOL AND SPIRITS

Lord HANKEY noted in paragraph 7, page 361 of the report, the correction made in the figures of production given for 1936. Tables C and D on pages 397 and 398 gave particulars of the amount of alcoholic liquor manufactured and imported. Those for pure alcohol seemed to have fluctuated considerably between 1935 and 1938. Could any explanation be given of those fluctuations ?

Mr. KIRKBRIDE said that pure alcohol was imported for chemical purposes. The fluctuations were doubtless due to the effect of the stocks carried over from one year to another.

DRUGS

Lord HANKEY was gratified to note from paragraph 6 (page 360 of the report) that there was very little addiction to drugs among native Trans-Jordanians.

HOLY DAYS

Mlle. DANNEVIG had been struck by the great differences between the holy days observed in Palestine as given in Appendix II (page 420 of the report) and those observed in Trans-Jordan as listed on page 321. Were not Moslem holy days the same in different Moslem countries ?

Mr. KIRKBRIDE remarked that the three festivals of ' Id el Fitr, ' Id el Adha and Mawlad en Nebi were common to both countries ; the other days were selected by each Administration independently. Friday was a general day of rest for both Moslems and Christians in Trans-Jordan.

EDUCATION

Mlle. DANNEVIG noted from paragraph 3 on page 361 of the report that the number of teachers in Government schools had risen from 163 in 1937 to 181 in 1938, and that the number of Government schools had also increased from 70 to 74 (paragraph 4, page 361). There had also been a slight increase in the expenditure budget of the Education Department (page 380).

She observed in paragraphs 5 and 6 (pages 361 and 362 of the report) references to a Municipal Education Fund derived apparently from a rate levied in Amman and Es Salt. Was that rate not levied in other communities also ?

Mr. KIRKBRIDE said that the authorities intended eventually to levy a similar rate in all municipal areas, but that would depend on the educational requirements of the areas and the taxable capacity of their population.

Mlle. DANNEVIG inferred that the eight teachers referred to at the end of paragraph 6 (page 362 of the report) were only employed in the towns where the rate was levied.

She noticed in the table on the same page that large numbers of children had been " refused or deferred ". This was presumably due to the lack of teachers or funds. Would such children be able to attend school later ?

Mr. KIRKBRIDE replied that applications for places in free Government schools could be renewed, but the children also had the option of attending communal schools. In some private village schools, the teachers' salaries were paid by the parents themselves. The standard of education in these private village schools was, of course, not so high as that of the Government schools. The teachers in Government village schools selected the most intelligent of their pupils for admission to the Government secondary schools. Village schools had four, and town schools seven, primary classes : the cleverer children from the village schools were passed on to the town schools, where they completed the next three classes, and would eventually be transferred to the secondary schools.

Mlle. DANNEVIG pointed out that the annual reports of other mandatory Powers had given the number of pupils in the various classes, so that the Commission could follow the progress of pupils through the schools. Did most pupils follow the school course through all the classes provided ?

Mr. KIRKBRIDE promised to supply the information in the next report.

Mlle. DANNEVIG observed from paragraph 12, page 365 of the report, that several scholarships were awarded by the Education Department. Were the candidates selected from all over the territory ?

Mr. KIRKBRIDE confirmed that all secondary-school pupils in Trans-Jordan were eligible for scholarships.

PUBLIC HEALTH

Count DE PENHA GARCIA noted the information given regarding the nationality of the personnel of the Department of Health (paragraph 1, page 369 of the report). It was gratifying to note from paragraph 19 (page 375 of the report) that the Desert Mobile Medical Unit was serving its purpose adequately, and from page 380 that appropriations for the expenditure on public health were being increased.

He welcomed the steady decline in the infantile mortality rate (paragraph 3, page 370 of the report), but regretted to see from the figures for malaria in the table on page 371 that the measures taken to combat that disease had not yet proved effective. Would other possibilities be explored ?

Mr. KIRKBRIDE ventured to disagree with the observation regarding malaria. The 1938 figure of 1.6% for children with enlarged spleens (paragraph 15, page 374), compared very favourably, he thought, with the figure of 25% recorded some years previously.

Mlle. DANNEVIG regretted to note in paragraph 15 on page 374 that 27% of a total school population of 8,262 suffered from trachoma. Were children treated outside the schools as well as inside ?

Mr. KIRKBRIDE said that special school clinics had been opened which, it was hoped, would in time reduce the incidence of eye troubles among children.

Count DE PENHA GARCIA asked whether the great prevalence of eye troubles as indicated by the figures at the end of paragraph 15 (page 374 of the report) was due to physiological reasons or to chronic neglect by the parents.

Mr. KIRKBRIDE said it was hoped to check these diseases as a result of the steps taken to teach hygiene and infant welfare principles to mothers, particularly by the personnel of the Infant Welfare Centres.

Count DE PENHA GARCIA agreed that school training was a very important factor in combating such diseases.

He suggested that it would be interesting to have information in the next report on the progress made in water-supply and municipal sanitation questions.

In paragraph 13 on page 374 of the report, the number of medical practitioners at the end of 1938 was given as twenty-four. Was that number considered to be adequate for the needs of the population in present circumstances ?

Mr. KIRKBRIDE believed that the needs of the territory were being satisfactorily met. There was no present intention to restrict the number of licensed practitioners.

Mlle. DANNEVIG, with reference to paragraph 16 (page 374 of the report) asked why the midwife at Zerka had been removed, seeing that there must be a great need for the service of skilled midwives.

Mr. KIRKBRIDE explained that the midwife in question had been paid by the Government ; there were several private midwives at Zerka, so that the removal of the Government midwife to a place where her services were in greater need did no harm.

Mlle. DANNEVIG asked if there were sufficient midwives in the territory. What training did they receive ?

Mr. KIRKBRIDE said that the number of midwives was still inadequate, but girls were now being trained in Palestine at Government expense.

Mlle. DANNEVIG asked that a reference to that question might be inserted in the next report.

PUBLIC FINANCE : TAXATION : CURRENCY

M. RAPPARD said that the outstanding feature of the financial situation in Trans-Jordan was that budget deficits were made good by His Majesty's Government. The grants-in-aid could, therefore, be regarded as an index of the territory's prosperity. In that connection, he would appreciate an explanation of the reference in paragraph (i), page 379 of the report, to a sum of £P18,000 which was " short issued " on an original grant of £P60,000.

Mr. KIRKBRIDE explained that grants-in-aid were estimated at the beginning of the financial year. If, at the end of that period, the deficit proved to be less than anticipated, the grant-in-aid would be correspondingly reduced.

M. RAPPARD wondered whether, in such circumstances, there was any real incentive for the local authorities to exercise economy.

Mr. KIRKBRIDE pointed out that the expenditure estimates fixed at the beginning of the year could not be exceeded without the permission of His Majesty's Government. Accordingly, any surplus at the end of the year automatically reduced the grant-in-aid.

M. RAPPARD was puzzled by the statement in paragraph (b) on page 379 of the report to the effect that the increased trade with Palestine was due to the Arab strike in that country.

Mr. KIRKBRIDE pointed out that the Arab strike had led to trade being diverted through Syria, the produce of which had to pay duty on entering Trans-Jordan.

M. RAPPARD pointed out that the reference quoted mentioned trade "with Palestine".

Mr. KIRKBRIDE said that the trade in question was that which arose from Palestine Arabs purchasing their requirements in Trans-Jordan at a time when buying and selling were at a standstill in Palestine.

M. RAPPARD asked how it was possible in practice to limit the taxes levied under the Land-tax Law (paragraph 18, page 328 of the report) to £P10,000.

Mr. KIRKBRIDE replied that the Legislative Council had only agreed to pass that unpopular measure on the understanding that the increase in taxation resulting should not exceed £P10,000 a year. That increase had not been attained yet but, if it were exceeded in the future, the position would be adjusted by a reduction in the rate of the land tax.

Mlle. DANNEVIG was surprised to note from the paragraph headed "Currency", on page 396, that the high cost of living in Trans-Jordan was partly attributable to the fact that the lowest spending unit was the 5-mil piece.

Mr. KIRKBRIDE explained that the copper 2 and 1-mil pieces which existed were seldom used to pay for purchases, so that the 5-mil piece was, in practice, the lowest buying unit. The aversion to the use of copper coins was thus really a premium to traders and a disadvantage to small consumers.

DEMOGRAPHIC STATISTICS

M. RAPPARD observed from the table of births and deaths on page 370 of the report that registration was becoming more accurate. The figures were satisfactory in so far as they revealed a natural increase of 40 per thousand as against a death rate of 20 per thousand. Could the accredited representative confirm from direct observation that the population generally was in a flourishing condition?

Mr. KIRKBRIDE agreed that the large percentage increase was due to better health conditions.

On the possibility of over-population, he pointed out that the average land holding in the Ajlun district was 80 dunums only as compared with the standard "lot viable" of 150 dunums per family on a similar class of holding.

CLOSE OF THE HEARING

The CHAIRMAN thanked the accredited representatives for the collaboration which they had extended to the Commission in its examination of the annual report.

Mr. MOODY, on behalf of Mr. Kirkbride and himself, said that they had greatly appreciated the patient and courteous hearing given to them by the Mandates Commission.

TWENTY-SECOND MEETING

Held on Wednesday, June 21st, 1939, at 3.30 p.m.

Palestine : Policy laid down by the United Kingdom Government in the Document entitled "Palestine—Statement of Policy", of May 1939 (continuation) : Exchange of Views between the Members of the Commission.

The CHAIRMAN reminded his colleagues that, at an earlier meeting,¹ the Commission felt that its examination should bear on the question whether the policy outlined in the 1939 White Paper was or was not in conformity with the terms of the mandate ; but it would also be necessary to decide whether or not the Commission should stop at that. He personally did not think so. If the Mandates Commission confined itself to stating that the policy outlined in the White Paper was or was not in conformity with the mandate that would surely be a very meagre result from discussions which had already occupied more than ten meetings of the present session ; moreover, the attendance of the British Secretary of State for the Colonies in person at those discussions served to emphasise that important results were expected of them.

M. VAN ASBECK supported the view put forward by the Chairman.

Lord HANKEY thought the Commission should discuss, not only whether the White Paper was in conformity with the mandate, but also the advantages and disadvantages of the new policy which the mandatory Power proposed to adopt. He reserved his views as to whether an opinion should be expressed on that policy in the Commission's report.

Count DE PENHA GARCIA also supported the Chairman's opinion, the more readily because the mandatory Power which had outlined a new policy declared that it considered that policy to be in conformity with the mandate. It would be interesting to know how far a mandatory Power was competent to interpret a mandate ; moreover, this would not be the first time that a mandate had been interpreted by the Government entrusted with its application. Nor could the Commission omit to examine the advantages and disadvantages inherent in the new policy, and it would then see what it was desirable to include in its report.

Mlle. DANNEVIG thought, like the Chairman, that the Commission should discuss the question whether the new policy outlined in the White Paper was in conformity with the mandate, and the advantages and disadvantages of that policy.

M. GIRAUD also signified his agreement with the Chairman.

M. RAPPARD approved the Chairman's suggestion, provided that what was said on the second question was not allowed to obscure in any way the position taken up by the Commission on the first question.

The CHAIRMAN accordingly asked the members of the Commission to express their opinion in turn on the question whether the new policy outlined in the White Paper was or was not in conformity with the mandate.

Mlle. DANNEVIG stated that, in regard to Jewish immigration, the changes proposed by the mandatory Power in the policy hitherto followed did not appear to her to be in keeping with the terms of the mandate, because their effect would be to prevent the promised immigration by an arbitrary act—namely, the application of a political criterion. On that point, it had already been observed by the Mandates Commission that the application of a political criterion could only be accepted as a temporary measure.

Furthermore, after a period of five years, the mandatory Power proposed, in its White Paper, that no further Jewish immigration should be authorised unless the Arabs of Palestine were prepared to acquiesce in it. That second obstacle to Jewish immigration was also, in her opinion, in contradiction with Article 6 of the mandate.

In regard to the land question, if the High Commissioner were given general powers to prohibit and regulate transfers of land, and if he used those powers in certain parts of Palestine, no one could say that the promise to encourage the close settlement by Jews on the land had been fully carried out ; and there again the White Paper was at variance with the mandate.

It was difficult to pass judgment on the future constitution which, according to the White Paper, was to be given to Palestine, but which was hardly yet sketched out ; she did not, however, see how, in a State with democratic forms, the Jews, who would be far fewer in number than the Arabs, would be able to assert themselves politically.

¹ See page 102.

She had listened carefully to the Secretary of State's explanation of the difficulties that the Jews would inevitably encounter if the mandatory Power continued to apply the mandate, and of the dangers in which such application would involve them, not only in Palestine but also in other Near Eastern countries. Those were arguments to be weighed.

The Secretary of State had pleaded the Arabs' cause with great conviction. Mlle. Dannevig had, however, a feeling that the policy proposed by the mandatory Government was also dictated by political or even strategical considerations.

Finally, it might be a little rash for the Commission not to support a policy unanimously approved by the British Parliament. But such was not the case; the policy outlined in the White Paper had aroused strong opposition from distinguished members of the majority, some of whom had actually taken part in drawing up the mandate in 1922. That opposition was probably due to a feeling that the policy in question was not in conformity with the mandate.

M. GIRAUD considered it impossible to give a categorical "yes" or "no" to the question put by the Chairman. In his opinion, the whole problem was dominated by the political situation; that was a factor of capital importance which the Commission could not ignore. Its duty was not simply to verify whether this or that statement was in conformity with a charter it had before it; in the case under consideration, in particular, it could not leave out of account the present political situation in Palestine. The Secretary of State for the Colonies had expressed the opinion that it was essential to the maintenance of the Jewish National Home that Arab hostility should be appeased. That was, apparently, the primary aim of the new British policy in Palestine, and in a few years' time, if that policy produced the results anticipated, it might be hoped that an appropriate solution of the constitutional problem would be found. The United Kingdom Government thought it was possible to bring the Jews and Arabs closer together; it believed that time would facilitate its task, and it intended to utilise the period of ten years referred to in the White Paper to educate the inhabitants politically, and to accustom Jews and Arabs to work together by arranging for their collaboration forthwith in a number of institutions.

The Secretary of State for the Colonies had further declared that the mandate was continuing, and that the mandatory Power had no intention of evading its obligations. Some might feel that the solution proposed was not entirely in conformity with the mandate; the best course seemed to be, if it were desired to try to form an opinion on this point, to examine the bearing of the three questions covered by the three sections of the Statement of Policy.

First of all, as regards immigration, the statement no doubt involved a change in the regulations in force; but the point to be decided was not whether the new regulation was in conformity with the procedure followed in the past, but whether it was not contrary to the mandate. Article 6 of the mandate, which was fundamental on that point, was drafted in vague terms which had had to be defined later. By that article, the obligation imposed on the mandatory Power was qualified, first, by the reservation that the rights and position of the other sections of the population should not be prejudiced, and though, secondly, it was stated that Jewish immigration should be facilitated, care was taken to add the words "under suitable conditions". The obligation in the mandate on that point was therefore not unconditional and absolute. Moreover, in the definition of the mandate given in the 1922 White Paper, reference was made to the criterion of the economic absorptive capacity of Palestine, not so much as a factor for the determination of a specific immigration figure, but as a basis for the calculation of a limit which should not be exceeded. As to the determination of the actual figure of immigration, there was nothing, therefore, either in Article 6 of the mandate, or in the 1922 White Paper, to prevent this from being made dependent on political factors, and the mandatory Power seemed to be entitled to claim that it was its duty to take such factors into account, since it felt that, by closing its eyes to them, it might precipitate general bloodshed.

From the point of view of the future Constitution of Palestine, the Commission had before it mere possibilities, data of considerable vagueness. It did not even know whether the proposed State would have a unitary or federal form. But that was an essential point, because to make the State a federal State would be coming fairly close to the partition solution, which did away with the objection that in a State where Jews and Arabs were mixed together the Jews would have difficulty in asserting themselves politically.

On the question of land purchase, the White Paper said merely that the High Commissioner would receive general powers to prohibit and regulate land transfers. That provision did not in itself restrict the Jews' opportunities of acquiring land; everything would depend on the legislation introduced by the High Commissioner.

To sum up, it followed from these observations that it appeared to be very difficult to answer "yes" or "no" to the question whether the new policy proposed by the mandatory Power was in conformity with the mandate. The main objection, which was based on the suggested proportion of two-thirds Arabs to one-third Jews, and the fear that the Jewish National Home might be put under subjection, could be disregarded if the federal form were chosen for the future State of Palestine. It could not therefore be said offhand that the existence of the Jewish National Home was threatened by the new policy.

Lastly, M. Giraud felt that the Commission could hardly adopt an attitude which might hinder the mandatory Power's efforts towards appeasement, and he personally did not think it was possible to tell the mandatory Power that the new lines along which it believed it could find an appropriate solution to the Palestine problem were forbidden by the mandate.

Count DE PENHA GARCIA felt, like M. Giraud, that the question was too complex to be answered by a mere "yes" or "no". In any case, it all depended on the form on which the problem was stated. If it were asked whether the new policy proposed by the mandatory Power was in conformity with the interpretation of the mandate given by the Commission for several years, in agreement with the Council and the mandatory Power, the reply was obviously "no", because between the White Paper and that interpretation there were contradictions on more than one point. The Commission had, however, heard the arguments put forward by the accredited representative of the mandatory Power and a mandate must not be regarded as something static. Furthermore, as he had pointed out at the opening of the present meeting, it was not the first time a mandatory Power had interpreted the terms of a mandate so that, in his opinion, the claim could be accepted that the mandatory Power was competent to interpret the mandate, though on one condition—namely, that its interpretation received the assent of the Council.

In regard to the present position, Count de Penha Garcia, noted, first, that the mandate was being continued; secondly, that the final aim of the Statement of Policy was to constitute an independent State of Palestine, and thirdly, that in that State there would be no preponderance of either of the two elements involved, and that therefore, speaking generally, the intentions of the White Paper could not be condemned.

The changed interpretation was due to considerations of a political character. According to the mandatory Power, new political circumstances had made it practically impossible to continue along the lines previously contemplated. It was for the Commission to assess whether the changes proposed by the mandatory Government represented an effective method of putting an end to the Palestine disturbances and persuading the two peoples concerned to accept a compromise.

On the question of immigration, the change proposed was considerable but was perhaps necessitated by imperative reasons, and if it were to lead to a more satisfactory situation than that reached by the former interpretation of the mandate, then the Commission could only take note of it in the light of the results achieved.

On the land question, two facts dominated the situation. In the first place, there were not many vacant lands in Palestine, but their area could still be increased by breaking up virgin soil. It was on that first point that Count de Penha Garcia had put his question to the accredited representative regarding the establishment of companies. Further, in order to help in the solution of the political problem, it was desirable that Arabs and Jews should, so far as possible, be settled in separate areas.

As regards the constitutional questions as a whole, it seemed still to be very difficult to express an opinion. Not till five years had passed would an attempt be made to define constitutional forms. During those five years, Jewish immigration would not be stopped. On the whole, it could be said that the right course for the Mandates Commission was to await developments.

In conclusion, Count de Penha Garcia thought the Commission ought to recognise the existence of special political circumstances and a *de facto* situation in the territory under mandate which it could assess with the assistance of the data provided, not only by the White Paper, but also by the interpretation given by the accredited representative of the mandatory Power and by the varied collection of reports and documents at the Commission's disposal. That body of circumstances was the reason which had prompted the mandatory Power's new policy.

M. RAPPARD thought the Commission had a very heavy, a very complicated and a very important task before it; the opinion it was called on to express might have great weight and give rise to extensive consequences. But that task, which was difficult in itself, would become impossible if the Commission were to leave its proper field and engage in a discussion of political considerations which had nothing to do with the mandate. Considered objectively, that would amount to an admission that its opinion on the obligations of the mandate depended to some extent on political events in Palestine and the world. That would be putting a premium on violence, because to take account of political situations meant in the present case to strive for appeasement. But it was only the violent who needed to be appeased.

Again, considered subjectively, the composition of the Mandates Commission, the members of which had been chosen, not for any supposed political wisdom, but on account of their technical competence and their independence of their Government, should deter them from embarking on any political path, particularly since they were, after all, citizens of different countries; and if three of their colleagues who had resigned in recent years were still present, those colleagues' opinions on general policy would doubtless be different from their own.

M. Rappard therefore proposed, while reserving the right to reconsider his views later, if he should be convinced by his colleagues that he was wrong, to judge the White Paper in the light of the terms of the mandate.

It was a delicate undertaking, because the mandate was far from precise. Moreover, in the situation now being reviewed, not only were rights in conflict with violence, but sometimes with other rights. The struggle in question was, in reality, a struggle between two conflicting aspirations, each of which had a number of arguments of equity on its side.

There had hitherto been two schools of thought on this question. For some, the mandatory Power's main obligation was the establishment of the Jewish National Home, and its secondary obligation the protection of the rights of non-Jews. Thus the Royal Commission, in its report, spoke of the Jewish National Home as "a primary obligation" and Mr. Churchill, in a recent

speech, referred to it as " a paramount obligation ". But that had never been the opinion of the Mandates Commission. The Mandates Commission had endorsed the opinion once expressed by the United Kingdom Government that those two obligations were of equal weight, ¹ that it was equally important that the Jews should have a National Home in Palestine and that the rights and position of the Arabs in Palestine should be safeguarded.

But the 1939 White Paper seemed, in fact, to be based on a third conception. Not only was the obligation to establish and maintain a Jewish National Home not recognised as a primary obligation, but Jewish and Arab interests did not appear to be considered as being on an equal footing as a matter of right. The right of the Jewish people to a National Home was acknowledged only in so far as its realisation was not prejudicial to the rights of the Arabs as interpreted in their widest sense. If it were acknowledged that the Arabs possessed every political right appertaining to a free people, it was clear that the right of the Jews to establish a National Home in Palestine against the wishes of the Arab inhabitants was being disputed.

The object of the White Paper was to appease the Arabs in the hope that such appeasement might enable the Jews to maintain their National Home more or less at the stage of development it had reached to-day after seventeen years under mandate.

In the matter of immigration in the first place, the Mandates Commission would be going back on its own decision if it were to state that the policy enunciated in the White Paper was in conformity with the mandate. When two years previously the mandatory Power had declared that it was ceasing, for the time being, to apply the criterion of economic absorptive capacity, the Mandates Commission had regarded that as a suspension of the mandate, justifiable only as a provisional measure in view of the prevailing political crisis in Palestine. But it was important to note that it was proposed to apply immediately and for an indefinite period the policy enunciated in the present White Paper. In order to form an opinion on that policy, therefore, that hypothesis must be taken into consideration.

The limitation of Jewish immigration in accordance with a political criterion was intended to appease the Arabs. The clause which subordinated all Jewish immigration, after a period of five years, to the tacit acquiescence of the Arabs could not be understood otherwise. But how could that be regarded as other than an infringement of the positive obligation on the mandatory Power to " facilitate " Jewish immigration ? Jewish immigration, moreover, had never received any positive encouragement, though, hitherto, in normal times it had been permitted within the limits of economic possibilities. It was now proposed first of all to restrict it for political reasons, then, in point of fact—for it would be idle to entertain any illusions as to Arab acquiescence—to stop it completely. In M. Rappard's opinion, it was impossible to reconcile the views of the mandatory Power and the requirements of the mandate on that point.

Nor did they appear any more compatible so far as the land system was concerned. The mandate imposed the obligation to encourage close settlement by Jews on the land. Was it encouraging settlement to restrict and even forbid the acquisition of land by Jewish settlers ?

In the third place, it was difficult to express an opinion on the Constitution which would be given to the country, for it had not yet even been outlined ; two points could, however, already be noted with regard to it. The first was that the Constitution was to be framed during a period in which, in accordance with the wishes of the mandatory Power, the Arabs would possess a numerical preponderance over the Jews of two to one. That was a definite fact which was clearly indicated in the White Paper. Secondly, the Constitution would be that of an independent country. M. Rappard, however, had always wondered how, so long as the Jews were a minority in Palestine, the Jewish National Home could maintain itself and prosper without the protection of an external power. But now the mandatory Power was contemplating the substitution of independent government for its own guardianship after it had so exercised the latter as to ensure an Arab majority in perpetuity. If, during the final period of the mandate, the balance were not held equal by the mandatory Power between the Jewish element and the Arab element, was it not certain that, as soon as the country acquired independence, the Jewish National Home would be sacrificed to the hostility of the Arab majority ?

M. Rappard must therefore answer the Chairman's question very definitely in the negative. If the Commission did likewise, he would propose that, in its report to the Council, it should express itself in terms which would show that it did so neither light-heartedly, nor out of legal pedantry, but solely in the performance of its constitutional duty.

M. Rappard added that, while it was for the Mandates Commission to give an opinion to the Council on the application of the mandate, it was for the Council to assume its own responsibilities and to take into account, if it so desired, those considerations of a political character which, precisely, were outside the competence of the Mandates Commission. Further, it should be noted that, though the opinion of the Mandates Commission might not be in conformity with that of the present mandatory Government, it was so with that of the previous Government and even with that of the present Government as defined two years ago in its 1937 Statement of Policy. It could not therefore be said that, if the Mandates Commission were to express an opinion similar to that which he had put forward, it would be flouting the mandatory Power. It was known, moreover, that opinion on the 1939 White Paper in the United Kingdom was very divided and that the principal statesmen who had taken part in drafting the Balfour Declaration and the Palestine mandate also considered that the policy outlined in the White Paper was not in conformity with the mandate.

¹ See Minutes of the Seventeenth (Extraordinary) Session of the Commission, page 145.

COUNT DE PENHA GARCIA, referring to M. Rappard's view that the Mandates Commission should not concern itself with political considerations, observed that the mandatory Power's reports, the documents received by the Mandates Commission and the statements made before it by the accredited representatives, were full of political facts. Was the Commission not to take them into account ?

M. RAPPARD said that was certainly not what he had meant. The Commission must, of course, take all the political facts into account, but must not allow them to be regarded as constituting the law in this matter. It must, on the contrary, consider them solely in the light of the supreme and impregnable law by which it was governed—namely, the mandate.

COUNT DE PENHA GARCIA said that the Commission could state political facts without expressing any opinion on them.

M. VAN ASBECK was concerned at the danger inherent in any expression of opinion as to whether the White Paper was or was not in conformity with the mandate. To express such an opinion involved the risk of giving the outside world the impression that the Commission was mainly interested in criticising the mandatory Power. The matter was much too serious for the Commission to give the appearance of concentrating its attention on that question alone, which by itself was of too juridical a character.

He would therefore avoid in his observations any suggestions of a blameworthy infringement of the mandate or of reproach of the mandatory Power and would confine himself to the relationship which existed between the White Paper, the policy outlined therein and the stipulations of the mandate.

In that connection, it was necessary to dismiss at the very start the Arab argument that the mandate itself ran counter to Article 22 of the Covenant and that the authors of the mandate, if they had carried out their task competently, would never have drawn up that document, since the Balfour Declaration embodied in it was incompatible with the provisions of Article 22 and therefore null and void under Article 20 of the Covenant. In reality, the Balfour Declaration did not constitute an undertaking as contemplated by Article 20 of the Covenant.

Article 22 governed all the mandates, including therefore the mandate for Palestine, as authentically commented in the 1922 White Paper. The latter qualification was important, as it was necessary from every point of view to take account of the comments made by the Secretary of State—namely, Mr. Churchill—at the time the draft mandate was submitted to the League of Nations and accepted by it.

On the other hand, M. van Asbeck thought too much importance should not be attached to a document by which the Secretary of State for the Colonies, Mr. MacDonald, had set great store—namely, the message brought by Commander Hogarth to King Hussein interpreting the Balfour Declaration. In 1922, no one had mentioned the existence of that message, and the Balfour Declaration had been introduced into the mandate quite independently of the commentary which that message contained. In short, the only criterion by which the Commission could be guided was the mandate, together with the commentary on it given in the 1922 White Paper.

Article 22 of the Covenant had been introduced into the debate by Mr. MacDonald, and attention had been mainly directed to paragraphs 1 and 4. With regard to paragraph 1, it appears from the statements of the Secretary of State for the Colonies, that the well-being there mentioned was not only physical, moral and intellectual well-being, but also political well-being. That notion thus included the idea of independence which, in the present case, had to be applied to a people partly Arab and partly Jewish (the term Jewish here being understood in the wide sense attributed to it in the Balfour Declaration), and without losing sight of the fact that the mandatory Power was under an obligation to set up a Jewish National Home in Palestine. So far as that idea of independence was concerned, the Jewish element and the Arab element could not be separated, and the independence would have to be such as to guarantee the existence of the Jewish National Home.

As to paragraph 4, without repeating what had been said in 1937 on that matter, it should be recalled that the A. mandate for Palestine was a mandate *sui generis*, of which the first article did not provide for assistance from the mandatory Power to a national Palestinian Government, but simply, as in B mandates, for the government of the country by the mandatory Power. Further, Article 28 of the mandate did not expressly stipulate—as in the case of the mandate for Syria and Lebanon and the Anglo-Iraq Treaty of 1922—that the mandate should terminate, but merely contained certain provisions concerning the Council of the League of Nations and the mandatory Power which should apply *in the event* of the termination of the mandate. At the thirty-second (extraordinary) session of the Commission, M. Sakenobe had made a statement on the subject¹ to which M. van Asbeck had nothing to add.

The Secretary of State for the Colonies had spoken of the extensive natural rights of the established inhabitants of the country. Had he not thereby underestimated the importance of the Jewish National Home, which, as explained by the Chairman, constituted a kind of "lien" on those natural rights of the Arabs? On that point M. van Asbeck entirely agreed with the reply given by the Chairman, which was to be found in the Minutes.²

¹ See Minutes of the Thirty-second (Extraordinary) Session of the Commission, page 193.

² See page 184.

Passing to the mandate itself, M. van Asbeck noted that Article 2 imposed on the mandatory Power the obligation to promote the establishment of a Jewish National Home by means of Jewish immigration and close settlement by Jews on the land (Article 6). As to the interpretation of the expression "the rights and position of other sections of the population" which appeared in Article 6 as a limiting clause, he thought that should be understood less in an ethnical than in an economic and social sense—that was to say, as meaning by "other sections of the population" (it should be noted that the plural "sections" was used), not so much the Arabs as traders, persons engaged in industry, etc.—in other words, the various rural and non-rural elements of the population.

Secondly, as far as immigration was concerned, it was impossible to pass over in silence the observation of the Mandates Commission in 1937¹ and 1938,² whereby the Commission had, for exceptionally grave reasons, acquiesced in the policy then followed by the mandatory Power, while stressing the fact that the criterion of economic absorptive capacity should remain. On a literal interpretation, that criterion could be employed, in M. Giraud's view, for instance, only for fixing a maximum and minimum. If, however, the 1922 White Paper was examined in connection with the Balfour Declaration and the historical facts of that period were taken into consideration, it was clear that, according to those documents, immigration had no arbitrary limit, and could not be governed in *normal* times by any other consideration than economic absorptive capacity.

However, the accredited representative had stated that the mandate still held good, and that there had only been a shifting of emphasis resulting from the recognition of the fact that, hitherto, special attention had been paid to the establishment of the Jewish National Home. In reality it might well be asked what aspect had so far been emphasised, what aspect it was proposed to emphasise in the future, and whether, indeed, the Commission was not confronted with a new interpretation of the mandate. That was what M. van Asbeck was inclined to think. It was certain that, according to the mandate and commentary of 1922, the main question was the establishment of a Jewish National Home, the obligations towards the Arabs being mentioned only on the occasion of the statement of that obligation and as, so to speak, a function of it. That Home was therefore to be established, taking into account the civil and religious rights of existing non-Jewish communities (preamble of the mandate), or of all the inhabitants of Palestine, irrespective of race and religion (Article 2 of the mandate), which in any case was not the same thing as the Arab inhabitants of Palestine.

If the emphasis were now placed on the natural rights of the inhabitants established in Palestine before the creation of the National Home—that was to say, the Arabs—that would be a new interpretation of the mandate. The commentary of 1922 was abrogated by that of 1939. Let there be no mistake as to the meaning of that observation. M. van Asbeck was not addressing any reproaches to the mandatory Power, but merely noting a fact which the fierce resistance of the Arabs to the establishment of the Jewish National Home had perhaps rendered inevitable. The new interpretation resulted directly from the fact that the previous interpretation no longer tallied with the situation in Palestine; the Council's attention must, however, be drawn to it.

The Arabs had taken up arms—and not for the first time. They had risen against the mandate imposed on them by the Allies and the League of Nations. Their resistance had taken such a form that the Government of the United Kingdom, and even the Mandates Commission itself in 1937, had arrived at the conclusion that the mandate, with the commentary of 1922, seemed to have become almost unworkable.

The new provisions concerning immigration were not in conformity with the mandate of 1922, which placed the mandatory Power under the obligation to facilitate immigration, or the commentary of Mr. Churchill, which laid down the rule of economic absorptive capacity. Further, the mandatory Power proposed, according to the 1939 White Paper, to subordinate Jewish immigration to the consent of the Arabs after a period of five years, which really meant stopping such immigration, by adopting a political standard of which there was no mention in the 1922 White Paper.

On the question of land, M. van Asbeck had little to add to the statements of his colleagues. He noted that the Jewish population of Palestine was about 400,000, of whom only 60,000 were agriculturists. The question was thus only secondary when considered from the point of view of the establishment of the Jewish National Home; but it must be acknowledged that to limit the possibilities of purchase of land by Jews and to do away with such possibilities completely should occasion arise in certain parts of the country was not to "encourage" close settlement by Jews on the land.

To turn now to the Constitution; the whole of the White Paper was based on the equality of the obligations assumed towards the Jews and the Arabs. It was possible to dispute that conception, and to say that it was contrary to the mandate, but it was impossible to modify it because, since 1930, it had been the basis of the policy of the mandatory Power. The crucial point of the chapter relating to the Constitution was the absolutely equal treatment to be guaranteed to Jews and Arabs alike. For that, something more would be required than constitutional stipulations of a national character, however precise they might be; there would have to be guarantees established by treaty with control and the possibility of intervention by an impartial Power. On that heading, the White Paper was extremely vague.

As regards the question whether the mandate still held good, M. van Asbeck found there was an inherent contradiction in the new policy, since the new measures had been planned

¹ See Minutes of the Thirty-second (Extraordinary) Session of the Commission, page 223.

² See Minutes of the Thirty-fourth Session of the Commission, page 228.

with a view to the *termination* of the mandate, at the end of a period which might be ten years ; whereas the mandate was going to be continued. The mandate, he would repeat, contained no positive provision as to its own termination. Furthermore, that event could not take place until there was a Palestinian nation forming a whole and capable of governing itself. That position had not yet been reached.

The mechanism for which provision had been made was based on the idea that the Arabs' interest in becoming independent was counterbalanced by the Jews' interest in ensuring the existence of their National Home. The Arabs would not be able to acquire their independence (after ten years) unless the Jews consented (paragraph 8 of the Statement of Policy), and Jewish immigration would not be able to continue after a period of five years without the (tacit) acquiescence of the Arabs (paragraph 14(3) of the Statement of Policy). It should be noted that provision had been made for two different periods : on the one hand, there was a ten-year period, at the end of which, at the most favourable estimate, independence could be declared, and, on the other hand, a period of five years, at the end of which Jewish immigration could be stopped. Under such an arrangement, even if the independence of Palestine could not be recognised, Jewish immigration would already have been interrupted for at least five years and could never be resumed without the acquiescence of the Arabs. Under those conditions, it was difficult to imagine how the Jewish National Home could be safeguarded. In reality, in that respect, the tendency of the new policy seemed to be to place the Jews at a disadvantage and to endanger the existence of their National Home. Was that in keeping with the mandate ?

It appeared from the statements of the accredited representative that there was reason to believe that an improvement in the situation was possible after the five-year period. M. van Asbeck thought, however, that the Mandates Commission, in the light of the facts known to it and the contents of Arab petitions, was led to form a different view, and to ask itself what Power, in the absence of the mandatory Power, would intervene should the balance in the bi-national State become upset.

Thus, on the one hand, there were hopes and prospects, and, on the other, facts which belied them. The position was somewhat similar to that in 1931 when the question of granting independence to Iraq was being discussed by the Commission. The responsibility incurred by the mandatory Power, and even perhaps by the Mandates Commission, was serious ; the Jewish National Home might be endangered.

The mandate could not, of course, last for ever in the form which had been given to it in 1922 ; in 1937, it had already been stated to be almost unworkable. If that were really the case, why hide the fact ? The fault was not that of the mandatory Power. Why not face facts and draw the necessary conclusions, and consider whether another mandate should be substituted for that of 1922 ? If the latter disappeared, it would have had its effect, and nobody could reproach the mandatory Power or the League of Nations with changing policy at a time when circumstances imperatively required that they should follow another path than that foreseen in 1922. In any case, the Mandates Commission's duty was to define clearly the existing situation—if it were to serve as a point of departure—and the difference between that situation and that of 1922.

Lord HANKEY did not propose to reply, on the present occasion, to all that had been said, with which, very often, he had been far from agreeing. That would prolong the meeting unduly. There was, however, one point which was so fundamental that he could not refrain from dealing with it—namely, whether the Mandates Commission was competent to take into consideration the political aspects of the situation. M. Giraud and Count de Penha Garcia considered that those aspects dominated the whole problem, and M. Rappard considered that they were outside the Commission's competence. When Lord Hankey, about a month previously, had been invited to join the Mandates Commission, he had studied the post offered to him from that very point of view. In the Covenant, Article 22, paragraph 9, he had found the following clause : " A permanent Commission shall be constituted . . . to advise the Council on all matters relating to the observance of the mandates ". The Covenant said " all matters ", and therefore did not exclude political matters from the competence of the Commission. Nor were such matters excluded by the constitution or rules of procedure of the Commission. Moreover, he had consulted persons of experience in London, and had been informed that the competence of the Mandates Commission was in no way restricted to the technical sphere. On that point, therefore, he agreed entirely with the views expressed by M. Giraud and Count de Penha Garcia.

Lord Hankey went even further. He thought that, unless the Commission shut its eyes to realities, it could not fail, in making its recommendations, to take into consideration as a background to its discussions the possible effect of those recommendations, not only on Palestine itself, but also on that part of the world where Palestine was situated, and on the world situation generally. If it failed to do so, it would be running the risk of causing grave prejudice to the future of Palestine, to the Jewish National Home, and to civilisation as a whole ; and failure to recognise that that was so might even mean the death of the National Home.

A Jewish National Home had been created, the existence of which was dependent on the United Kingdom. The Near East, of which Palestine was a part, was a region of great importance for the United Kingdom, and of scarcely less importance for France, that was to say for two of the great pillars of the League of Nations. Any recommendation liable to aggravate unrest in Palestine and in the Near East would run the risk of creating a troubled situation liable to political exploitation. That was not an extreme possibility. Any recommendations the Mandates Commission might make would not reach the Council until

after a certain interval. In the meantime, they would probably become public before the Council had had an opportunity to meet and consider them, and perhaps to restore the situation. In that event, the Arabs might obtain the impression from recommendations of the kind he was discussing that they would not even get the terms of the White Paper ; active propaganda would not be lacking ; and those circumstances, coming at a moment when a large number of Arabs were passing through a period of seasonal unemployment, might well have unsettling consequences in Palestine.

How was it possible not to make such considerations as these the background of the work of the Commission ? The Jewish National Home was the first to be affected by them. Lord Hankey begged his colleagues to take a broad view of their responsibilities and to recognise the danger and to respond, so far as in them lay, to the hope expressed by Lord Halifax at a meeting of the Council on May 22nd, 1939, that the decisions of the mandatory Power would result in removing that uncertainty regarding policy in Palestine which had been the underlying cause of so much unrest in that country during recent years.

The mandatory Power had to take every consideration into account in this matter. How could the Mandates Commission for its part fail to take similar considerations into account ? That did not mean that the Mandates Commission should not give the fullest consideration to the legal aspects of the question. In that connection, Lord Hankey attached importance to the fact that, as stated by the accredited representative, the Statement of Policy was considered by the legal advisers of the United Kingdom Government to fall within the provisions of the mandate. Apart from their high competence, their advice was especially deserving of consideration because they knew that they might have to defend it. In addition, the Balfour Declaration was a British document and the mandate was founded on a British draft, and he thought that British authorities were best qualified to say what was intended by them. After weighing all the arguments, Lord Hankey said he had come to the conclusion that there was no contradiction between the mandate and the White Paper.

Turning to the details of the White Paper he said that Jewish immigration was the great question. It was governed by Articles 2 and 6 of the mandate. It had been said that the chief thing to be done in that connection was to establish the Jewish National Home, and that respect for the rights of the Arabs could not be other than a secondary consideration, Lord Hankey could not accept that point of view. It clashed with the intentions of the authors of the Balfour Declaration—and he spoke as one who had been present during its preparation. He recalled briefly the conditions in which the Balfour Declaration was drawn up, at a critical stage of the great war, and concluded that it was impossible that the British Government should have intended at the time to neglect the rights of the Arabs, its actual allies, for the benefit of the Jews, the extent and power of whose assistance was as yet uncertain, notwithstanding the brilliant work of Dr. Weizmann in a technical field. There could never have been any agreement within the British Government of that day on the conception of a Jewish National Home in Palestine without wide safeguards for Arab rights. Moreover, paragraph 20 of Chapter II of the report of the Royal Commission on Palestine¹ contained the following passage :

“ We must now consider what the Balfour Declaration meant. We have been permitted to examine the records which bore upon the question and it is clear to us that the words ‘ the establishment in Palestine of a National Home ’ were the outcome of a compromise between those Ministers who contemplated the ultimate establishment of a Jewish State and those who did not.”

That corresponded to Lord Hankey's impressions. In those circumstances, the compromise reached did not provide merely for the creation of a Jewish Home, but also for the safeguarding of the rights and position of the Arabs in neither a narrow nor a local sense.

The most criticised point in the immigration proposals contained in the White Paper was that, in the second five years, Jewish immigration became subject to Arab acquiescence. All turned on the meaning of the phrase in Article 6 of the mandate : “ The Administration of Palestine, while ensuring that the rights and position of other sections of the population are not prejudiced, shall facilitate Jewish immigration under suitable conditions ”. That was a very general phrase, very elastic. Not a word to indicate how it should be carried out, whether continuously or in phases, or with periods of rest in between the phases of immigration. Not a word as to how long it was to go on. All that was very wisely left by the Council to the mandatory Government. It was subject only to the condition of safeguarding the rights and duties of the Arabs. Subject to that, the mandatory Power was free to interpret the phrase more or less how it liked and, under Article 4 of the mandate, it could count on the advice and co-operation of the Jewish Agency. The mandatory Government, had it wished, might have proceeded by spurts of immigration with intervals in between when there was no immigration at all. Clearly, it was free to vary its policy to meet the needs of a situation which would not be static.

What the Mandatory actually did was described in the White Paper of 1922. At the outset, it was necessary to get the National Home established as soon as possible. The words “ to facilitate Jewish immigration ” were held, in the circumstances of that time to justify

¹ Document C.495.M.336.1937.VI (Cmd. 5479), page 24.

getting Jews into Palestine as quickly as could be managed. The formula of economic absorptive capacity was adopted as an upper limit of Jewish immigration. At that time, no doubt, that policy was right. It was approved by the League as applicable to the circumstances of the day. From time to time it was renewed, for example in 1930, but the policy was never intended to be exclusive. There was nothing sacrosanct or immutable about it. The words "economic absorptive capacity" do not appear in the mandate. This was just one way of carrying out the mandate so long as the circumstances were favourable. Sooner or later, it was bound to come to an end. There were perhaps, at the present time, 16 million Jews in the world, all said to be desirous of coming to the National Home. Obviously that could not be done without prejudice to the rights and position of the Arabs.

Even as it was, the Arabs were becoming more and more restive. The White Paper of 1930 contained a clear warning that if the Jews and Arabs could not get on better together, there would have to be a change, but, even if they tried, they failed to agree. Matters got worse. At last, the Arabs could stand it no longer. They felt that they were not having a fair deal, that the guarantees in the mandate for their rights and position were not being carried out. Some of them preferred to risk their lives to alter the situation. Perhaps the Mandatory, under pressure from the Jews, had allowed the National Home to develop too fast. Lord Hankey thought that unduly rapid development was dangerous. The Royal Commission says as much :

"It is obvious, indeed, that the rapidity with which its whole structure has been built up, especially in the last few years, has intensified the difficulties inherent in the situation."¹

To proceed too fast would not be to facilitate Jewish immigration under suitable conditions. On the contrary, it would endanger the National Home and perhaps even smash it to pieces. In that event, there would be no more immigration. To do so would not only keep the Arab revolt smouldering and prolong the guerilla warfare : it might have reactions elsewhere. The Mandatory could not be expected to go on for ever with this incessant guerilla warfare in order to carry out the mandate in the same way as before. Some other way of executing the mandate had had to be found. It was presented to the Mandates Commission in the 1939 White Paper.

The Mandatory claimed that the Jewish National Home was now established and it was only necessary to read the annual reports for Palestine, or memoranda of the Jewish Agency, to see that that was true. The first essential now was to ensure its maintenance and protection, and that depended on the re-establishment of order in Palestine to the point where the continuous use of force was no longer necessary. For that, it was essential to check immigration and to give an assurance to the Arabs that unlimited Jewish immigration was not contemplated. To fix a limit to the proportion of Jews to Arabs was probably the best way to give such assurances and, as far as Lord Hankey was aware, that was not alleged to be outside the mandate. Lord Samuel, in the House of Lords, had suggested 40%, but the Mandatory put the figure at about one third. It had the responsibility and was bearing the brunt of the difficulties. To exceed that might endanger the National Home. Instead of being established it might be disestablished. Consequently, the White Paper contemplated immigration for the next five years to an extent that would bring the number of Jews in Palestine up to about one third of the population. After that, it was to be subjected to Arab acquiescence.

Lord Hankey himself believed, as an extreme case, that the Mandatory would be entitled, under the mandate, even to stop immigration altogether for a time if that were necessary in the last resort to save the Jewish National Home from disaster. But the Mandatory had adopted a much less drastic course in subjecting it to Arab acquiescence. In those circumstances, and given the serious conditions in Palestine, the action of the Mandatory in permitting no further immigration unless the Arabs of Palestine were prepared to acquiesce in it appeared to Lord Hankey justifiable and within the terms of the mandate. The Mandates Commission had been assured by the Secretary of State for the Colonies that this need not mean a cessation of immigration. The Arabs, after the first five years of the transition period, would have been brought up against immigration problems by the process of "consultation" in the previous quinquennium and would not, in his opinion, be completely unreasonable. At the worst, it was reasonable to assume that they would agree to the comparatively limited amount of immigration required to maintain the Jewish population at one third of the total. Lord Hankey thought, for the above reasons, that, taking a broad view, the immigration proposals contained in the White Paper were consistent with the terms of the mandate.

In regard to the land, he pointed out that the powers to be given to the High Commissioner under the White Paper to prohibit and regulate transfers of land were not in any sense contrary to the mandate. Palestine no longer had a great deal of agricultural land for Jewish settlement without displacing the Arabs unduly. Until new land was brought to a state fit for cultivation,

¹ Document C.495.M.336.1937.VI (Cmd. 5479), page 123.

the acquisition of land by immigrants would have to be regulated ; and there was nothing in Article 6 of the mandate, which, as he had said, was drawn in wide terms, to prevent the mandatory Power from giving its High Commissioner the indispensable powers required in that connection.

As to the Constitution of Palestine, the Commission was here faced with a purely hypothetical problem, which would depend primarily on the resolutions of a Constituent Assembly and the decisions of the mandatory Government. It had been said that the decisions of the Constituent Assembly were prejudiced by the provisions in the White Paper in regard to immigration. But it must be remembered that the Constituent Assembly itself would have to consider future immigration and to proceed with prudence in the matter. Lord Hankey saw nothing whatever in any part of the chapter relating to the future Constitution of Palestine which was in conflict with the mandate.

As to the termination of the mandate, that contingency was actually mentioned twice in the mandate (Articles 8 and 28), which seemed to show that this had been envisaged by the authors of the mandate and was consequently not contrary to its provisions.

TWENTY-THIRD MEETING

Held on Thursday, June 22nd, 1939, at 3.30 p.m.

Palestine : Policy laid down by the United Kingdom Government in the Document entitled " Palestine—Statement of Policy ", of May 1939 (continuation) : Exchange of Views between the Members of the Commission (continuation).

Mlle. DANNEVIG said that she would like to refer again to the mandatory Power's constitutional proposals.¹

The Commission had been told that the underlying idea of those proposals was that, in view of the obligations arising out of the mandate, the population ought to be granted free governmental institutions as soon as possible. That was the conception which the accredited representative of the mandatory Power had of the mandate, and he seemed very optimistic about what would happen after ten years of interim policy. No doubt it was a good thing to be optimistic, but she regretted to say she found it impossible to believe, after all that had happened in Palestine in the past three years, that within five, or even ten, years the Arabs and Jews could be persuaded to become reconciled and to realise the necessity for an agreement. In such conditions, Mlle. Dannevig thought the result might be serious both for the Jews and the Arabs, for the territory and, above all, for the Mandatory.

There was another consideration she wished to emphasise, though it was not connected with the mandate. She remembered the battles fought in the Middle Ages to secure Christian rule in Palestine because of the holy places and the sacred associations attaching to the country. Mlle. Dannevig noticed that the White Paper also mentioned the future of the holy places. She wondered, however, whether the policy proposed would not lead to the abandonment of control by a Christian Power over the holy places in the not very distant future. In any case, it involved handing over the government of Palestine to two non-Christian peoples. She was unable to convince herself that the position in Palestine was such that those peoples were capable of ruling themselves in the particularly difficult circumstances of the modern world ; and she was afraid the difficult circumstances would not change in ten years. She believed the two peoples in question would be much happier under a Mandatory than if they were entirely independent, and she did not see that it was the duty of the Mandatory to give them their independence at the earliest possible date in the light of the words " in the event of the termination of the mandate " in Article 28 of the mandate, which appeared to treat that eventuality as purely hypothetical.

In putting forward the above considerations, Mlle. Dannevig was concerned primarily with the position of the women and children, whose interests she had to represent. She fully understood that political considerations carried weight with the mandatory Power and might call for certain changes in its policy and even in the present mandate ; but that, in her opinion, should not be the line taken by the Mandates Commission, which was an essentially technical body.

The CHAIRMAN, speaking last as befitted his position, said there was no need for him to develop at length the arguments in support of his opinion on the particular point that was occupying the Commission's attention at the time—namely, whether the policy announced in the White Paper could or could not be reconciled with the essential terms of the Palestine mandate. He was speaking at a juncture in the Commission's discussions when the question

¹ See page 196.

had been thoroughly examined by it, when all the arguments for and against had been stated at length and developed with equal skill and conviction, and when, in truth, the subject appeared to him to be exhausted.

He would give his colleagues his opinion without beating about the bush : to his mind, the mandatory Power's proposed policy for Palestine was contrary to the mandate. In support of that conviction he could not do better than repeat the evidence already supplied by those of his colleagues who had come to the same conclusion. He associated himself with their arguments, and the Commission would excuse him if he refrained from expressing them again and reviewing once more the various chapters of the White Paper which dealt with the proposed constitution, the decisions regarding immigration and land sales.

The examination of the White Paper, which the Mandates Commission had carried out with the assistance of the Secretary of State for the Colonies, followed too closely on the debates on the same subject in the British Parliament for those debates not to have had some influence on the Commission's own deliberations. No one here lived in an ivory tower. It was not that he put the House of Commons, the House of Lords and the Mandates Commission on the same plane ; the Commission had no point of resemblance with a parliamentary assembly, if only for the reason that its opinions were totally uncoloured by the spirit of opposition. But, as his colleagues had not failed to observe, the precise question that was occupying their attention at this moment had been fully discussed some weeks ago in the English Parliament, and the Chairman confessed that he himself had been considerably impressed by the strength of the arguments adduced in support of the opinion that the new policy was contrary to the mandate, especially when such arguments emanated from men who had had a hand in drawing up the Balfour Declaration and the draft mandate itself. In those arguments, he had found certain items of information, and it could not but be admitted that they were not without value. However, he had arrived at Geneva with his mind fresh, free from any preconceived opinion.

The members of the Commission had all listened with equal attention to the accredited representative's preliminary statement, and to his replies to the questions they had showered on him. As the Commission's work had proceeded, the soundness of the thesis defended by the accredited representative to the effect that the new policy did not depart from the terms of the mandate, had seemed to the Chairman less certain. If, despite the remarkable talent displayed in its defence, that thesis had failed to convince certain members of the Commission, was not the explanation simply that, on this occasion, the mandatory Government had asked the League of Nations to follow it on to ground which was by its very nature unfavourable ? If, as in 1937, the mandatory Government had implicitly admitted that the mandate had proved in practice to be incapable of application, perhaps the Commission would have followed it just as it did in 1937. If it had taken its stand purely on political grounds, it might perhaps have over-persuaded the Commission. By taking up the position it had done, it had cut itself off from any possibility of convincing the Mandates Commission.

To affirm its respect for the engagements arising out of the embodiment of the Balfour Declaration in the mandate, and at the same time to affirm the conformity with the mandate of a policy, the avowed object of which was to restrict the effects of the Balfour Declaration and within a short time to fix them at their present stage, was to adopt a position which it was not easy to defend, and of which the defence might before long be abandoned. Anyone dealing with Palestine to-day had to choose between taking his stand on the mandate or taking it on political grounds.

For his part, the Chairman declined to find any opposition between the " spirit " of the Covenant and the terms of the mandate. He saw no contradiction between those two texts, which for seventeen years had constituted the law that the Commission had applied to the case of Palestine. Lastly, he would refuse to interpret the mandate in the light of a document (the Hogarth message) of which a great deal had recently been made, and which the League of Nations, a party to the international Convention which the mandate constituted, was unaware of when it conferred the mandate—not to speak of the Mandates Commission, which had been kept in ignorance of it during the whole time it had been supplying reports on the administration of Palestine, the conclusions of which were generally accepted by the Council. The Chairman had however undertaken not to repeat the arguments already put forward during the present session, and particularly on the previous day.

None the less, he would like to emphasise the fact, which seemed to him of especial importance, that no safeguarding clause of any treaty or constitutional provision would be adequate to afford effective protection to a minority in a really independent country where a spirit of intolerance reigned. It was true that the hope was entertained that the contrary spirit would arise in Palestine. The Chairman feared that that was just another of those persistent illusions on which people had never ceased to speculate whenever the future of that unfortunate country had been under consideration. Hypotheses like that, which the course of events had always proved false, should be abandoned. If one kept to the facts, was it not clear that in Palestine there were fewer signs than ever before of the growth of a spirit of tolerance among the Arab population ? The same could be said of other Arab countries.

Was not one then justified in anticipating, as the outcome of this policy, entirely different prospects for the Jewish National Home from those which the Commission had heard expressed so optimistically ? Past events must not be forgotten. Excluded, from the very outset, by the detachment of Trans-Jordan, from a part of the lands promised to it, limited juridically in its development by the recognition of the principle of the twofold obligation, and obstructed at its very source by the temporary suspension of the application of the criterion of economic absorptive capacity and later by the substitution of a political criterion, the Jewish National

Home in an independent State with a permanent Arab majority would see its destinies placed in the hands of a race which could not forgive its existence.

To secure the protection of minorities in countries under A mandate was the constant anxiety of the Mandates Commission. The Jewish minority in Palestine, however "extraordinary" it might be, would none the less become a minority, in the general sense of the term, from the moment when, as the result of a change in policy, it would be decided that it should always remain such. That minority would be just as entitled to the watchful attention of the Mandates Commission as any other.

The Chairman realised, of course, that political necessity and the protection of higher interests sometimes required the deliberate sacrifice of legitimate aspirations and interests, even of whole peoples. If such a sacrifice appeared inevitable in the present case, it would not be the Mandates Commission, but the mandatory Power and the Council, who were the judges of political necessities, who must take the decision. Let each fulfil his appointed task and assume his proper responsibilities.

The Mandates Commission could not be expected to consent to any such step, which would amount to a denial of the whole of its past history and a reversal of its decisions. It was necessary to reflect: the argument of necessity—of the necessity of satisfying the majority—might lead very far. Palestine was not the only territory under mandate in which an opportunity might occur for invoking it, and the argument that, by the spirit of Article 22 of the Covenant, it was intended that peoples administered under mandate should be given prompt and complete independence was of such scope that it could not be restricted to Palestine alone.

At the risk of being regarded as a reactionary, the Chairman considered that no country with minorities should be recognised as independent so long as toleration was unknown there. That was the case in Palestine, and it was precisely the absence of the spirit of toleration, more perhaps than incapacity for self-government—which was merely a question of degree—that had justified, and would continue to justify until a new outlook developed, the government under mandate of all such countries.

There was another observation which he would submit for the consideration of his colleagues.

The idea of the twofold obligation had emerged right from the first sessions held by the Commission after its establishment, and traces of it could be found as early as the Minutes of the 1924 session.¹ It was in the report on its seventeenth session, in 1930,² that the Commission gave formal recognition to the conception that the Palestine mandate imposed on the mandatory Power two obligations of equal weight, one towards the Jews and the other towards the Arabs. What was the position in Palestine at that time? Everything encouraged the belief that Jewish immigration would continue to increase as a result of the economic development of that country by the Jews, so that, eventually, the Arab majority would one day be counterbalanced by the Jewish population, or would even become a minority. In its anxiety for the welfare of the Arabs, the Commission had given its support—for it was not the originator—to the principle of the twofold obligation. The same anxiety that had compelled the Commission to take steps to secure the welfare of the Arab population, when it was threatened by Jewish immigration, to-day imposed on the Commission the duty of ensuring that the Jewish population in Palestine—which was in that country, not on sufferance, but by right—should have its future safeguarded on the basis of the same principle. Should the Commission not maintain that attitude, it would be abandoning the principle of the twofold obligation to which it had given its blessing in 1930.

It might be asked—at the present meeting, no doubt, to do so was merely to knock at an open door, but the question had been raised elsewhere—whether the Commission was obliged to-day to give its opinion on the question whether the White Paper was in keeping with the mandate. The Chairman personally thought that was a duty the Commission could not escape. It was indisputably what was expected of it. It might have to give its opinion on other points as well, but certainly on that one. To use an expression frequently heard at its meetings, the Commission, as the "guardian of the mandate", was fulfilling one of its essential functions by doing so. He would go further and say it was its duty to do so. If it failed to carry out that duty, it would be abdicating and ruining any authority it might possess.

Would it be said that it was not qualified to interpret the mandates? But it had done nothing else since the very beginning of its existence. It had done that for the Palestine mandate itself, for the Tanganyika, Ruanda-Urundi and South West African mandates; and were not the observations which it had submitted to the Council as a result of its examination of the various annual reports based on its conception of the provisions of the mandates? Neither the Council nor the mandatory Powers had ever suggested that in doing so it had exceeded its duties or its competence.

The Chairman therefore proposed to his colleagues that on this first point they should express an opinion which might be couched in the following terms: "The policy announced in the White Paper is not in conformity with the mandate as invariably interpreted by the Permanent Mandates Commission with the assent of the mandatory Power and the Council". So much the Commission could affirm with absolute safety and without fear of contradiction. It was not at all a legal opinion but a finding of fact.

Just one final observation in reply to another question. Could the Commission remain indifferent to the political aspect of the Palestine problem? In his opinion, it could not ride

¹ See Minutes of the Fifth (Extraordinary) Session of the Commission, page 188.

² See Minutes of the Seventeenth (Extraordinary) Session of the Commission, page 145.

roughshod over political circumstances which directly affected the situation in the territory under mandate. A knowledge of such circumstances was an important factor in enabling the Commission to assess the nature and gravity of the difficulties arising out of the application of the mandate and the measures proposed for their settlement. During its extraordinary session in 1937, it had given full consideration to that point.

On the other hand, the Chairman thought the Commission would be exceeding its duties to a remarkable degree, or, more exactly, would be ceasing to fulfil those assigned to it by the Covenant, if it were to allow the limited opinions it was called on to express to be influenced by the general international situation.

Lord HANKEY said that the formula suggested by the Chairman would have to be amended considerably before he himself could accept it.

The CHAIRMAN proposed that, when the time came, the Commission should appoint from among its members a Sub-Committee on which the different shades of opinion revealed by the successive statements made in the Commission would be represented. The Sub-Committee would prepare a draft text, and any member of the Commission not serving on the Sub-Committee who wished to submit suggestions in the form of written notes would be free to do so. It would then be seen whether the Sub-Committee could at the same time agree as to the advisability of the Commission's going further in the observations it would submit to the Council on Palestine.

Syria and Lebanon : Examination of the Annual Report for 1938.

M. de Caix, former Secretary-General to the High Commissariat of the French Republic in Syria and Lebanon, accredited representative of the mandatory Power, came to the table of the Commission.

WELCOME TO THE ACCREDITED REPRESENTATIVE

The CHAIRMAN welcomed M. de Caix. The members of the Commission were always pleased to see at the table the accredited representative for Syria and Lebanon, with whom they had so often had the privilege of collaborating.

GENERAL STATEMENT BY THE ACCREDITED REPRESENTATIVE

M. DE CAIX made the following statement :

As you will have seen from the report, 1938 was not a constructive year in an administrative sense. It was marked by certain vacillations due to the application of the Treaty policy before all the ratifications required had given that instrument finality. The mandatory control was relaxed, in the spirit of the same policy, designed to prepare Syria for emancipation. I will reply later to the members of the Commission who may have questions to ask me regarding the experiments that have been made in this direction ; but I must say here and now that the report does not conceal that this policy has proved disappointing in some respects.

During the past year, on the other hand, political questions predominated ; and the most important question, the one which completely absorbed the minds of Syrians—I am not referring to Lebanon, where a very different spirit prevails—was that of the Franco-Syrian Treaty.

The *communiqué* broadcast by the High Commissioner on May 12th, 1938, which was published in agreement with the French Government, and the text of which is embodied in the report, summarises the policy it is proposed to follow in France in the matter of the Franco-Syrian Treaty, a question which has been a matter of topical interest ever since 1936.

Whereas the Syrians were awaiting the ratification of the text of December 22nd, 1936, opposition to that course became more and more pronounced in France. It was especially marked in parliamentary circles, and particularly in the Senate. Towards the end of the year it had become obvious that the Parliamentary Committees would pronounce against ratification, and that a draft law proposing ratification might well fail to obtain a majority in the Chambers.

The main reason for this opposition was not hostility towards the actual policy embodied in the Treaty, but the fear that the 1936 instrument did not provide adequate guarantees for the minorities, scattered or compact, and that its military clauses were not such as to place France in a sufficiently sure position to be able to fulfil her obligations towards the minorities and towards Syria as a whole.

The policy summarised in the *communiqué* is based on the desire to remedy these alleged defects of the 1936 Treaty. It follows the course adopted a long time ago, which is to lead to a final agreement with Syria, whose independence the mandate is intended to promote. This agreement must be based on the principles upon which the agreement reached by the negotiators of the two parties was based.

The application of these principles must, however, coincide with the establishment of a regime giving sufficient freedom to the Mohafazats—especially to those which have taken over autonomous territories and have been endowed with a special status—to meet the aspirations of the populations concerned, who, since 1936, have persistently urged that this

status should be defined and enlarged. There is no question of infringing Syrian unity ; but it must be applied more flexibly so as to meet the aspirations of populations to whom, in the interests of peace and moral unity in Syria, a legitimate measure of satisfaction must be accorded.

Although the High Commissioner's *communiqué* does not mention the matter, doubtless because it was regarded as settled by the texts promulgated by the mandatory authority and brought to the notice of the Mandates Commission, the final agreement with Syria which it is France's aim to conclude must certainly confirm the status of the scattered minorities, who can obtain only indirect guarantees under a regime of decentralisation.

The military provisions must be based on the new conditions that have arisen as regards both the policy of the alliance and the necessity for allaying the misgivings of certain populations.

It is of course too soon to judge what possibility there is of inducing the Syrian leaders to support the mandatory Government's views on these various points. It can only be said that those views do not in any way conflict with the policy of emancipation, and that the mandatory Power's sole object is to ensure that policy's success by removing certain thorny questions which, at Damascus, divide an appreciable portion of the population, by safeguarding all the interests concerned during the period of completion and consolidation that the Treaty is designed to provide.

While the year 1938 was mainly concerned with the Treaty issue, the situation in the territory of Alexandretta developed in a manner which alarmed Syrian opinion. As I stated in October last, the question of the Sanjak was dominated by considerations of an international character exceeding the scope of the mandate, and the solutions based on those considerations will be submitted to the Council. The mandatory Power was obliged to take them into account ; and had it not done so, it would have done harm to Syria herself, which needs a clear-cut, peaceful situation and friendly relations with all her neighbours : Syria is, moreover, obviously highly interested in a policy which is designed to preserve the established order throughout the mediterranean basin.

In the economic sphere, there is nothing special to report for 1938. The position of Syria and Lebanon was, on the whole, favourable, and there were no developments of outstanding importance.

NON-RATIFICATION OF THE FRANCO-SYRIAN AND FRANCO-LEBANESE AGREEMENTS OF 1936 :
POLITICAL DEVELOPMENTS : RESUMPTION OF CONTROL BY THE MANDATORY POWER :
ATTITUDE OF THE VARIOUS POLITICAL PARTIES TO THE AGREEMENTS : CENTRALISATION AND
DECENTRALISATION : LOCAL SELF-GOVERNMENT : RÔLE OF FRENCH ADVISERS : EDUCATION :
MINORITIES : STATUS OF RELIGIOUS COMMUNITIES (DECREE OF NOVEMBER 18TH, 1938) :
CIVIL STATUS : ELECTIONS : NOMADS

Lord HANKEY wished to ask M. de Caix a question. He apologised for doing so ; but he was not very familiar with the problem and, moreover, he had been called upon somewhat unexpectedly to serve on the Commission.

What was the exact position with regard to the mandate in Syria ? Was it not being abandoned, as had been the case in Iraq ? Was not a Treaty being negotiated—probably the one to which the accredited representative had referred in his statement—and were those negotiations to be continued ?

M. DE CAIX replied that a Treaty had been signed in 1936, to which a number of alterations had been made. As soon as that Treaty had been signed, the High Commissioner began to relax the control for which the mandate provided—in other words, to apply the Treaty in practice before it came into operation in law. Mandatory control was therefore in process of diminution, and was tending gradually to come to an end *de facto*, pending the moment when the mandate could legally cease to exist.

For some months past, nevertheless, opposition to that policy had been developing in France. That was probably due partly to certain experiences in Syria, but mainly to criticisms evoked in France by the text of the Treaty ; and it might be said that the policy was now suspended.

The CHAIRMAN asked whether the Treaty had been formally rejected by the French Chamber.

M. DE CAIX replied that very marked opposition to the Treaty had been shown in the Parliamentary Committees, but no formal decision had been taken regarding it. Nevertheless, it was felt to be certain that, if a draft law providing for the approval of the 1936 texts were submitted to the Chamber, it would be very unlikely to obtain a majority.

Lord HANKEY concluded that the mandate was still in force, but that a sort of transitional stage had now been reached, after which the mandate would come to an end.

M. DE CAIX agreed that Syria was in fact passing through a transitional stage, characterised by opposing tendencies, since opinion in favour of an immediate abandonment of control was stronger some time ago than it was to-day ; nevertheless, the policy of directing the mandatory regime towards the goal of replacement by a treaty regime, on the precedent of Iraq, was in general still being pursued.

M. RAPPARD wished to make an observation on the general situation resulting from the non-ratification of the Treaty. M. de Caix would doubtless remember that various members of the Mandates Commission had not greeted the Treaty in question with unreserved enthusiasm. They had considered that the Treaty was premature and afforded very few effective guarantees, especially for the protection of minorities. Nevertheless, the mandatory Power, through the High Commissioner's action, had negotiated and initialled it, and M. de Caix had now informed the Commission that the High Commissioner had even begun to apply it—which, moreover, confirmed earlier information.

Opposition to the Treaty had then arisen in the French Parliament, and it was therefore an act on the part of the mandatory Power that was creating the present uncertainty. If that setback had been due solely to the unfortunate experiences at the time when the Treaty began to be applied, it would only be necessary for the Commission to express hopes for the future. But M. de Caix had not concealed the fact that this change of attitude on the part of the mandatory Power was due to parliamentary movements which were not connected with any past experiences in Syria.

The Commission had always adopted a cautious attitude towards the impatience of the Syrians to attain immediate independence, and M. Rappard quite understood the hesitation and opposition that had been reflected in the mandatory Power's action. But in such a case did not M. de Caix think that, by acting to some extent independently of what was being done in Syria, the dangers and difficulties of the situation, which was already sufficiently dangerous and difficult in itself, had actually been increased ?

M. DE CAIX did not believe that the Syrians were more sensitive to opposition from the French Parliament as such than to opposition which might arise from certain unsatisfactory results of the relaxation of control by the mandatory Power. They would find it difficult to admit that such an unfavourable interpretation should be put on events in Syria since the signing of the Treaty ; and, if they did admit it, they would doubtless assign a far smaller share of responsibility for the shortcomings charged against the Syrian administration to the diminution of mandatory control than to what remains of that control.

Besides, the dangers to which public order in Syria might be exposed as a result of postponing endorsement of the Treaty policy must not be viewed from one angle only. The dissatisfaction of the elements of the population with particularist tendencies was another factor to be considered. There was no certainty that the unitarian Syrian nationalists would not have a grievance about the position which would arise if the arbitral functions at present exercised by the mandatory Power between them and the particularist elements were to cease. It must not be forgotten that, when groups of human beings had enjoyed a certain regime from which they had derived benefit for some twenty years, it was no easy matter to induce them to give it up without offering them real guarantees and transitional arrangements, a matter to which insufficient attention appeared to have been paid by the Syrian authorities since the union with Syria of two territories which had long been autonomous.

M. RAPPARD wished to know what was the present situation. The Treaty had been concluded and initialled and had even begun to be applied. Then another High Commissioner was appointed, and a certain amount of parliamentary opposition had become apparent. At the present time, it was proposed to resume the negotiations, and the Commission had seen from the report for 1938 (page 6) that the political parties in Syria stated that they would in no case give up any of the concessions they had gained during the previous negotiations.

M. Rappard would like to know what was the exact position now, and what were the mandatory Power's intentions.

M. DE CAIX pointed out that, when the High Commissioner stated, on the one hand, that the Treaty policy had not been abandoned and, on the other, that the instrument negotiated was not satisfactory, that meant that fresh negotiations were necessary if a settlement were to be reached. Such was the position resulting from the intentions expressed by the representative in Syria of the mandatory Government.

It could not be said that those negotiations had begun. There were, of course, contacts, as at all times, between the High Commissioner and the political leaders of the country, but, for the moment, it could not be said that there was any prospect of a rapid and easy solution since, on the one hand, it was stated that amendments were necessary, while, on the other, as noted in the report, it was said that none would be accepted. It would no doubt be reasonable for the Syrians to adopt a less intransigent attitude, since the French Government had not changed the basis of its policy and was merely anxious to come to an agreement with the Syrian leaders for amending the instruments. It should, however, be remembered that every Syrian politician was afraid of being denounced as a traitor to the true national claims if he agreed to the slightest compromise on any point affecting them ; such efforts to outbid one another, so to speak, made the problem more difficult to solve than it would be if the real interests of the country alone were considered.

M. VAN ASBECK wished to obtain additional information about the political situation. In his general statement, M. de Caix had not mentioned certain agreements which, it appeared, had been concluded between the former President of the Syrian Council and the Government of the French Republic, and the mandatory Power had only referred very briefly

to them on page 3 of its report, where it stated that those agreements had not been published. The matter had been mentioned in a press extract from the *Chronique de Damas* of June 7th, 1939, in which reference was made to texts which, it was alleged, had been in the editor's possession for three months past, but which he had been unwilling to disclose. The newspaper added that, now that the information in question had been divulged in the Italian Press and in the Arab Press, there was no longer any reason why he should not publish it. The *Chronique de Damas* accordingly published the text of those agreements, which, if they were authentic, might possibly make it necessary for the Mandates Commission to refer to them still more fully.

But M. van Asbeck was chiefly interested, for the time being, in knowing whether those agreements existed, and, if so, whether it was really the intention of the French Government to terminate the mandate, in accordance with Article 4 of the Preamble of the Treaty, on September 30th, 1939—that was to say, to bring the Treaty into force three months earlier. He wondered how that date could be contemplated, since it appeared that the French Chambers were not prepared to discuss the question, or, if they did discuss it, were inclined to reject the Treaty, the entry into force of which, moreover it was desired to anticipate.

M. DE CAIX replied that the agreements had indeed been concluded, and that their publication had only been postponed out of consideration for Syrian convenience, but that they remained in suspense like all the texts constituting the Treaty, to which they were merely a corollary and which they served to confirm on certain points. Since those texts were not yet ratified, they could not be applied, in so far as concerned the time-limits provided for the entry into force of the Treaty and the termination of the mandate.

M. VAN ASBECK asked whether all the articles of the agreements would have no effect.

M. DE CAIX replied that all the articles remained necessarily in suspense for the reason just given, but that, in the meantime, the interests to which they related continued to be safeguarded by the mandate.

M. VAN ASBECK thought that it was impossible, for the moment, to foresee what the Treaty regime would be and in what form it would be established, since everything depended on the new negotiations which must necessarily take place between the French and Syrian Governments.

M. DE CAIX thought that the intentions of the mandatory Government, as expressed by the High Commissioner, enabled a fairly clear idea to be formed of what the main lines of the Treaty regime would be—the details would be decided by agreements still to be drawn up—if an understanding could be reached for the replacement of the treaty which now appeared to have no chance of ratification.

M. VAN ASBECK referred to the following paragraph on page 66 of the report :

“ The French advisers of the Ministries were seldom consulted on the working of the Departments to which they had been attached. The schemes in connection with which their advice had been requested rarely materialised.”

Should it be concluded that, in general, the relations between the Syrian heads of departments and the French advisers were rather bad ?

M. DE CAIX replied that, so far as he knew, relations were good. Perhaps, however, there was something rather negative about those polite relations, because insufficient attention now seemed to be paid to the advisers, though it could not be said that relations had changed.

M. VAN ASBECK noted further (page 44 of the report) the following estimate of the Syrian authorities in the exercise of their new autonomous powers :

“ Initiative has passed, for the most part, to local authorities, and the rôle of the French agents, like that of the Beirut service, has very often been merely the rôle of observers. It is not that there had been in general, on the part of the Syrian authorities, a systematic desire to reject foreign guidance ; but the local administrative authorities, invested with new powers, have appeared to be very anxious to make full use of them. The Department of Education is one of those to which the Syrians very rightly attach most importance, and where they are most anxious to make their action felt. In most of these questions, therefore, they have acted entirely on their own.”

It was worthy of note, that, after the occasionally somewhat gloomy discussions of the previous year, the report added :

“ It should be said that, in spite of certain mistakes—not, however, irreparable—they in general gave proof of a high conception of their duties, undoubted care for the public interest, and much patriotic feeling.”

He drew attention to that reference to the spirit in which the Syrian officials, at any rate those of the Department of Education, conceived their task and accepted their duties.

M. DE CAIX said it would be necessary to go into the details of what had been done in the sphere of education in order to comment on the above estimate, which had been made by the French advisers in touch with the Ministry of Public Instruction. The Syrians certainly attached great importance to State activity in that field, and believed that its development might help them to make their nation more coherent than it was at present. There was no doubt as to their good intentions, nor could it be denied that they were making great efforts ; but it would be hazardous to assert that those efforts were always well directed. For instance, continual participation by school and university students in political agitation was countenanced, and that led to a relaxation of discipline highly prejudicial to study.

Mlle. DANNEVIG referred in that connection to the passages on pages 77 and 78 of the report, which confirmed the observations of M. de Caix concerning the difficulties encountered by school directors and teachers. New classes had, indeed, been started, but there were not enough masters, so that, in some classes, there were as many as ninety or a hundred pupils.

M. DE CAIX repeated that he could not go into details on the question of public education ; but he would observe that, in all justice, it must be acknowledged that the Syrian authorities responsible for education had the best intentions, though they did not always carry them out.

Count DE PENHA GARCIA found it natural enough that the working of the Administration should not be perfect. Without going into difficulties of a political nature, he wanted to refer to a point connected with the organic statute, and perhaps also with freedom of conscience. The report (page 67) referred to various decrees fixing the status of the communities, especially the religious communities, in regard to marriage, children, etc. There was, in particular, Decree 146/LR, of November 18th, 1938, which aimed at regularising the position of foreign women who married Moslems. The law of Iraq very wisely laid down that the question should be settled according to civil law. Decree No. 146 prescribed a special procedure for settling certain disputes, but there seemed to be some sort of contradiction of a religious character between that Decree and Koranic Law, and it appeared that the ulemas of Damascus had pronounced it inapplicable in Syria. It appeared from the report that such opposition on grounds of principle was unjustified, in view of the fact that similar legislation had been enacted in Iraq without provoking protests from the religious standpoint.

Had the religious agitation mentioned in the report (page 68) been of such a kind as to oblige the mandatory Power to withdraw the decree because it had really been believed that the agitation might become a danger to the position of the mandatory Power, or had the decree merely been used as a pretext for a religious agitation for which, moreover, there were no real grounds ?

M. DE CAIX replied that a certain number of French people in Syria had believed that it was merely a pretext, and had referred to the fact that, in Iraq, legislation existed which allowed of changes of religion under more liberal conditions than those which the Syrians appeared to be ready to apply. But it was necessary to know how far that Iraqi text was applied, and whether, in that sphere as in others, custom was not stronger than law.

Other French people had had the impression that nationalist agitators had turned a question which appeared to concern religion into a means of stirring up excitement, which might assume serious proportions and which should therefore be discouraged in every way. Hence the decision to declare that the Decree regarding the status of religious communities should not apply to Moslems.

In point of fact, no civil legislation could be applied to the personal status of Moslems. As soon as one attempted to legislate in that connection, one came up against the Koran—in other words against an insurmountable difficulty. To intervene in certain questions, there had either to be an authority such as that which had reformed Turkey without regard for religious scruples, or else a complete change of mentality, which it would be illusory to expect in a short period. A non-religious civil status had been established in Lebanon ; but it had only been possible to render it acceptable on the understanding that Moslems could not avail themselves of it.

M. VAN ASBECK said that on page 67 of the report it was stated that the High Commissioner had asked the Syrian Government to get the Chamber, at its first session, to vote a text which had been drafted in agreement with the mandatory authority. What was the constitutional basis of Decree No. 146, of November 18th, 1938, which had been promulgated owing to the fact that the Syrian Government had not complied with the High Commissioner's request ?

M. DE CAIX replied that the juridical basis of the decree resided in the fact that it was not admitted that the mandatory authority had ceased, even in legislative matters. In other words, while the mandatory authority tended to allow local Governments to legislate, and not to intervene in the preparation and promulgation of laws, it considered that it always had the right should there be failure to deal with a question regarded by the mandatory authority as important to legislate on the subject itself. No doubt the Syrians did not admit that contention, as would be seen from the opening pages of the report ; but the basis of the decree lay in the right of mandate and of guardianship, which had not yet been abrogated.

It should, moreover, be noted, to make clear what was the principle still followed in that matter, that the decree in question was not issued by M. Puaux, the present High Commissioner, who had been appointed after opposition to the ratification of the Treaty had become manifest, but by M. de Martel, the High Commissioner who had signed and begun to apply the Treaty of 1936.

Mlle. DANNEVIG referred to the paragraph on page 67 of the report, mentioning three laws which modified the provisions in force concerning civil status. Were not those laws in disagreement with the Koranic rules ; did they apply to the whole territory ?

M. DE CAIX said that the texts of the three laws showed that it was merely a question of modifying the administrative procedure, and not personal status. The laws applied only to the authorities entitled to carry out the formalities of civil registration and the conditions under which such registration should take place, etc.

It would also be seen that the third law " stipulated that the declaration of divorce did not need to be made by both consorts, but only by one, nor did it specify which one ". That was entirely in accordance with Moslem ideas, which allowed of repudiation at the wish of the husband alone.

Mlle. DANNEVIG concluded that, in virtue of that law, the wife could also divorce.

M. DE CAIX reserved his opinion as regards that possibility.

M. RAPPARD observed that, in that case, the husband could release the wife, but not vice versa.

M. DE CAIX replied that if it were a question of " release " for the husband, then the husband would be the first to pronounce it.

Count DE PENHA GARCIA noted (page 99 of the report) a tendency for nomadic or semi-sedentary tribes to be classified or included under " nomads ". The question would be referred to later, but it would appear that, for the moment, the tendency was towards a return to the pastoral system. Perhaps one of the difficulties that arose was referred to on page 100 of the report in the paragraph dealing with " social evolution ", where it was stated that the bedouins were taking an increasing interest in cultivation, but that the obstacles placed by local administrations in the way of land concessions prevented a more rapid development of agriculture. It was also curious to note that the bedouin representatives in the Syrian Chamber very rarely put in an appearance, undoubtedly because the policy of the Syrian Government was contrary to the present aspirations of the tribes.

Count de Penha Garcia enquired whether the Syrian Government did as much as it should to provide the nomadic tribes with the necessary facilities for water-supplies, desert medical assistance and tribal schools. There was only one medical centre for the bedouins, at Palmyra. Was there any intention of setting up another ? Was the settlement of bedouins as farmers on land concessions also going to be encouraged ? Was the Syrian Government's state of mind such that these questions would be studied in a more generous light, or would the position of the bedouins remain, on the contrary, as critical as it was now ?

M. DE CAIX said it was difficult to answer so complex a question relating to the legal status and social evolution of the bedouins. It could be said that, for a very long time past, they had developed a tendency to combine cultivation with changes of pasturage, but they were now having some trouble with the Syrian State, which did not appear to treat the bedouins with the same tact and the same diligence as the officials of the technical services. There was no doubt the bedouins wished to develop cultivation in those areas where it was possible to do so, but they did not wish such partial settlement to prejudice their special customary rights and render them subject to the written law applicable to the sedentary elements of the population.

Count DE PENHA GARCIA noted further (page 99 of the report) that the intervention of representatives of the Syrian Government had provoked a certain amount of resistance, and that the tribal chiefs had appealed to the representatives of the mandate. Did that mean that the great majority of chiefs preferred the mandate regime to the regime under which they were living with the Syrian Parliament ?

M. DE CAIX replied that, if there was one direction in which it would have been to the interest of the Syrians not to hasten developments and not to attempt to take control too quickly, it was undoubtedly in connection with nomad life, with the government and status of the nomad population. The staff Syria had available for that work was not to be compared with that of the technical services. Uniformity and dogmatic administration was out of place in dealing with bedouins.

M. RAPPARD wished to put the question raised by Count de Penha Garcia on more general lines. The Commission had learnt that the French Parliament's unwillingness to ratify the Treaty was in some measure due to anxiety about the minorities. He asked whether the modified policy of the present High Commissioner found any support on that account, as might have been expected, from the minorities to whose advantage he had modified his earlier policy.

M. DE CAIX replied that it would perhaps be too much to say that that policy found determined support among the minorities ; but there was no doubt that the minority populations were glad to see a relaxation of the policy of unification. After having benefited for some twenty years from autonomy, they had become attached to it. The Syrians, of course, disputed that ; they claimed that the particularists were an invention of the mandate and were supported solely by its representatives. But that was stating the problem far too simply. It was possible that, but for the chance afforded by the mandate, it would never have occurred to populations which, for generations past, had been kept in a position of inferiority, to demand a fresh system, particularly an autonomous one. But the mandate merely answered deep desires born of old grievances. It had been much less the cause than the opportunity. What it had effected in 1920 had at least answered latent aspirations. There was no doubt that the present policy, which was not a reaction against that of 1936 but merely a restriction of it on certain points and designed to introduce somewhat greater freedom in the status of Latakia and the Jebel Druse, was in conformity with the wishes of the inhabitants. Most of the notables of the compact minorities who had declared for unity in 1936 had only done so from motives of personal ambition, and with reservations. They welcomed unity : there was no doubt of that : but they also wanted local liberties for their own provinces. The methods by which Damascus had begun to exercise its authority had clearly tended to restrict those liberties, and thus to create divisions among the notables in order to induce them to abandon the autonomous movement. The autonomist feeling was undoubtedly stronger to-day than it was in 1936, when the new policy began to be applied.

M. RAPPARD wondered whether all the various minorities, scattered or compact, added together, would not constitute a majority. He thought it would be to the advantage of the mandatory Power to get the matter clear. The adversaries of the Mandatory maintained that it was carrying on a Machiavellian policy of dividing to rule. Since the mandatory Power, like the Commission, was sincerely and disinterestedly concerned to protect the minorities, could it not furnish evidence of it ? How was it that those minorities which, taken together, constituted, if not a majority, at least a very considerable minority, found no means of making their voices heard in Parliament ? Either the population was unanimously in favour of unity, in which case the solicitude of the mandatory authority for the minorities was idle, or the anxieties of the minorities were real, and in that case it was difficult to understand why, under a system of free elections, the minorities could not combine, achieve some degree of consistency and form a single element which could affirm its importance and its wishes in the political evolution of the country.

M. DE CAIX did not believe that the minorities in the aggregate represented a majority in the whole country. On that matter, reference could be made to the end of the report (pages 212 and 213), where there were tables showing population by creeds. It would readily be seen that the minorities really were minorities. But the question of local liberties did not concern the minorities alone. Many of the Sunnis, if asked what they thought of a system of marked decentralisation, would undoubtedly declare in favour of it. That was the impression he had gathered from heart to heart talks with the notables in certain districts.

From the standpoint of the interests of the mandatory Power itself, the policy of autonomies might be regarded as a doubtful proposition. While it had gained the mandatory Power the support of the minorities, it had given rise to the far greater difficulty of an understanding with the nationalists, who were fundamentally opposed to every kind of local autonomy. That was the most serious obstacle with which the Treaty policy had met. There were, however, grounds for thinking that Syria would gain in cohesion, and might even unconsciously make some progress towards unification, if its leaders could accept frankly and with good grace a regime of decentralisation and local autonomy. Unfortunately, the dogma of political conformity compelled them to condemn a policy which, however good it might be in itself, had the misfortune to be that of the mandate.

In regard to the elections, the question was complicated. It would first of all be necessary to know what had happened at the last elections. Furthermore, the deputies for the provinces, the home of the compact minorities and the partisans of decentralisation, were, to a large extent, country members whom Damascus impressed by its eloquence and political vehemence. They were afraid to engage in any demonstration which might bring on them the ill-will of the Damascenes. Deputies' votes could not therefore be regarded as fully representative of the ideas of the voters themselves, who were subject to a kind of moral pressure from the surroundings in which they moved.

It should, moreover, be noted that some years previously the minority representatives, who even before the incorporation of Latakia and the Jebel Druse with Syria constituted a third of the Chamber, had all formed a group as a result of the initiative of one of their members.

M. VAN ASBECK asked whether terrorism also did not enter into the matter.

M. DE CAIX replied in the negative. There was plenty of shouting, insults and demonstrations, but nothing that could really be described as terrorism.

M. RAPPARD considered that the observations just made gave food for thought as to the fitness of the country for self-government. If deputies elected to defend the interests of their constituents on arriving in Damascus, a unitarian centre, immediately joined in voting

against those interests, he did not see how such a country could govern itself. Was not therefore the attitude of the mandatory Power in endeavouring to defend the minorities against their own weakness a little quixotic ?

M. DE CAIX believed that all countries were capable of governing themselves. It was merely a question of whether they were to be asked to govern themselves in accordance with certain ideals or not. To say that the mandatory authority was protecting the minorities against their own weakness was perhaps an exaggeration. The presence of the mandatory authority gave them an opportunity of being less weak and helpless. Such action was something more than quixotic. It might be, moreover, that the disappearance of the moderating factor represented by the mandate would injure others besides the minorities. What would happen then, if the unitarians provoked a determined resistance by certain compact minorities concentrated in difficult country ?

TWENTY-FOURTH MEETING

Held on Friday, June 23rd, 1939, at 10.30 a.m.

Syria and Lebanon : Examination of the Annual Report for 1938 (continuation).

M. de Caix came to the table of the Commission.

RESUMPTION OF CONTROL BY THE MANDATORY POWER (*continuation*) :

LOCAL SELF-GOVERNMENT (*continuation*) : MINORITIES (*continuation*) : CENTRALISATION AND DECENTRALISATION (*continuation*) : LAW ON MOHAFAZATS : SIGNIFICANCE OF THE TERM " SYRIA "

M. RAPPARD was astonished to gather from the replies of the accredited representative that a policy the whole motive of which was the protection of the minorities seemed to be so little understood by the latter.

COUNT DE PENHA GARCIA observed that, since the 1937 disturbances, the Syrian Administration had proved incapable of restoring the situation in Upper Jezireh, with the result that the population of that area wished for a resumption by the mandatory Power of its functions, whether on the basis of a statute for Jezireh embodying a certain degree of self-government, or on the basis of an ultimate recognition of the inability of the Syrians to govern that particular ethnic area.

M. DE CAIX explained that there was no change in the situation in Jezireh, in the sense that the degree of authority exercised there by the Syrian Administration was dependent upon the assistance of the mandatory Power, the latter having in fact resumed the administration of the country, which was now under the direction of a French officer.

The demands of the people of Jezireh had been somewhat strengthened. Two years ago, they would doubtless have been satisfied with the system established under the law of Mohafazats. Now they wanted more ; and they would probably only be satisfied with an administrative system modelled on that at present prevailing in Latakia and the Jebel Druse. The wise course for the Syrians to pursue, here again, would appear to be to adopt a very liberal policy. The people of Jezireh were mostly immigrants, refugees from the north, and it would be easier to arouse in them a feeling of solidarity, of Syrian patriotism, by granting them the local liberties they desired than by imposing centralisation upon them. Unfortunately, the nationalists were instinctively opposed to any measure of provincial autonomy, which they regarded as a design, under the mandate, against Syrian unity.

COUNT DE PENHA GARCIA drew attention to the following passage of the report (page 6) :

" On the other hand, it is owing to the mandate that the Syrian officials have been able to remain in Jezireh, where they so far exercise no authority, being boycotted by the population. To put a stop to this administrative deadlock, and to ensure the existence of the country pending a solution of the political issue, the mandatory authority has ' resumed control ' in Jezireh since the arrival of the new High Commissioner, as it has done in other forms in the case of the Alawites and the Druses."

To what extent was it possible to entertain hopes of subsequent Syrian unity by conceding administrative self-government or more extensive independence to particular regions ?

M. DE CAIX replied that this question raised the whole problem of the provincial organisation and decentralisation of the future Syrian State. There were two classes of provinces to be considered. In the first place, there were those (Hauran and Aleppo) where

there was no minority movement : those provinces were, generally speaking, in favour of the Mohafazat system as contemplated in 1936. Secondly, there were the two minority regions which had enjoyed self-government under the mandate, and expected to have it again. To those must be added Jezireh, which desired a system modelled on that of Latakia and the Jebel Druse.

Jezireh was far from the centre of things. It was essential not to offend the sentiments of its population, who were well aware of what was happening on the other side of the frontier, and who had every reason definitively to rally to the Syrian State, provided the latter was prepared to make allowance for its particular aspirations. The population consisted partly of Kurds and partly of Christians ; they had, in effect, to be morally " acclimatised " to Syria. It was difficult to see how the mandate could be brought to an end in that part of the country without an agreement reserving to it a generous degree of local freedom. That was the problem calling for solution ; and the solution conflicted with certain preconceived ideas held, as he had just explained, by the leaders of the Syrian majority. It must be admitted, moreover, that the minorities who composed the greater part of the population in the Jezireh were not saints who always behaved with wisdom and discretion ; they were very ready to put forward exaggerated claims and to behave in an unruly fashion, taking advantage of the fact that their legitimate demands had the support of the mandatory Power.

COUNT DE PENHA GARCIA said that it was impossible not to be struck by the fact that the minorities always ended by appealing to the Mandatory for support. On the other hand, it was certain that the mandatory Power was convinced that Syrian independence could not be achieved unless a unitary Syrian State were formed. Hence the extreme delicacy of the problem.

The CHAIRMAN put the following question on behalf of M. van Asbeck, who was absent.

The inhabitants of Jezireh persisted in their demand for French control and for a wide measure of self-government (page 7 of the report). Damascus, on the other hand, was only prepared to agree to the application of the law on Mohafazats to Jezireh as to the other provinces ; and the National *bloc* was not showing any alacrity in putting that law into force, in spite of the promises made to the French Government. Was it probable that the new Syrian Government would prove as refractory on that point as its predecessors ?

M. DE CAIX replied that it was difficult to say what the Syrian Government, which was not yet in existence, would do. But there did not appear, in reality, to be any obstacle to the application of the very moderate degree of decentralisation proposed for the Mohafazats, beyond the fact that it was the result not of a legislative enactment of the Syrian Chamber, but of a Decree of the High Commissioner. There could be no reason other than this for the ill-will shown in certain circles towards the proposed reform of provincial administration ; but the future Government would have to withstand a rather powerful stream of opinion at Damascus if it wished to carry out that reform.

As to the establishment of self-government in Jezireh, M. de Caix knew of no definite scheme prepared by the mandatory Power ; but he felt very strongly that there was no way out of the difficulty—chiefly damaging to Syria—other than the introduction of a system satisfactory to the local population.

M. GIRAUD asked whether the difficulties experienced in Upper Jezireh were not largely due to the fact that the geographical connection of Upper Jezireh with Syria proper was less close than that of the latter with Latakia or the Jebel Druse. Was it not a fact that the inhabitants of Jezireh had only been Syrians since the institution of the mandate ; and, if so, would it not be an act of wisdom on the part of the Syrian leaders to grant them a special system of self-government ?

M. DE CAIX agreed that that would be an act of wisdom ; but it could not be maintained that the autonomist leanings of the inhabitants of the Jezireh were due chiefly to the fact that their district was far removed from Syria as a whole. The Alawites, who inhabited a district forming part of those to which the name of Syria had been given for centuries, made just as strong demands. It must be realised, moreover, that the word " Syria " had only assumed a precise political significance and importance since the war and the institution of the mandate : until then it was an expression, apparently derived from the word " Assyria ", applied to one part of the former Ottoman Empire, where the system of administration did not differ from that found in other parts of the Empire.

The CHAIRMAN observed that the name " Syria " was nevertheless not new. Were not the traditional boundaries of the country of Syria, as a part of Turkey, rather uncertain ?

M. DE CAIX replied that there had of course been a country traditionally known as Syria ; but it did not exactly coincide with the present Syria. While Jezireh was not generally considered as forming part of it, Palestine was really Southern Syria. It was still claimed as such, as periodic agitation by certain Syrians showed. Syria might be a political novelty, but her territorial coherence none the less rendered her a perfectly viable State, whether her present boundaries coincided or not with those of what had formerly been known, somewhat vaguely, as Syria proper.

Mlle. DANNEVIG, referring to the different inhabitants of the territory, asked what was meant by a Syrian in the strict sense of the word.

M. DE CAIX said that it was very difficult to define the term; here, as elsewhere, the ethnographic basis was so uncertain that only the more determined political protagonists could extract arbitrary certitude from it. There was no uniform Syrian type, nor would it be reasonable to speak of a Syrian race. There were indeed two types, one strongly brachycephalic, met with in mountain areas, chiefly in Lebanon, and the other dolicocephalic, particularly prominent among the bedouins. Between these two extremes, however, there was every intermediate type, while a multitude of foreign elements had filtered in. Many Syrians were indistinguishable from Europeans, particularly from those in the Mediterranean region. Apart from a few small groups, all Syrians spoke Arabic, that language having gradually, after the Moslem invasion, replaced the Semitic idioms introduced long before into the country.

Mlle. DANNEVIG asked whether the inhabitants of Latakia, the Jebel Druse and Hauran regarded themselves as Syrians.

M. DE CAIX replied that they regarded themselves primarily as a group—Alawites or Druses, as the case might be. The consciousness of Syrian nationality was only slowly emerging and was still often merged in a feeling of Arab solidarity.

COUNT DE PENHA GARCIA drew attention to the following passage of the report (page 8):

“ It is, however, noticeable that, in so far as they have taken definite shape, the autonomist claims of the Alawites are not extreme, and do not imply the complete separation of their country from Syria. The Alawites only ask for wide local liberties and guarantees for those liberties. They are afraid of rough treatment at the hand of police and gendarmerie under the orders of authorities foreign to their province; and, pending an arrangement under which their Mohafez is (as they demand) necessarily one of their own people appointed by the Chief of State of Syria on the nomination of the Administrative Council of the Mohafazat, they made application to the High Commissioner in the first weeks of 1939 for the gendarmerie and police to be attached to the French authorities.”

Had the Alawites given any indication of the form they wished the guarantees for which they pressed to take?

M. DE CAIX did not think that the Alawites had recently submitted precise demands; all that could be said was that they were now even more strongly opposed to centralisation at Damascus than in 1936. Since that date, there had been a transformation in the attitude of the chiefs, who had first looked with favour towards Damascus, subject of course to the maintenance of the special status reserved for the Alawites in one of the annexes to the Treaty. They now appeared to desire fuller autonomy, and one guaranteed in the text itself of the final agreements to be entered into by France and Syria.

COUNT DE PENHA GARCIA enquired why the safeguards already given to the Alawites had not been effective.

M. DE CAIX replied that the Mohafez sent by Damascus had endeavoured to whittle down the statute of the province as laid down in the Treaty. In the end, the mandatory Power had stepped in, in pursuance of its right under the mandate, which right would continue until such time as it was replaced by one embodied in a treaty. The guarantee had therefore proved effective.

COUNT DE PENHA GARCIA thought that the impression created by the above statements was that the only real guarantee in the matter would be a provision giving the ex-mandatory Power a possibility of intervening. That was a disturbing reflection for the future.

M. DE CAIX thought that the only satisfactory guarantee would be the maintenance of a certain balance between autonomist and centralising tendencies; that implied—in the absence so far of any agreement between the parties concerned—the intervention, at least temporarily, of an arbitrator. The Treaty gave the Allied Power certain rights in that connection, which would undoubtedly be preserved if an agreement were concluded for the revision and expansion of the status of Latakia and the Jebel Druse.

COUNT DE PENHA GARCIA observed that, when the Treaty ceased to be in force, any guarantee for the Alawites would disappear.

M. DE CAIX replied that it would not disappear for a long time, inasmuch as, for the present, the projected duration of the Treaty was twenty years.

COUNT DE PENHA GARCIA replied that the direction in which events were moving at present was not such as to encourage optimism. The ruling attitude at Damascus was still one of domination and lack of understanding of others.

M. DE CAIX said that legal discussions were still continuing as to the respective rights of the Central Government and the provinces—in particular, those under a special regime. It was to be hoped that the claims of the former and the demands of the latter would become fewer when the stage of examining texts—that was to say, principles—was over and the time for practical application on the spot had arrived. At that stage, it would be far easier to adjust matters.

The CHAIRMAN, on behalf of M. van Asbeck, referred to the Mohafazat of Latakia, in connection with which the report said (page 7) that “ a recrudescence of autonomism among the Alawite chiefs ” had even “ taken the form of civil disobedience ” and riots. The report also referred (page 8) to “ the policy of division pursued by the Mohafez (Ihsan-el-Jabri) ”, which had “ only made the trouble worse ”. In order to restore tranquillity, the High Commissioner had advised the Government to change the Mohafez, who had finally, on March 31st, 1939, been obliged to relinquish his post. The High Commissioner had replaced him by appointing a member of one of the principal local families, nominated by a majority of Alawite chiefs, to be acting Mohafez.

Had the Syrian Government finally agreed to recall the Mohafez (Ihsan-el-Jabri) and agree to the appointment of his successor, or did the latter derive his authority exclusively from the High Commissioner's decision ?

Was the mandatory Power now exercising more direct control over the administration of that district ?

At a previous session, the accredited representative had explained that one of the principal difficulties connected with Alawite autonomy was to find Alawites who were qualified to fill high administrative posts. Had the person now chosen for the post of Mohafez the requisite qualifications ?

M. DE CAIX said that there was no doubt that policy of division pursued by Ihsan-el-Jabri had had the effect of bringing the Alawite chiefs nearer together. The Mohafez had had to resign ; moreover, the mandatory authority had proposed to Damascus to replace him.

The new Mohafez was a member of one of the leading Alawite families ; the other chiefs had indicated that his selection would meet with their approval. Moreover, the choice was justified by Chaouket Abbas' education ; he had been trained in one of the best French schools to be found in the territories under French mandate. The new Mohafez had been appointed by the High Commissioner in a temporary capacity, a fact which showed that the representative of the mandatory Power considered that the titular Mohafez should be appointed by the Syrian Government.

At the same time, it could not be denied that, both at Latakia and at Jezireh, the mandatory Power, for reasons apparent both at Damascus and in the areas concerned, was taking the administration into its own hands again.

The CHAIRMAN said he was under the impression that there were two opposite movements in Syria. On the one hand, Syria was moving towards independence, and on the other hand the mandatory Power had, in two areas at least, taken the administration into its own hands once more. Those events gave food for thought : The mandatory Power desired Syria to have her independence, but its sense of moral responsibility as Mandatory obliged it to resume authority, in order to make good the failings of the Syrian administration and to put an end to the fears of those administered. Once again, the minorities question was at the bottom of the trouble.

M. DE CAIX replied that the Chairman's observation was perfectly correct. The mandatory Power really did desire the independence of Syria—that was to say, it would like to give the country, by means of a Treaty, a system similar to that enjoyed by its Oriental neighbours, with the exception of Palestine, which was certainly in a special position. The mandatory Power had been trying for a long time to clarify its policy, but, in view both of its own traditions and of what it had done for the minorities, it could only achieve that after it had obtained guarantees considered adequate by those responsible for taking final decisions.

The independence of Syria could be achieved in conjunction with the acceptance of contractual provisions, included in a treaty so as to assure for the minorities a regime which would be the outcome of a compromise. That compromise could reasonably be expected to take place, as regards both the local freedom to which the compact minorities aspired, and the confirmation of the status which the compact minorities at present enjoyed by tradition. The application of the mandate had to lead to the goal for which it was instituted ; it could not, however, do so and leave in a state of dissatisfaction and anxiety considerable groups of the population, which the majority had, moreover, every reason to win over without reservation to the idea of Syrian unity.

Lord HANKEY had the impression that Syria was at an intermediate stage between that of Iraq and that of Palestine. In Iraq, there were not many minorities, and such as there were were not numerically very important. In Palestine, the recent arrival of a Jewish community, which was unpopular with the Arabs, had led to trouble. In Syria, the minorities were numerous, and each of them was fairly large, but at least they were all indigenous. The minorities problem in Syria was complicated, and a treaty imposing a kind of arbitrator on the country was contemplated for the period following the mandate. That seemed an extremely good solution, but, having regard to the extremist spirit displayed by the nationalists, was there any chance of their adopting it ?

M. DE CAIX said that it would be very difficult for him to compare the position in the three countries mentioned by Lord Hankey. He would merely state that those Syrian minorities whose rights had to be recognised were native groups which, apart from negligible handfuls, spoke the same language as the majority and shared the same culture.

It was in no way impossible to conceive that the differences still prevailing might gradually dwindle down to the level of similar differences between different religious denominations in the West. That was a process, however, as the history of European countries showed, in which time played an important part. The nationalist champions of unity, who had indeed often denied the existence of minorities in Syria, contrary to the view of the minorities themselves, would no doubt find it very difficult—and this was the crux of the problem—to accept the arbitrator of whom Lord Hankey had spoken, despite the fact that the presence of an arbitrator, far from impeding understanding between the groups, would certainly facilitate it by allaying certain fears.

M. RAPPARD wondered whether the granting of independence to Syria had not been rendered difficult by yet another factor—namely, the views with regard to that country that might be held by certain of Syria's neighbours, and even by more distant Powers. He also wished to know in what way and how far religious considerations might influence the realisation of Syrian independence, either as a delaying or speeding-up factor.

M. DE CAIX said that it was not for him to guess at the intentions of this or that foreign Power ; but, in the circumstances attending the grant of independence to Syria, external problems were no different from what they would be if the operation of the mandate were to continue. The Treaty of Alliance was intended to preserve for Syria exactly the same guarantees as those she enjoyed under the mandate. The Syrians had apparently no desire to give up the alliance ; they merely wished that it should be accompanied with practically no stipulations affecting the internal life of the country. They themselves, however, admitted that that was impossible : the 1936 Treaty itself contained various stipulations of that character. The problem now was to reach agreement as to the stipulations to be inserted in the final Treaty.

M. RAPPARD asked whether the desire for uniformity on the part of the Sunni majority implied the desire to detach the minorities from their respective creeds.

M. DE CAIX did not think there was any intention of interfering with the creed of the minorities : the majority had merely made a mistake in desiring too rapid a development towards unity, not of faith, but of all institutions. The majority was tolerant towards religions, but not towards traditional religious particularism.

M. RAPPARD concluded that the conflict between communities was, though not strictly speaking theological, at any rate based on religion.

M. DE CAIX replied that, in the East, religion implied certain variations in personal status and in the matter of jurisdictions. Those were the points in connection with which the minorities wished to retain their immunities, and they were also the points distasteful to the nationalist champions of unity. It must, moreover, be noted that while the Christian sects had their own jurisdictions, several of them observed a law which was identical with that laid down in the Koran, especially in connection with successions.

M. RAPPARD thought that the majority of Sunnis were not intolerant towards the Christians or the Jews in strictly theological matters, but that, so far as personal status was concerned, they were, since they desired to impose on the religious minorities a status based on their own law, which was a religious law.

M. DE CAIX did not think it was true to say that the Sunnis denied the existence of special jurisdictions for the communities, but those jurisdictions were obviously distasteful to them and they sought to lessen their competence. Thus, in the last years of the Ottoman regime, the Christians had been compelled to accept the jurisdiction of the Cadi in certain matters. A gradual change would no doubt be greatly facilitated, and the existence of the religious jurisdictions would be less jealously defended, were it not that the introduction of a personal status based on civil law and applicable to all met with strong opposition in Moslem countries.

Mlle. DANNEVIG noticed on pages 212 and 213 of the report a reference to sixteen religious minorities. What was the political difference between a national minority and a religious minority ?

M. DE CAIX replied that, apart from the Armenians and a few other very small groups, no minority spoke a different language from the majority ; though religious minorities certainly existed, there were no national minorities in the strict sense. In passing, he might add that even those religious groups whose liturgy was written in another tongue—Syrian or Greek—had been gradually persuaded to introduce more and more Arabic into their holy books.

The CHAIRMAN, speaking on behalf of M. van Asbeck, said that certain newspapers (such as the *Bourse Egyptienne*, of January 21st, 1939) had reported a new autonomist or separatist movement in the Kurd-Dagh (North Syria). Could the accredited representative furnish any information on the matter ?

M. DE CAIX replied that there could hardly be said to be a separatist movement in that district. There was rather a struggle between two clans which had necessitated the intervention of armed forces. The population of the Kurd-Dagh was rather uncouth and backward, and lived in a district which was difficult to reach.

Count DE PENHA GARCIA concluded from the passage of the report (pages 8-9) dealing with the Jebel Druse that the autonomists of that region were putting forward a certain number of claims which were incompatible with the regime of Syrian unity. The intervention of the mandatory Power had restored order, and a compromise would doubtless facilitate the unification of the Jebel Druse and the rest of Syria. It was stated, however, in the report, that "the question of harmonising the relations of the Jebel and the Mohafazat of Latakia with the Damascus Government, which arose subsequently to the 1936 Treaty, is . . . still outstanding" (page 9 of the report), which made him wonder what the mandatory Power proposed to do to solve that problem.

M. DE CAIX said that the *communiqué* broadcast on May 12th, 1938, by M. Puaux showed that the mandatory Power was endeavouring to secure for the populations with separatist leanings the grant of a more liberal and more definite status, but the negotiations would be difficult. It was with that object in view that the Mandatory was seeking to settle the relations of the Government with the autonomous Mohafazats. The Druses were not actually separatists ; but the great families who still held the Jebel were by no means anxious to surrender their powers and benefits to officials brought in from outside. The reason why a few leading families supported the idea of unity was that they were afraid not so much of Damascus as of other families in the Jebel, stronger than themselves.

Count DE PENHA GARCIA asked whether it would be necessary to go so far as to appoint to the Jebel Druse only officials belonging to local families and autochtonist judges, or even to appoint French judges in addition to those already there.

As regarded the contribution towards the general expenses of Syria, if the payment of 5% of the Jebel's receipts into the Syrian Treasury were abolished, what would be left of the concept of unity ?

M. DE CAIX replied that, as regarded the appointment of officials, there was no doubt that, so long as the Jebel Druse families claimed the right to hold nearly all offices, the personnel would have to be recruited within the Mohafazat. The Law on Mohafazats which required that the greater part of the officials should be appointed by the Mohafez would meet the position in the Jebel, provided it was applied there. Many of the claims made by the autonomists were not incompatible with Syrian unity.

As to the refusal to pay the 5% contribution towards the general expenses of the State, it was neither reasonable in itself nor consistent with the Jebel Statute as formulated in the annex to the 1936 Treaty. A province as poor as the Jebel was ill-advised to refuse to make a contribution which might well be lower than the amount the State would have to spend within its borders.

Count DE PENHA GARCIA noted that, generally speaking, the division of the territory into Mohafazats had not brought about unity, and that, in the Jebel Druse, earlier tendencies were being reversed. Was there any likelihood that the Syrian State would be more successful in that connection than the mandatory Power itself ?

M. DE CAIX thought that Syria would attain unity far more readily by pursuing a policy of compromise than if it sought to use the strong hand—a method it was moreover unable to pursue by its own efforts. Any concessions made to particularism might well prove to be merely momentary and unification might proceed gradually because it had not been thrust upon those in whom it now aroused feelings of distrust and apprehension.

The CHAIRMAN, speaking on behalf of M. van Asbeck, referred to the political evolution of the Jebel Druse as described on pages 8 and 9 of the report. The latter stated that the question of harmonising the relations between that region and the Damascus Government was still outstanding. Pending the settlement of that question, had the mandatory Power tightened up its control over the administration of the Jebel Druse ?

M. DE CAIX replied that he could not state the precise facts, but that such was the mandatory Power's present tendency, in the Jebel Druse just as in the Mohafazat of Latakia.

The CHAIRMAN said that the more one heard of Syrian unity, the more one had the impression that it was chiefly a mental conception existing in a certain portion only of the population and not in the majority of the inhabitants. Did not the most tangible sign of that unity consist, in the last analysis, in the fact that there was at Damascus a French High Commissioner with jurisdiction over the whole of the country known as Syria ?

M. DE CAIX thought that the position might change in time, because, in spite of all divergences, Syria had a certain geographical unity, and was inhabited by people of the same language with similar customs, leaving aside the nomadic element. The best method of achieving unification would doubtless be to look upon it rather more dispassionately and to leave a certain amount of play to particularism, which would gradually die down or fit in with the tendencies of the majority, a development to which the action of the arbitrator might contribute. The neophytic zeal displayed by the unitarian nationalists was the cause of many difficulties. They had wished to impose a modern, centralised constitutional regime on the whole country, whereas the great majority of the population had not reached the stage of political evolution which enabled it to adapt itself thereto. In short, time, there as elsewhere, must be allowed to do its work.

TWENTY-FIFTH MEETING

Held on Friday, June 23rd, 1939, at 3.30 p.m.

Syria and Lebanon: Examination of the Annual Report for 1938 (continuation).

M. de Caix came to the table of the Commission.

RÔLE OF THE PRESIDENT OF THE SYRIAN REPUBLIC

The CHAIRMAN asked whether the President of the Syrian Republic, by the prestige of his office, the force of his personality, or his independence *vis-à-vis* parties and factions, and perhaps also, *vis-à-vis* certain deep-rooted prejudices which were an obstacle to the formation of a true national community in Syria, was regarded by the various elements of the population as the personification of the Syrian State, as the incarnation of that Syrian unity to which reference had often been made.

M. DE CAIX replied that no doubt the institution of the Presidency of the Syrian Republic had not yet, in itself, any very great moral authority in Syria. It was certain that, if the President acted as a party man and did not show any independence of political groups, he would have no more credit than they had. The President now in office certainly shared the opinions of the nationalist majority, and had often expressed and maintained them with a certain doctrinaire rigidity. He had long been Chairman of the *bloc*, but, in the fulfilment of his duties, he had risen above party spirit and all political alliances. During the recent ministerial crises, he had always been inspired with the desire to study impartially all possible solutions.

It would, perhaps, be going rather far to say that he was regarded as the embodiment of the Syrian State, but probably no one else among those at present engaged in Syrian politics could have accomplished his task with such distinction and such credit to the office he held.

QUESTION OF THE INFLUENCE OF ECONOMIC INTERDEPENDENCE BETWEEN THE VARIOUS PARTS OF THE TERRITORY ON ITS POLITICAL LIFE

M. GIRAUD, referring to the rather varying tendencies existing among different sections of the population, particularly in Latakia, the Jebel Druse and Jezireh asked whether there was a certain economic interdependence between the different districts in Syria, which might facilitate the solution of the political problem. Was the Jebel Druse, for instance, more or less economically dependent on the neighbouring districts, or was it practically self-sufficient ? That question might also be asked about other parts of the territory.

M. DE CAIX replied that, as the Syrian economic system was essentially rural, it could not be said that the different districts had very great need of each other, except when, for instance, the harvest was bad in one district and good in another, when an exchange was of course made.

The Jebel Druse was a small country, living largely on its own resources in a rather meagre way. The Syrian towns were essentially the centres of big landowners and also of professional men such as judges, lawyers, officials of various ranks and traders who supplied the neighbouring countryside with the articles they required. The old-established industries existing in many towns which largely resembled the artisan system, had, and still had, though demand had fallen off considerably, their principal markets abroad. On the other hand, the modern industries which were just being established worked almost solely for the home market, protected by a very high tariff wall.

In the present state of affairs, it could hardly be said that economic interdependence was a factor making for political unity, especially since the most particularist areas were either isolated or far away, and comparatively poor into the bargain, with a restricted and entirely local economic life. There was no doubt that a long time would have to elapse before the importance of trade exchanges became an element in political union.

As an instance of economic interdependence, mention could be made of the importance for Syria, a flat agricultural country, of preserving the Lebanon market for its cereals, since the latter country was densely populated in relation to the productive capacity of its mountainous territory. Lebanon, on the other hand, had a considerable interest in maintaining the great port of Beirut as the seaboard outlet for the hinterland.

Those were factors making for understanding, but they might be counterbalanced by the particularism that had already begun to break up the Customs union between the two States.

LAW ON THE MOHAFAZATS (*continuation*)

M. VAN ASBECK asked whether the law on the Mohafazats was still suspended.

M. DE CAIX said it had not yet been applied. The Syrian Government had constantly announced its application, but it had not yet come into effect.

M. VAN ASBECK asked whether the mandatory Power was exerting any pressure in that sense.

M. DE CAIX replied that it was requesting the application of the law.

SANJAK OF ALEXANDRETTA : PETITIONS

M. RAPPARD said that the Chairman had imposed a very thankless task on him, which obliged him to impose a still more thankless task on M. de Caix. M. Rappard was the rapporteur for all petitions concerning the Sanjak. In the French Government's covering letter it was merely stated that those petitions "do not in general call for any explanation, apart from what may be said on the whole question to which they relate", which merely meant that the burden was shifted on to the accredited representative.

M. Rappard had examined the petitions with great care, and had been particularly struck by two things. Incidentally, he noticed in passing, that the office of the Communist Party had been liquidated; but he believed that the petition on the subject had become purposeless.

In the first place, he would mention that the petitioners complained of many things: that France's action was contrary to the principle of self-determination, to equity, democracy, the Franco-Syrian Treaty, the dignity and prestige of France and the League of Nations, the reputation of Europe and so forth. The members of the Commission must form an opinion on the action of which the petitioners complained, not only in the light of their complaints, but also in the light of the mandate. If the petitioners had been better advised, they would perhaps have invoked a much stronger argument. Was not the cession of the Sanjak by the mandatory Power a flagrant violation of Article 4 of the mandate, which read as follows:

"The Mandatory shall be responsible for seeing that no part of the territory of Syria and the Lebanon is ceded or leased or in any way placed under the control of a foreign Power."

The guardian, in an interest which was essentially his own, had abandoned to a third party a portion of the ward's inheritance, after having been entrusted with its defence. The accredited representative would certainly say that what had been done was in the interest of the ward. If M. Rappard remembered rightly, it was Montesquieu who had defined a tax as being a gift to the State by the taxpayer of a portion of his estate in order to ensure the security of the remaining portion. A similar formula would doubtless be applied in the present case, but it would require all the gifts and persuasive talents of M. de Caix to make one believe that there had not been a violation of the mandate.

All that had happened independently of the Mandates Commission, and apparently with the Council's approval. It would, perhaps, be said that the Commission was not asked to form an opinion on the mandatory Power's action except in so far as petitions were concerned. M. Rappard was therefore in a very embarrassing position in that respect, and would be grateful if M. de Caix could get him out of it.

M. DE CAIX said that M. Rappard was only adding to the difficulty which he himself experienced in dealing with a subject which clearly went outside and beyond the framework of the mandate. He did not think it possible to examine the matter of the Sanjak within that framework ; it must, on the contrary, be considered as a question of international politics. People could say anything they liked on the question whether what had happened in the Sanjak was in conformity with the mandate or not, but M. de Caix did not feel that he was called on to give the Commission explanations of texts with which it was as familiar as he was himself.

The only point on which he wished to reply was M. Rappard's remark about the mandatory Power's own interests. The mandatory Power had undoubtedly an interest in a certain international order, and shared that interest with other Powers which had never been opposed—far from it—to any measures that might be taken to associate Turkey with their policy ; but the interests of Syria herself were closely involved in that policy. He would not dwell on what he had said in his opening statement about the necessity for Syria of a clear-cut position and peaceful relations with her neighbours. He would confine himself to observing that, if the present established order in the Mediterranean were to be seriously threatened, Syrian independence would certainly be faced with infinitely greater dangers than any that might result from action on the part of the mandatory Power. In those circumstances, the policy that had been followed must be regarded as having been necessary for Syria's own independence.

M. RAPPARD agreed that there was little more to be said, but hoped that M. de Caix would not be offended if the Commission, in its recommendations, stated that, in its view, there had been a very definite infringement of the mandate, justified in the view of the mandatory Power by considerations of general security.

M. DE CAIX replied that he had said all he had to say about the general considerations that had guided the policy of the mandatory Government, and had no observations to make regarding any recommendations the Commission might feel called upon to make to the Council.

The CHAIRMAN pointed out that, in view of the accredited representative's statement, it was practically impossible for the Commission to deal with the Sanjak, which it regarded as part of Syria. The Administration of that region was, in fact, no longer under its supervision.

M. DE CAIX said that he could only speak of the *de facto* situation : the chapter on Alexandretta had been omitted from Part V of the report because the local Government had considered that it was not called on to give information about the administration of the territory.

M. RAPPARD said that the petitions on which the Commission had to report of course dated from a year previously—that was to say, before the cession of the Sanjak. They complained of the mandatory Power's administration at a time when the latter still extended to the Sanjak. They complained of pressure exercised by its organs on those inhabitants of the Sanjak who wished to give free expression to their views on the future of the territory. They therefore contained definite criticism of the administration of the Sanjak. Since then, the situation had developed, and the mandatory Power, in leaving the Sanjak out of its report, had perhaps drawn a premature conclusion therefrom. The Commission should note the fact. M. Rappard did not know whether his colleagues wished to ask any questions to throw light on the problem of the future.

He added that the petitions dated back to June 1938, and the mandatory Power's covering letter was dated May 25th, 1939. Thus nearly a year had passed before they had been transmitted. Had the accredited representative anything to say on that point ?

M. DE CAIX agreed that the petitions had been transmitted rather late. He himself had been responsible for not having had them sent off last autumn. Since, after its autumn session, the Commission did not meet again till June, he had not attached any particular importance to the matter ; no political significance of any kind should, however, be attributed to the delay.

M. DE HALLER pointed out that, at the last autumn session, the time-limit of six months accorded to the mandatory Power for the transmission of petitions had not expired.

M. RAPPARD said he had one last observation to make : he would be very happy if, when preparing his report for his colleagues, he could express himself as M. de Caix could.

Mlle. DANNEVIG asked whether reference could be made to the small part of the Sanjak which—it seemed—was going to be left to Syria, and in which there were some Armenian refugees.

M. DE CAIX said that he had known the state of affairs a few days earlier, but could not speak either of what had happened, or what arrangements might subsequently be made.

Mlle. DANNEVIG said that, according to the newspapers, a small part of the Sanjak was to be left to Syria. There were several thousand Armenian refugees in that district. Did the mandatory Power intend to continue to protect them ?

M. DE CAIX could not speak of what had already been done. With regard to the Armenians in that area, he would point out that they were not refugees, but a long-established group settled in two or three villages on the southern frontier of the Sanjak.

Mlle. DANNEVIG had read in the report that, as a result of the autonomy of the Sanjak, there had been a reduction in the numbers of the police, but what had now become of the independence of the Sanjak, since it did not even preserve its name, which was replaced by that of Hatay? Was that territory to be altogether incorporated in Turkey?

The CHAIRMAN pointed out that M. de Caix had declined to discuss the Sanjak affair.

MUNICIPALITIES : MUKHTARS

M. GIRAUD recalled that, last year,¹ the Commission had been struck by the information contained in the report concerning the results of the relaxation of the supervision exercised by the mandatory Power over the municipalities. The present report gave information which was little more favourable. It said (page 96) :

“ The relaxing of the supervision which was formerly exercised over municipalities has influenced the conduct of their affairs. There has been considerable delay in the preparation of their budgets, and the programmes of work have only been very seldom followed. The municipalities, which have always tended to shake off the control of the technical town-planning service (which had only been imposed on them with considerable difficulty), have almost completely ceased to avail themselves of that service, under the pretext that it was too slow in dealing with the questions submitted to it. Very little work has been carried out, a slackening which is to a considerable extent also due to the financial difficulties of the municipalities. Nevertheless, the proportion of unproductive expenditure to that of genuine municipal services tends to increase.

“ In 1938, the Inspector-General of Administrative Services carried out several municipal inspections. He found irregularities, and negligence almost everywhere.”

Those remarks referred to the municipalities of Syria, but, in the case of the Lebanon municipalities, the report only gave certain very objective information about the municipal regime (page 127). No findings similar to those concerning the Syrian municipalities were given.

Was it to be concluded, from a comparison of those texts, that the Lebanon municipalities were better managed? Had the supervision exercised over them by the mandatory Power been relaxed in the same way as in the case of the Syrian municipalities?

M. VAN ASBECK, on the same point, asked why ten municipal councils in Lebanon had been dissolved. Was it for incompetent management or for corruption? Why, in other villages, had the Mukhtars, who were officials, and the Councils of Elders, been made responsible for the duties of the municipal council? The paragraph in the report on the subject was somewhat too brief, and did not give a complete picture of what had occurred.

M. DE CAIX did not think that the examination of the management of the Syrian municipalities and of the Lebanese municipalities had been carried out in quite the same spirit. That might help to explain the difference between the two passages in the report. He would not take the responsibility of saying that the Syrian municipalities were worse managed, since he had no basis for comparison; but, as there had been a relaxation of control by the mandatory Power, the working of the various departments of the Syrian Administration was at present being observed in a highly critical spirit. Perhaps the situation was not better in one case than in the other, but in the eyes of those Frenchmen who had taken part in it, the whole Syrian administration was passing through a probationary period, the characteristic features of which were closely scrutinised.

In seeking an explanation why certain municipalities had been dissolved in Lebanon and Syria and replaced by nominated councils or by officials, there was no point in imagining that misappropriation was the reason. It often happened that municipalities were badly managed for less serious reasons, or were incompetent; it was customary both in Syria and in Lebanon to replace them—as M. van Asbeck had pointed out.

M. GIRAUD referred to another passage on page 96 of the report :

“ Before resigning, the Mardam Government had made plans for the creation, at the Ministry of the Interior, of a directorate of municipalities, to be specially responsible for supervising the management of municipalities, examining their budgets and giving them the necessary guidance to enable their activities to be put on the most rational basis possible.”

It seemed that that institution would be of some value. What action had been taken in respect of the plan?

¹ See Minutes of the Thirty-fifth Session of the Commission, pages 88, 89 and 204.

M. DE CAIX replied that, for action to be taken on the plan, there would have to be a Syrian Government that had been in office for a certain time. During the past few weeks, there had been a succession of Cabinets which had not remained in power owing to political circumstances. It would be necessary to await the return of a period of more continuous administrative activity.

M. VAN ASBECK asked whether the reference to Mukhtars on page 66 of the report should be attributed to the same critical spirit :

“ The choice has been too often governed by politics, and the persons chosen have been not very well qualified to render the service that the population expects from Mukhtars . . . Furthermore, the Mukhtars are not sufficiently supervised by the higher officials.”

M. DE CAIX replied that those remarks were doubtless justified, whatever the spirit in which they were made.

M. VAN ASBECK thought that these expressions of opinion gave a fairly accurate picture of the present state of things.

M. DE CAIX agreed. Moreover, they came from very reliable persons.

DEFENCE OF THE TERRITORY : MILITARY ORGANISATION : TRAINING OF SYRIAN AND LEBANESE OFFICERS : PARA-MILITARY ORGANISATIONS : CRIMINAL INVESTIGATION DEPARTMENT : FRONTIER CONTROL

Lord HANKEY noted (page 40 of the report) that “ no change had been made in 1938 in the organisation or the numbers of the special troops of the Levant ”. For details reference must be made to previous reports. Furthermore, that paragraph of the report was very brief, and he hoped that in the next report the tables and other information showing the situation would once more be given.

M. DE CAIX said that he himself had found that chapter of the report too brief. Lord Hankey's remarks would be borne in mind when submitting requests regarding the next report. Obviously the same information could not be repeated every year, and it should be pointed out that the organisation of local troops must to a large extent be determined by the regime which was to govern relations between the French military authorities and the Syrian command : the Treaty had remained in suspense, and it had thus been impossible, in 1938, to effect such changes as might be required. The military organisation would have to be adjusted to the new regime, but as that new regime was not yet defined, the adjustment was necessarily still in suspense.

Lord HANKEY asked M. de Caix whether he could give some information about the training of Syrian and Lebanese officers. Last year,¹ the accredited representative had said that there was a military school at Homs. Was that school satisfactory ? What was the number of officers, natives of the territory, who went through courses of instruction in France ?

M. DE CAIX replied that there had been no change in the organisation of the school at Homs, which was, to a very large extent, still under the supervision of the French military command. There was a continuous improvement in the military efficiency of the officers from the school, although obviously they could not yet be up to the standard of officers trained in the chief military schools in Europe. He did not know how many Syrian or Lebanese officers had been authorised to follow courses of instruction in the French Army, but such officers were still being accepted for that purpose.

Officers were being trained in Syria who would be suitable for higher rank : M. de Caix did not think that there were yet any colonels—he was not referring to officers of the former Turkish Army still serving in Syria—but the new force, established under the mandatory regime, already included some majors, and was gradually acquiring a highly efficient corps of officers.

In Lebanon, the system was different ; cadet officers were sent to the French military schools. So far as he knew, the Lebanese did not show any very great desire to have a military school, but the same did not apply to the Syrians.

Lord HANKEY said that he desired to ask a question which might perhaps be indiscreet, in which case he would not press for an answer. According to the newspapers, considerable air-raid precautions were being taken in Syria. Could M. de Caix confirm that information or not ?

M. DE CAIX said that reference had indeed been made to the matter in the newspapers, but he had no official confirmation thereof. It was quite probably true. If he had to be very discreet in his reply, it was not because the question was indiscreet, but because he had no information on the point raised.

¹ See Minutes of the Thirty-fifth Session of the Commission, page 72.

Lord HANKEY, referring to military expenditure, noted, from a table on page 160 of the report, that, in 1937, only 20,000 francs had been spent in Syria on national defence. On the other hand, in the table on page 172 the estimates for national defence for 1938 were given as amounting to one million francs. Furthermore, according to the same table, nothing was provided for national defence in the Lebanon budget. What was the explanation?

M. DE CAIX said that the matter could probably be explained as follows: The sums referred to by Lord Hankey were not earmarked for the maintenance of the Syrian troops, that item being met out of the common funds, which were still administered by the mandatory authority. The items in question concerned expenditure by the Ministry of National Defence and, in view of the present activity of that Ministry, the sum of 20,000 francs seemed better justified than that of one million francs shown on page 172 of the report. The latter sum seemed an excessive credit, and one that might be used for expenditure somewhat different from that for which it had been voted.

M. RAPPARD asked whether the one million francs in question had been spent.

M. DE CAIX said that he had asked for the table of expenditure up to December 31st, 1938. Some additional information might be found in it.

M. RAPPARD thought that one million francs would not go far towards the upkeep of an army, but that it was a large sum for a Ministry which was not very active.

M. DE CAIX said that, in Syria, there were, for the moment, two Ministries that were more or less nominal—foreign affairs and national defence. Lebanon did not vote any credit for those items doubtless because it did not wish to give the appearance in this matter of an independent activity which was as yet non-existent.

M. RAPPARD noted that these were nominal Ministries, so far as the activities which they did not perform were concerned, but very real so far as the credits they allotted to themselves were concerned.

Lord HANKEY understood that, in practice, the whole question of national defence was in the hands of the mandatory Power.

M. DE CAIX replied that, at the present time, the command of the French forces in the Levant was responsible for the upkeep, training, discipline and equipment of the troops. The question of the organisation of the Syrian army under the Treaty regime was one of the most delicate to settle.

M. RAPPARD asked whether the gendarmerie and the mobile guards were under the Ministry of National Defence.

M. DE CAIX replied that they were probably under the Ministry of the Interior. The Ministry of National Defence had been established a considerable time after the organisation of the gendarmerie, which thus already had certain connections that it had been obliged to maintain.

Lord HANKEY did not want to multiply questions on military organisation, for they referred to a state of things which was still altogether provisional. He thought that the gendarmerie and the police were now under the Syrian Government, but there was also a French mission. Were its relations with the Syrian Government satisfactory (page 75 of the report)? On page 42, on the subject of the Criminal Investigation Department, it was said that "in Syria, particularly, its task had been made difficult by the attitude of the Syrian police, who now had a tendency not to collaborate with the Criminal Investigation Department as they had done in the past".

M. DE CAIX said that the French gendarmerie missions in Syria and Lebanon had continued their work without being hampered by the local governments, who seemed to appreciate the services rendered to them by an efficient gendarmerie. The police of the States were under the control of the Criminal Investigation Department, but, since the Treaty had begun to be applied, they had been withdrawn from that control, and their collaboration with the Criminal Investigation Department had become unsatisfactory. It might also be mentioned that recently, the Damascus police having proved inadequate, the High Commissioner had attached them to the gendarmerie because the latter performed their duties more efficiently. The Damascus police had proved unequal to their task during the riots, on which occasion they had shown political partiality.

Lord HANKEY assumed that all those difficulties were more or less inevitable during a transitional period and with a population of that type.

M. DE CAIX said that that was indeed the position. It was desirable that the organisation should be maintained in such a manner that the police and gendarmerie were fully prepared to fulfil their duties under the regime which would succeed that of control still being exercised by the mandatory Government.

Lord HANKEY asked for information regarding scouting, to which a reference was made on page 77 of the report. Was there any special training for scouts and any means of supervising the organisation of scouting ?

M. DE CAIX replied that, in the training of young people in general, particularly scouts, the tendency in Syria was to develop the most intense nationalism. That was the aim of the Ministry of Education. That tendency was not without ill effects, even on the training of young people, but the authority responsible for the maintenance of order could nevertheless only intervene in the event of violent demonstrations such as disturbances provoked by students. Apart from giving advice, perhaps, to the Syrian directors of education, it was a very delicate matter to influence the spirit of the scout movement. It would have to be either abolished or put under some sort of control, and that would involve intervention in all national schools.

Mlle. DANNEVIG noted (page 77 of the report) that " this evolution (towards a political character and para-military formations) seems to have made school-children turn against scouting to some extent ". Did not that statement conflict with the foregoing observations ?

M. DE CAIX replied that in Syria, as elsewhere, many families would prefer their children to devote all their time to study and not get mixed up in political agitation. Using the schools as an instrument for political action might please some parents, but undoubtedly disturbed and dissatisfied a great many more.

Lord HANKEY had noted (page 42 of the report) the statement that " 185,811 passports have been visaed on entry and 174,862 on departure. The increase in the number of travellers entering the country as compared with the previous year is due to the exodus of hundreds of Palestinian families to Syria and Lebanon in order to get away from the disturbances in Palestine." Were those Palestinian families mainly Jews, or were there some Arabs among them ?

M. DE CAIX did not know. He would ask for the information to be given in the next report.

M. RAPPARD noticed that nearly as many people left the country as entered it, which showed that there was a great deal of coming and going ; that did not altogether tally with the explanation given in the report.

M. DE CAIX also had the impression that the explanation in question was somewhat exaggerated. There was always a great deal of movement over the frontier, but he did not think that many families had left Palestine for good with the intention of settling in Syria or Lebanon.

Lord HANKEY observed that the Criminal Investigation Department was very active at the frontiers (page 42 of the report) : 43,680 identity-cards had been made out for foreigners residing in the territories under mandate ; sixty-four undesirables had been deported : 1,805 foreigners had been refused admission, and more than 4,000, who had no identity-papers or whose position was irregular, had been brought before the courts and asked to leave the territory when they had served their sentences.

ARMS AND AMMUNITION : MEASURES TO CONTROL SMUGGLING : POWDER AND EXPLOSIVES MONOPOLY

Lord HANKEY, referring to the list of imports (page 192 of the report) pointed out that imports of arms and ammunition seemed to have been very low in 1938 (198 tons), especially as it was stated that the police had been re-equipped. Was there any reason to suspect large illicit imports of arms ?

M. DE CAIX replied that arms were undoubtedly smuggled into Syria, in spite of the constant efforts of the Criminal Investigation Department to prevent it. Some of the smuggled arms were unquestionably intended for Palestine. In view of the nature of the country and of the frontier, he did not think it could be suppressed entirely, but only hampered and made dangerous.

Lord HANKEY said that, during the discussions of annual reports regarding Palestine, it had been observed that the erection of a barbed-wire barrier at the frontier between the two countries had doubtless facilitated the task of the police on either side. It had also been stated in that connection that the relations between the military and police authorities of the two countries were excellent.

On page 43 of the report it was stated that 685 arrests had been made for smuggling arms. In the matter of the import of arms was the smallness of the police force, to which M. de Caix had referred, possibly a factor likely to add to the difficulties ?

M. DE CAIX explained that the police proper—that was to say, the town police—were scarcely called on to deal with the smuggling of arms, which was a matter for the Criminal Investigation Department, the military forces and the gendarmerie. The mandatory Power,

which was still responsible for relations with neighbouring countries and, in the last resort, for the maintenance of public order, had left the supervision and suppression of the smuggling of arms in the hands of the Criminal Investigation Department. In some instances, it was obvious that, in a town like Damascus, for example, certain weaknesses on the part of the police might make things easier for smugglers ; but it was chiefly on the roads that they could most effectively be controlled.

Lord HANKEY said he had supposed that smuggling was carried on principally not by road, but through the ports and along the coast.

M. DE CAIX said it was very difficult to find out where smuggled arms entered the territory ; but he thought it was much easier to keep watch on the coast than on the land frontier in mountainous and desert country. As regards smuggling in general, mention had often been made of the extent to which the desert was used for clandestine imports.

M. RAPPARD thought that there was probably no smuggling of arms into Syria from Palestine.

M. DE CAIX replied that arms, the origin of which could not always be ascertained, had on occasion been smuggled into Syria ; for instance, during the two years of uncertainty that had followed the Treaty, a considerable number of contraband guns was reported to have reached the Alawites.

In reply to questions by M. Rappard and M. van Asbeck, M. de Caix added that those arms might have come from the north. It was difficult to land arms on the coast, because boats were carefully watched as soon as they came in sight ; though some, of course, might be landed by night.

Lord HANKEY concluded from the explanations given by the accredited representative that the military authorities, the gendarmerie and the Criminal Investigation Department were taking active steps in the matter. Nevertheless, the number of rifles seized (page 43 of the report) was very small.

In the paragraph headed " Powder and Explosives Monopoly " (page 187 of the report), the monopoly receipts were shown to be more than 300,000 francs higher than in 1937. He understood that the powder and explosives controlled by the Monopoly were intended exclusively for civilian purposes. Was proper care taken to see that they did not pass into the illicit traffic ? The authorities had been struck by the large number of bombs apparently made by amateurs which were being used in Palestine.

M. DE CAIX replied that the Explosives Trade Monopoly supplied explosives for mines, quarries, public works, etc., as well as for sporting purposes—that was to say, for all civilian requirements. All the inhabitants of the country had to obtain their supplies from the Monopoly. Importation and distribution of ammunition were therefore controlled, and any unauthorised sales or distribution constituted a legal offence. There was no explosives factory in the country ; all powder was imported. That was why M. de Caix did not think it possible that large quantities of explosives could leave the territory for the manufacture of bombs for use in Palestine.

JUDICIAL ORGANISATION : PROTECTION OF FOREIGN INTERESTS : PROSTITUTION

M. VAN ASBECK recalled, that, last year, ¹ the Commission had noted that " the professional capacity and moral authority of the judiciary still left something to be desired ", and that " the Syrian Government has suspended the Judiciary statute and given to the Minister for Justice such absolute powers as ' to leave the judiciary without any guarantees and to imperil its independence ' "

The report for 1938 (pages 69 *et seq.*) raised a large number of questions, but, in view of the present transitional stage, it was essential to examine more closely the information in the report concerning the performance of the Minister's task. Administrative action was painted in somewhat sombre colours, but that might be because the persons who had drawn up that chapter of the report were somewhat too critically minded. On page 69, it was stated that the courts composed exclusively of Syrian judges " are overwhelmed with cases, which makes matters difficult for them. This situation is largely due to the methods employed in criminal procedure. Many of the judges attached to the Public Prosecutor's Department dare not take decisions themselves, as, for instance, to drop a charge where this is the correct procedure. The result is that far too many cases are brought before the examining magistrates. The latter, in their turn, are very reluctant to dismiss a case and refer nearly all of them to the courts."

¹ See Minutes of the Thirty-fifth Session of the Commission, page 204.

The report went on to say :

“ As was the case last year, the task of the French Inspector-General, although he is by contract a Syrian official, has been hampered by the Minister ; as a result, the training of the judges suffers, and they are deprived of the opportunity of receiving advice which would save them from committing the errors just mentioned.

“ Many young judges, some of whom have studied in France, showed signs of understanding their duties better, but it is to be feared that their good intentions will be discouraged as a result of the methods employed by the Ministry of Justice, which is unwilling to be guided by any rules in the choice of judges, and shows a tendency to appoint them, by delegation, to posts not suited to their grade. ”

Had the mandatory authorities been able to exert any influence over the Syrian Government with a view to remedying that state of affairs ?

M. DE CAIX replied that, in such matters, the mandatory authority, short of taking over entirely the judicial staff and the administration of justice, could only act in accordance with the advice and observations of the highest French magistrate in the service of the Syrian Government. Since the relaxation of control under the mandate, there had admittedly been a certain amount of backsliding which French magistrates, with a keen sense of their responsibilities and of the duties of the profession to which they belonged, could not fail to report. That was a point of view which had to be taken into account in assessing a position in regard to which the influence of Eastern habits could not be eradicated overnight. Some progress had certainly been made in Syrian justice under the mandate and since the time when M. de Caix had belonged to the High Commissariat. While the weakening which was openly mentioned in the report must be acknowledged, the evolution of the whole situation should be kept in mind if an impartial idea of the present position of justice in Syria were to be obtained.

M. VAN ASBECK concluded that such facts must be weighed against their Oriental background.

He recalled that, last year,¹ the accredited representative had stated that “ the Decree suspending the regulations governing the Syrian Judiciary was only provisional ”. Had those regulations been brought into force again, or would that be done in the near future ?

M. DE CAIX had no precise information on the point, but he did not think so, since the report made no mention of the regulations having been brought into force again.

M. VAN ASBECK noticed a reference on page 72 of the report to a form of intervention in the work of the courts which appeared bewildering to a Western mind :

“ The Ministry of Justice had seen fit to bring a whole court (the Criminal Court of Damascus) before the Supreme Council of the Judiciary in connection with a decision rendered by it.”

The report added that the court was acquitted, thanks to the vigorous intervention of the French judge. Did the Constitution permit of such an act on the part of the Syrian Government ? Was that to be regarded as an indication of the general mentality prevailing among the members of the judiciary, or was it an exceptional case due to the exceptional nature of existing circumstances ?

M. DE CAIX replied that it should be regarded mainly as an illustration of a lack of adaptation of the country's existing political customs to the principles which the Syrian Administration was supposed to be applying. The Syrians had good intentions, but found it difficult to shake off the easy-going habits which they had seen prevail for so long.

M. RAPPARD asked whether, in the case in question, the Ministry of Justice had acted in order to rectify wrong judgments given by the Criminal Court of Damascus, or whether it bore a grudge against that court for having tried the case too well.

M. DE CAIX had felt the same curiosity, but no proper opinion on this extraordinary action could be formed without a report on the facts of the case.

M. VAN ASBECK noted (page 71 of the report) that “ the question of the future regime of the courts dealing with cases involving foreigners has not yet been settled ”. The report further stated (page 70) that, as the outcome of lengthy negotiations with the Minister of Justice, “ the draft of a new statute for the courts dealing with cases involving foreigners had been submitted to the High Commissioner on March 10th, 1938 ”. That draft was incomplete, some of the most important questions being left outstanding. Pending the settlement of those questions, had the draft, on which agreement appeared to have been reached, been adopted ?

¹ See Minutes of the Thirty-fifth Session of the Commission, page 101.

The Ministry of Justice was in favour of abolishing the Executive Bureau of the courts dealing with cases involving foreigners—that was to say, the supervision by the French President of the execution of decisions rendered. The result of such a measure, the report stated, would in fact be to weaken the guarantee afforded to foreigners by the existence of the special courts.

M. DE CAIX replied that the future regime of the courts dealing with cases involving foreigners could only be determined by the judicial convention provided for by the Treaty ; the conclusion of that convention would doubtless be made a condition of any Treaty agreed on in lieu of that of 1936.

The mandatory authority had not given its consent to the abolition of the Executive Bureau, which the Ministry of Justice desired as a means of diminishing the immunities and privileges enjoyed by foreigners. That was merely the reflection in the field of judicial administration of the general tendency of Syrian nationalism rapidly to obliterate all the legacies from the past which ran counter to its claims. It was obvious that there could be no yielding on that point.

M. VAN ASBECK noticed that it was stated in the report (page 70) that :

“ As in the case of the Executive Bureau, any local court should either decide not to proceed with the case when a foreigner intervenes in proceedings in progress between Syrian parties, or refrain from dealing with the case when one of the parties is a foreigner. This rule is no longer fully respected. The local courts sometimes refuse to admit that those foreign nationals allowed by a decision of the High Commissioner to be tried by the courts dealing with cases involving foreigners are amenable to those courts.

“ A campaign is apparently being conducted in Syria against those courts. ”

That confirmed what M. de Caix had said about the opposition of the Syrians to the foreign courts. M. van Asbeck would merely like to know whether the High Commissioner or his advisers were competent to intervene when those local courts dealt with a case which did not come within their jurisdiction when a foreigner was a party to it.

M. DE CAIX replied that the mandatory authority, which was responsible for the respect of the rights of foreigners and of undertakings regarding them, would be qualified to intervene in a case of that kind.

M. VAN ASBECK asked that the next report might contain information on the subject, on the move for the abolition of the Executive Bureau and generally on all matters concerning the rights of foreigners.

M. DE CAIX took note of that request.

M. VAN ASBECK noted (page 102 of the report) that the Court of Cassation of the Jebel Druse had been abolished.

M. DE CAIX recalled that the Jebel Druse had been incorporated in the Syrian State and added that the court had been an unjustified luxury in such a small and thinly populated territory.

M. VAN ASBECK noted that the report went on to say :

“ The Presidency of the court of appeal, of the court of first instance and the post of examining magistrate were given to Syrian judges who are Moslems. The latter were obliged to resign on December 11th, 1938, as a result of popular demonstrations.”

A French judge had therefore been appointed.

The report did not mention any similar difficulties in Lebanon. Was the status of the judges respected there ?

M. DE CAIX pointed out that Lebanon was more advanced, much more imbued with Western ideas, and much more amenable to the influence of the mandatory Power, which was not confronted there with the same nationalistic spirit.

M. VAN ASBECK noted that :

“ The High Commissioner has issued a decree to prevent a foreign woman engaging in prostitution from circumventing an expulsion order by contracting a formal marriage with a national of the States under mandate, which enabled her to acquire, under the laws in force, the nationality of her consort ” (page 42 of the report).

A method had thus been found of preventing blank marriages as contracted in Palestine to avoid expulsion.

Mlle. DANNEVIG noted (page 42 of the report) that :

“ The Lebanon Government has, on the proposal of the Director of the Criminal Investigation Department, established . . . a special force for the suppression of clandestine prostitution, which was spreading, and the supervision of hotels and furnished lodgings. 266 women have been arrested, 27 houses closed, and proceedings instituted in 41 cases of procuring. Domestic servant employment agencies have been subjected to strict control by the police.”

Again, in the first table on page 72, among other cases judged by the criminal courts, mention was made of “ abductions of women ”. What did that mean ?

M. DE CAIX replied that these abductions were not necessarily connected with prostitution : most of them were merely elopements.

Mlle. DANNEVIG had the impression that justice on that point was more severe in Lebanon than in Syria. Was the situation better in the latter territory ?

M. DE CAIX could not give an opinion on that point.

FREEDOM OF CONSCIENCE : EQUALITY OF TREATMENT IN RELIGIOUS MATTERS

M. VAN ASBECK, referring to the observations presented to the Council last year,¹ raised the question of the registration of religious converts.

M. DE CAIX replied that conversions were not recorded in the civil status registers in the case of Moslems, whose conversion to some other religion was still regarded in Syria as inadmissible. In this connection, he read some highly characteristic passages from a memorandum submitted by the Ulemas against a decree of the High Commissioner on the status of communities, which had met with so much opposition that it was decided not to apply it to Sunnis.

The street demonstrations and the protests made showed how difficult it was to introduce any reform which appeared to touch upon the law of the Koran. Thus, in their memorandum to the High Commissioner, the Ulemas had protested against any assumption that Moslems were entitled to abjure their religion. A non-Moslem was not entitled to be the husband of a Moslem woman ; in fulfilment of that rule, if a Christian woman became a Moslem, the Cadi requested the Christian husband to do likewise or declared them divorced. According to conceptions of that kind, “ freedom of conscience ” was merely the right of each religious community to apply the rules of its religion even though they were the negation of individual liberty. That was the state of mind encountered when dealing with Syrian Moslems.

M. de Caix added that a commission appointed by the Syrian Government had endorsed the conclusions of the Ulemas with regard to the High Commissioner's decree.

M. RAPPARD pointed out that all such practices were contrary to freedom of conscience. How could the High Commissioner be reproached for having adopted a measure to promote freedom of conscience ?

M. DE CAIX had just narrated facts which illustrated the difficulties encountered in dealing with this question. It might be added that the Sunnis declined to regard themselves as communities similar to the others because, according to their ideas, their religion was part of the State, which was obliged to see that all its rules were observed. The documents he had just quoted were conclusive : their authors were religious or political authorities, and they were very far from mere journalistic estimates or interpretations.

M. VAN ASBECK gathered that the question of conversions caused less difficulty in the case of the Alawites. The report stated (page 113) :

“ As previously, difficulties have arisen regarding the registration on the civil status rolls of Alawite converts to Christianity. A circular had been issued by the Mohafez to all civil status registrars, instructing them to treat Alawites in the same way as Sunnis, who are absolutely forbidden to change their religion—that is, forbidding them to refuse the registration on the civil status rolls of any Alawite as a convert to Christianity. When proceedings were instituted against the Mohafez and the civil status registration official by the parties concerned and the head of the community which they had joined, the case was settled out of court to the satisfaction of the plaintiffs.”

M. DE CAIX replied that registrations of Alawite conversions had indeed been forbidden, but that the prospect of a judicial debate in a country where the influence of the mandate had remained stronger than in Inner Syria had enabled a situation to be remedied which, moreover, only affected a comparatively small number of persons.

¹ See Minutes of the Thirty-fifth Session of the Commission, page 204.

M. VAN ASBECK recalled that the report for 1937 stated that registrations had been suspended. Were fresh measures now being taken ?

M. DE CAIX repeated that the threat of legal action had been sufficient ; but that only applied to the Alawites, not to the Sunnis.

Lord HANKEY said the report had reached him too late for him to have time to study it thoroughly. It seemed to him, however, that the subject had been largely exhausted by the general questions that had already been put. Taken as a whole, the situation appeared to him to be far from satisfactory. A decree of the High Commissioner's had not been enforced. Was it not possible to do something more to improve the position ?

M. DE CAIX replied that the question was very difficult. He had read certain passages from the memorandum by the Ulemas, not for the purpose of denouncing an instance of fanaticism to the Commission, but to prove to it that there existed a doctrine which was professed by the entire religious majority and which was of a strictness that admitted of no compromise. He failed to see how, in the present state of custom, the High Commissioner could secure the recognition of Moslem apostates by recording them on the Syrian civil status registers. There must be very few Oriental countries in which toleration of that kind existed, and the question must generally raise great difficulties.

Lord HANKEY wished to know the magnitude of the problem ; and in particular whether or not a great many persons were suffering from the present situation.

M. DE CAIX replied that such persons were very few in number, conversions being very rare. The High Commissioner's decree applied to members of the Christian communities but not to Sunni Moslems. Cases of conversions leading to litigation were very exceptional ; he remembered that, over a long period, there was only one under discussion. The question, in fact, was much more one of violation in principle of what was regarded as freedom of conscience—a right belonging to every individual—than of hardship imposed on any considerable number of persons.

Lord HANKEY wondered whether, in these circumstances, undue importance was not being attached to the question.

M. RAPPARD explained that, up till now, the question had not arisen so prominently. He did not see how the present policy could be justified in view of Article 8 of the mandate.

As events had turned out, freedom of conscience had not been ensured—on the contrary. Furthermore, there was discrimination, since the conversion of non-Sunnis was permitted and that of Sunnis prevented. M. Rappard, personally, was not very much impressed by M. de Caix's statement that there were very few conversions. What would be the position if freedom prevailed ? If conversions were prohibited by a law tolerated by the High Commissioner and if, in addition, the prevailing atmosphere was such that conversion was execrated as well, only a hero would acknowledge himself a convert. It might be said that it was impossible to ensure freedom of conscience in that country ; well and good. But if that was really the case it should be mentioned that on that point the mandate could not be applied.

M. DE CAIX wished to point out that, as a matter of fact, in all the countries where conversion was unrestricted, for example, Algeria or Lebanon, conversions of Moslems were none the less extremely rare ; he did not believe that, even under a regime of greater freedom, the position would change much. The conversion of a Moslem involved not merely a change within, but the abandonment of a personal status determined by a religion which regulated every act of civil life. It was therefore an extremely difficult step to take, and was rare even in countries where the authorities offered no opposition.

As regards the text of the mandate, it was certain that, in the matter of freedom of conscience, some of its requirements were not being satisfied. But when the mandate was drawn up, had any consideration been given to the difficulties attendant upon the enforcement in practice of the general and, seemingly, easily applied provisions it included ? It would, moreover, be a mistake to believe that the mandate had had no effect on religious toleration : it had improved the condition of the religious minorities and protected them from that severity which, had it not existed, would have been their lot.

M. RAPPARD said that to compel anyone to divorce for religious reasons was an interference with his freedom of conscience.

M. DE CAIX agreed that it was contrary to Western ideas, but he had had to deal with large numbers of Moslems, some of whom were his friends, and he had noted that, with them, the subject brooked no discussion ; they appealed to the principles of the law of their religion and declined to allow any exception to its literal application.

Lord HANKEY drew attention to the unsatisfactory character of the position in that respect.

He noted that the report gave no indication of the number of conversions registered, except for Latakia and Lebanon.

Mlle. DANNEVIG asked whether, if a Christian came from Europe and married a Moslem woman, he would be compelled to leave the country immediately. Were the other Moslem denominations as strict as these Sunnis ?

M. DE CAIX replied that conditions would only be different if the European in question occupied a very strong position ; cases of that kind could only be very rare.

ECONOMIC EQUALITY : CONCESSIONS : COMMERCIAL AGREEMENTS WITH PALESTINE, GERMANY AND JAPAN

In reply to a question by Count de Penha Garcia, who referred, *inter alia*, to Article II of the mandate, M. DE CAIX explained that, since Japan and Germany were no longer Members of the League of Nations, the territory under mandate was no longer under the obligation to grant them economic equality. That had enabled Syria to make imports from those two countries dependent on the purchase of a certain quantity of goods from the territory.

Count DE PENHA GARCIA merely wished to draw the accredited representative's attention to the point.

There was another question which had often occupied the Commission's attention, and which was not mentioned in the report. During the period under review had any important concessions been granted which disregarded the economic equality clause ?

M. DE CAIX replied that a concession to prospect for and eventually work petroleum deposits had been granted to a company consisting of all the big oil groups. Until quite recently, under the High Commissariat's legislation, which was based on French metal-mining legislation, any person could apply for a permit to prospect for and work petroleum. Permits of that kind had been applied for only by two companies, one of which, moreover, had shortly afterwards surrendered its rights to the other. After the Treaty, the Syrian Government had ceased to apply that legislation, preferring the large-scale concession system adopted in Iraq and Iran, where substantial payments were made by the concessionaries before any petroleum deposit was worked or even located with certainty. After negotiations with various groups a contract was signed with a company known as " Petroleum Concession ", which had obtained a monopoly to prospect and operate over a large area, except for the permits previously applied for by another group, which was Swedish. That concession involved the payment of royalties immediately it was ratified—that was to say, long before commercial operations had begun.

Count DE PENHA GARCIA asked whether that concession did not include nationals of the mandatory Power.

M. DE CAIX replied in the affirmative, but added that there were other countries also ; French interests in the company were no greater than in the other companies of which it was a subsidiary and which had concessions in other Eastern countries, notably in Iraq.

Count DE PENHA GARCIA appreciated that that was a special condition. The concession was open to all. Anyone about to commence operations must give guarantees, but that was not specifically bound up with the interests of the mandatory Power.

M. DE CAIX said that that was so, but that only powerful groups—and they were very few in number—could hope to compete for the concessions, which involved heavy payments before there was any certainty that oil deposits existed—a certainty which could only be definitely established after extremely expensive borings.

Count DE PENHA GARCIA noted these clarifications, which he had not found in the report.

M. GIRAUD noted (page 34 of the report) that :

" In August 1938, the Palestine authorities denounced the Commercial Convention concluded in 1929. The six months notice required under the agreement began to run on September 1st, 1938, and will end on February 28th, 1939. Conversations have been opened with a view to the conclusion of a new convention."

What stage had those negotiations reached ? Was it anticipated that a new agreement would soon be concluded ?

M. DE CAIX could not say. Palestine had long desired to denounce the agreement, no doubt in order to favour certain home industries in which considerable capital had been invested. The position was not the same in regard to agricultural produce.

M. GIRAUD pointed out that, on pages 36-37 of the report, the results of the commercial agreement with Germany were set out. They appeared to be satisfactory. The purpose had been to secure the purchase by Germany of goods to the value of 45% of her sales. The proportion reached was actually 49%.

Regarding the agreement with Japan, it was stated that exports to that country were still insignificant, and that economic interests in Lebanon and Syria had been complaining and demanding the revision of the agreement. Was there any real hope of a substantial increase in exports from Syria to Japan? Apart from cotton, what goods did Syria hope to export in large quantities to Japan?

M. DE CAIX replied that, since the production of cotton in Syria was capable of considerable development, that might prove to be a method of appreciably counterbalancing Japanese imports, which could only be kept out by very high Customs duties.

M. GIRAUD assumed that, apart from cotton, there were scarcely any other goods which could be exported to Japan.

M. DE CAIX stated that he did not know of any which could be exported in any considerable quantity.

In reply to a question put by Lord Hankey, he added that the reason why Japanese goods were imported in such large quantities was that they were extraordinarily cheap.

ECONOMIC SITUATION : AGRICULTURE : INDUSTRY : IMPORTS AND EXPORTS : TRADE BALANCE

M. GIRAUD said that the report showed that, generally speaking, the economic position in Syria and Lebanon had remained satisfactory in 1938. Good weather conditions had resulted in good crops, particularly of cereals (page 19 of the report). The production of subsistence crops had greatly increased (page 21), leaving large surpluses available for export. The fruit crop (page 21) had been abundant. Stock-raising was flourishing (page 23), and prices had been remunerative.

In both Syria and Lebanon, industrial activity had been normal, and the statistics given in the report showed that production had risen in most branches of industry, except in the Aleppo area, which had suffered from the political situation in the Sanjak of Alexandretta (pages 24-26 of the report).

As regarded foreign trade, there had been an appreciable increase (page 31 of the report) in the tonnage of exports (33%), though the increase in value was much less (14%). This was due to the increased export of heavy goods of low value and a decline in sales of high-priced goods. Imports had decreased in weight by 6%, though their value had risen by 32% (page 31 of the report), owing to the increase in the price of goods purchased abroad consequent on the fall of the franc. That great increase in the value of imports had accentuated the deficit in the trade balance. The deficit had been progressively reduced from 1931 to 1936, in which year it amounted to 239 million francs, but, in 1937, it rose again to 543 million francs, and, in 1938, to 815 million francs (page 30 of the report). It must, however, be borne in mind that, in Syria and Lebanon, the balance of accounts was favourably influenced by the considerable funds remitted by Syrians and Lebanese abroad, which materially reduced, or even entirely offset, the deficit in the trade balance.

Examination of the other returns indicative of the economic position showed that net Customs receipts (page 58 of the report) had risen by 17%, which, it was true, must be attributed to the application of a coefficient of increase of 1.20 in specific duties introduced by the Order of May 6th, 1938 (page 57 of the report); that the credit balance of the local treasuries had risen from 26 million francs at the end of 1937 to 32 million at the end of 1938 (page 174 of the report); that the currency circulation (page 187 of the report) had risen by approximately a quarter (which might be due to the fall in the franc); that postal and telegraph traffic had, in general, increased both within the territory and with foreign countries (page 39 of the report); that railway traffic (both passengers and goods) had fallen off slightly (pages 38 and 208-211 of the report), while traffic in the ports showed a slight increase in the total tonnage handled (pages 37 and 38 of the report); and, lastly, that the tourist traffic and arrivals of summer visitors (pages 27 and 28 of the report) had risen by about a third.

The year 1938 might therefore be described as normal in Syria and Lebanon, agriculture, which was the essential element in the economic life of those territories, having benefited by favourable conditions.

In regard to foreign trade, M. Giraud readily understood that the fall in the franc had helped to increase the deficit in the trade balance, because it had led to a considerable increase in the value of imports, which frequently had to be paid for in currencies standing at a premium. Nevertheless, he wondered why the fall in the franc had not exercised a greater stimulus on

imports of French goods, as in other territories under mandate. The "Table of Imports by Countries of Origin" on page 191 of the report, and that on page 31, showed that France, which, in 1937, had occupied first place, had fallen, in 1938, to second place.

M. DE CAIX observed that to reply it would be necessary to know, in respect of all the goods, why the Syrians and Lebanese bought in the markets they did. Perhaps the fall in the franc had not been sufficient to induce buyers to change their markets. Some goods, moreover, France could not supply.

M. GIRAUD pointed out that the total percentage of imports from France had fallen. On pages 24-25 of the report it was stated that :

"As regards cotton yarns, Turkey, which, in 1937, had taken almost the entire output of Lebanon, has this year placed restrictions on its purchases, whereby sales have been considerably reduced."

What were those restrictions? Were they Customs measures?

M. DE CAIX replied that, apart from exceptional Customs measures, none of which had been introduced, the reduction could be explained by the difficulties of trade with Turkey, where very severe exchange restrictions were in force, and by the reduced demand resulting from the economic difficulties prevailing there and the fact that the Turkish cotton-mills, in which the Government was interested, were increasing their output.

M. GIRAUD drew attention to the following passage (pages 18 and 19 of the report) : "Though in weight Lebanese exports have increased by about 33%, the increase in value has been less marked. This is due to an increase in exports of heavy goods of low value (pulse and 74,000 tons of stone and gravel to Iraq . . .)."

M. DE CAIX explained that the export of stone and gravel was exceptional : It was required for the building of the railway to Mosul.

M. GIRAUD recalled that, last year,¹ he had already pointed out that, in the tables of imports and exports (pages 192 and 194 of the present report), the chief articles were rather illogically grouped. The tables merely gave the figures of imports and exports according to the chapters of the Customs tariff.

M. DE CAIX replied that it would be difficult to change the nomenclature.

M. GIRAUD observed that, in the other territories, the chief imports and exports were listed separately ; that method was more informative than a mere indication of the total for each chapter.

M. DE CAIX undertook to ask the Customs authorities to prepare a table showing the articles which were the most important so far as trade was concerned.

In reply to a question by M. Giraud, M. de Caix explained that cotton production had increased rapidly because Syria possessed a labour force accustomed to that type of cultivation and more plentiful than that available in most tropical colonies.

M. GIRAUD understood, therefore, that it was hoped to produce cotton in large quantities in Syria in the fairly near future.

M. DE CAIX said that cotton-growing could certainly be developed.

ANTIQUITIES

Count DE PENHA GARCIA had little to say on the question of antiquities, except that the report contained a great deal of information (pages 50 *et seq.*) concerning the progress made in the method of working and the increased interest displayed in these matters. As the period in question had been a difficult one, it must be recognised that, generally speaking, the position had been fairly satisfactory. Such was the impression to be gained from the passages in the report dealing with excavations, museums, etc., and he would like to know whether that was due to increased interest in these matters on the part of the State and the municipal authorities themselves.

M. DE CAIX replied that, in a country which wished to derive large profits from the tourist trade, it was impossible not to be interested in activities of that kind. He added that, in Syria, interest was more particularly concentrated on the monuments dating from the Moslem period : in that connection, mention could be made of the work being carried out at the Damascus Museum to re-erect the entire façade of an Ommiad castle, the fragments of which had been carefully numbered and brought from the desert.

¹ See Minutes of the Thirty-fifth Session of the Commission, page 96.

TWENTY-SIXTH MEETING

Held on Saturday, June 24th, 1939, at 10.30 a.m.

Syria and Lebanon : Petitions.

M. de Caix came to the table of the Commission.

PETITION, DATED NOVEMBER 1ST, 1938, FROM M. HABIB EL HACHE, M. NEJIB SOULEIMAN EL HACHE AND OTHER MEMBERS OF THE ISMAILIEH COMMUNITY OF MASSYAF

Lord HANKEY summarised the contents of the petition. Had the persons charged been tried and, if so, where and with what result ?

M. DE CAIX replied that the case was still in course of investigation ; it had not been possible to identify the murderers. The lonely character of the spot where the crime was committed had made it impossible to effect an immediate capture. The victim had recently foreclosed on an Alawite village to which he had lent money, and sold it up. Disturbances had followed the execution. The Alawites had tried to prevent the purchaser from cultivating the land thus acquired, while Latakia had not perhaps done all that was necessary to promote appeasement in that difficult area, where conflicts between villagers and landowners were frequent. The investigating magistrate, who was a Syrian, had not found any grounds for action against the persons whose names had been reported to him. The latest information in M. de Caix's possession was to the effect that the preliminary investigation was still proceeding.

The CHAIRMAN pointed out, since legal proceedings were still continuing, that it was the practice of the Mandates Commission to refrain in principle from any expression of opinion on a petition relating to questions in connection with which judicial proceedings were still pending.

M. DE CAIX added that the case was being followed closely by the mandatory authorities in view of the excitement which it had aroused ; but it was essential to bear in mind the extreme difficulty of enquiries in a case where the victim and the presumed murderers were not of the same confession, and where the whole trouble had no doubt originated in the seizure of a village and the dispossession of its inhabitants. Passions in such circumstances ran high ; and convincing evidence was necessarily difficult to obtain, whatever the efforts of the judicial authorities.

Lord HANKEY said that he found that the preliminary steps to investigate the crime had been taken very promptly and before the petition of the Ismailiehs of Massyaf had been submitted ; as the observations of the French Government showed, the judicial authorities had taken all requisite action in the matter, and judicial proceedings were still pending in the case. Under those circumstances, and after study of the relevant article of the Rules of Procedure of the Mandates Commission on the subject of petitions, Lord Hankey must conclude in favour of rejection of the petition.

PETITIONS DATED (a) JANUARY 8TH, 1939, FROM M. IBRAHIM DEBS, DOUMA, (b) JANUARY 12TH, 1939, FROM M. HILMI ATASSI, HOMS, (c) APRIL 1ST, 1939, FROM M. HASSAN MOURAD, M. PHILIPPE ATALLAH AND OTHER SIGNATORIES, HOMS

Count DE PENHA GARCIA asked whether the strike at Homs had been of long duration, and whether there had been any serious incidents in connection with it.

M. DE CAIX replied that the strike of the bazaars at Homs had not actually lasted very long, and that, moreover, it had been intermittent. He had not heard of any serious incidents in connection with it.

Count DE PENHA GARCIA drew attention to the observations of the French Government, from which it appeared that the breaches of domicile complained of in the petition could only have been due to action by the Syrian police as distinct from the forces of the mandatory Power. Did that mean that, when unlawful action was committed by the Syrian police, the mandatory authority no longer intervened ?

M. DE CAIX said that no categorical answer could be given to that question. Generally speaking, the police were under Syrian authority, and the mandatory authority did not resume its control over them except in cases where the incompetence was too serious, as at Damascus.

COUNT DE PENHA GARCIA pointed out that the petitioners complained of breaches of domicile of which the mandatory Power appeared not to be aware. It would seem to follow that the mandatory Power no longer regarded itself as responsible for what occurred in Syria.

M. DE CAIX explained that it was impossible to intervene in all cases : in many of them, moreover, the complaints were much exaggerated. Either a certain freedom of action must be left to the Syrian Government, or else the mandatory authority must resume complete control over the whole machinery of government. The Syrians were now subject to the Syrian Government in the matter of police ; and very serious abuses would have to occur for there to be any reversal of that position. In the case of Homs, M. de Caix had only heard of incidents of small consequence.

The mandatory Power was doing its best to give as much information as possible to the Commission ; but it did not follow that its accredited representative was in possession of complete information on every detail of the Syrian administration. It was certain that, at present, the mandate was being relaxed ; but the High Commissioner was in a position to obtain information from the authorities, and the fact that the observations of the French Government accompanying those petitions did not appear to attach more than a modicum of importance to the facts denounced therein was in itself evidence that they were of little importance.

The High Commissioner had a representative at Homs, who would have reported any serious incidents to his chief ; the latter, in turn, would have reported them to the French Government ; and the French Government would not have hesitated to inform the Commission in its comments on the petitions transmitted to the latter.

PETITIONS (ELEVEN IN NUMBER) FROM INHABITANTS OF JEZIREH

M. RAPPARD asked for information as to (1) the real importance to be attached to the signatories of the petitions, (2) the interpretation to be placed on the fact that the petitions, all couched in identical terms and all urging the continuance of French authority in the territory, had come from different parts thereof, and (3) the accredited representative's views on the allegation in the petition of May 26th, 1938, that a man had been struck "in a court of law".

M. DE CAIX replied that the assertion that "a son of the Jezireh" had been struck by the examining magistrate of Damascus was one of the things that were very often said when a Syrian was put in prison. The person in question was one of those who had abducted the Mohafez in connection with an incident with which the Mandates Commission had dealt at its last session.¹ The accused was first sent to Palmyra with orders not to leave it, and later was imprisoned at Damascus. After fifteen months of detention, pending trial, he was released as a measure of appeasement on the intervention of the mandatory authority although he had been sentenced to imprisonment for eighteen months.

As to the importance of the signatories of the eleven petitions under examination M. de Caix explained that they were, in fact, notables ; but they were not necessarily very important personages in view of the character of the country, its poverty and the number of the groups that had sent the petition.

It should not be thought that the identity of expressions noted in the petitions urging the continuance of French authority was due to any intervention on the part of the agents of the Mandatory. The apprehensions entertained by groups in Jezireh as to what would happen when the mandate came to an end were very widespread ; and the identity of views between the authors of the petitions was sufficient to explain the uniformity of wording.

PETITIONS DATED (a) JULY 17TH, 1938, FROM M. ABDEL RAHMAN RAFAI, TRIPOLI, (b) JULY 30TH, 1938, FROM M. ANIS OMAR NAJA, M. SAMI EL TYARA AND OTHERS, BEIRUT, (c) JULY 18TH, 1938, FROM M. ABDALLAH LATIF BISSAR, M. MOHAMED ALY DINNAOUI AND OTHERS, FORWARDED BY M. CAMILLE KLAT, TRIPOLI

Mlle. DANNEVIG, after summarising the contents of the petitions, drew attention to the following statement in the observations of the French Government :

" If the Shiah Moslems, who are are not among the authors of the complaints attached hereto, do not yet enjoy this equality (in the representation of the various religious sects), that is because of the tardy development of public education in the districts which they inhabit."

M. DE CAIX explained there were not yet enough Shiahs capable of filling adequately administrative posts of some importance. Hence the complaints which were continually being repeated. There was no question of a desire to keep this particular community out of public office. The educational efforts of the Lebanese Government, a great part of which had been directed to the areas inhabited by the Shiahs, were in process of improving the position.

¹ See Minutes of the Thirty-fifth Session of the Commission, page 85.

Mlle. DANNEVIG asked for explanations as to the separatist tendencies of a certain number of Sunnis of Lebanon to which reference was made in the final paragraph of the mandatory Power's observations.

M. DE CAIX replied that Lebanon was a group of minorities in which the Sunnis had not the predominant position which they held in the interior.

Syria and Lebanon : Examination of the Annual Report for 1938 (continuation).

FRONTIER BETWEEN SYRIA AND LEBANON

Count DE PENHA GARCIA asked whether it was correct that a Commission for the delimitation of the Lebanese-Syrian frontier had been appointed.

M. DE CAIX said that the suggestion was new to him. The frontier had been fixed a long time ago. The area of Lebanese territory had remained unchanged since September 1920.

FRONTIER BETWEEN SYRIA AND THE SANJAK OF ALEXANDRETTA

Count DE PENHA GARCIA asked whether the frontier between Syria and the Sanjak of Alexandretta had been demarcated, and whether the modifications now contemplated as regards the Sanjak would make new demarcation necessary in certain parts.

M. DE CAIX replied that the frontier in question had been demarcated ; but minor changes might be necessary to include certain villages in Syria in the event of the Franco-Turkish conversations, which had been going on for some time, reaching a settlement.

AGREEMENTS CONCLUDED, OR TO BE CONCLUDED, WITH TURKEY

Count DE PENHA GARCIA asked whether the Treaty of Friendship and Good-neighbourly Relations between Turkey and Syria (page 16 of the report), which was due to expire in July 1939, would be renewed ; or would the political agreements recently discussed render such renewal unnecessary ?

M. DE CAIX said that there were certain non-political points affecting the relations between Syria and Turkey (such as frontier questions) which would require to be settled in addition to the political issues.

PROPERTY CLAIMS IN TURKEY OF INHABITANTS OF SYRIA AND LEBANON

Count DE PENHA GARCIA asked whether the case of persons opting for Syrian or Lebanese nationality, who owned property in Turkey, ¹ was in process of settlement (page 16 of the report).

M. DE CAIX said that everything depended on the goodwill displayed by the Turkish authorities in allowing those concerned to take possession of their properties, or enabling them to obtain due compensation where the properties had already been disposed of.

DENUNCIATION OF THE FREE TRADE AGREEMENT BETWEEN PALESTINE AND SYRIA

Count DE PENHA GARCIA noted that the High Commissioner in Palestine had denounced the free trade agreement between Palestine and Syria. Had that denunciation had any adverse effect on Syrian trade ?

M. DE CAIX replied that the measure in question was too recent to have had any adverse effect as yet ; it was unlikely that the new regime would be as advantageous to Syria as the old.

EXTRADITION CONVENTION BETWEEN SYRIA AND PALESTINE

Count DE PENHA GARCIA enquired whether the negotiations with Palestine on an Extradition Convention were being held up by difficulties.

M. DE CAIX explained that extradition was already in force between the two countries, and the sole object of the proposed Convention was to improve the regulations at present in force.

¹ See Minutes of the Thirty-third Session of the Commission, page 37.

RELATIONS BETWEEN SYRIA AND IRAQ

In reply to a question by Count de Penha Garcia, M. DE CAIX said that the Iraqi Government, for reasons which could only be put down to nationalist sentiments, had never been anxious to negotiate agreements concerning Syria with the mandatory Power.

POSSIBILITY OF ASSISTANCE FROM SYRIA IN CONNECTION WITH THE DISTURBANCES
IN PALESTINE : QUESTION OF THE SUPERVISION OF THE EX-MUFTI OF JERUSALEM AND OTHER
ARAB LEADERS FROM PALESTINE : TRAFFIC IN ARMS

Count DE PENHA GARCIA, referring to the disturbances in Palestine, asked whether the "Palestine Defence Committee", which had its headquarters at Damascus, was under close supervision by the French authorities ; had the latter done everything they legally could to suppress its activities ?

M. DE CAIX replied that, if the Committee in question had really directed operations in Palestine, as alleged, it could only have done so secretly. If it had acted openly, it was certain that it would have been dissolved by the mandatory authorities.

He had made enquiries of a number of French people in Damascus on the subject ; none of them had ever heard of a committee which openly directed the activities of the rebels in Palestine. The mandatory Power was obliged to take account of the extreme susceptibility of Arab opinion ; but it certainly had no thought of supporting the rebels in Palestine, even by abstention from action, and while such activities as those mentioned might escape its attention, it would never knowingly tolerate them, should they come to its notice.

M. VAN ASBECK asked whether the surveillance of the "Palestine Defence Committee" was exclusively a matter for the French Criminal Investigation Department ; or did the latter act in more or less close collaboration with the Syrian police ?

M. DE CAIX said that, in matters of that kind, the initiative and direction rested with the Criminal Investigation Department, which was still dependent upon the High Commissariat : it could, if it saw fit, request the collaboration of the Syrian police.

Count DE PENHA GARCIA asked whether the mandatory Power had any organised system of secret surveillance in the case of suspect persons entering the territory from Palestine : some such organisation would appear to be essential in view of the serious nature of the events.

M. DE CAIX regretted that he had not made any enquiries on the point ; but he felt sure that the existing system of surveillance of arms and persons crossing the frontier was utilised by the French authorities to prevent, so far as was possible, assistance from Syria being given to the insurgents in Palestine. It was evident that such collaboration with the mandatory authority in Palestine could not be completely effective, since the population was in sympathy with the Palestinian Arabs ; in consequence, it might well be that the Syrians succeeded in conveying money, for example, into Palestine.

Count DE PENHA GARCIA observed that the ex-Mufti of Jerusalem was a refugee in Lebanon. Was he still in the same village close to the Palestine frontier ; if so, were the authorities satisfied that his activities were not such as to attract the attention of the police ?

M. DE CAIX said that, so far as he knew, the ex-Mufti of Jerusalem had not changed his residence ; the suggestion that he should be sent to Latakia had not been pressed. The Criminal Investigation Department was keeping an eye on comings and goings at his house.

Count DE PENHA GARCIA said that, according to *The Times* of May 8th and *Le Temps* of May 9th, 1939, one of the rebel chiefs of Palestine, Aref Abdul Razzik, who had given himself up to the French authorities on April 12th and had been ordered to remain at Palmyra, had fled with three companions. Was that true ; and, if so, what had been done to apprehend him ?

M. DE CAIX had no information on the subject.

Count DE PENHA GARCIA pointed out that the French authorities were responsible for the safe custody of Aref Abdul Razzik ; he would like to know what had become of that rebel chief.

PRESS REPORTS CONCERNING THE REPRESENTATION OF SYRIAN ARABS AT THE LONDON
NEGOTIATIONS IN REGARD TO PALESTINE

COUNT DE PENHA GARCIA said that, according to certain newspaper reports, it had been the intention of the Syrian Chamber to protest against the Syrian Arabs not having been invited to the London Conferences concerning the Palestine problem.

M. DE CAIX did not know whether that had been the intention of the Syrian Chamber ; in any case, the question certainly did not arise, since such an invitation would have been inconsistent with the mandate, which was still in force.

PUBLIC FINANCE : TAXATION : ECONOMIC SITUATION (*continuation*)

M. RAPPARD had the impression that the finances of Syria reflected the fluctuations of the administrative position during the financial year 1938. Two outstanding features dominated the financial year : the devaluation of the currency on the one hand and the increase in taxation on the other—the percentage of increase in the latter being less than that of the devaluation of the former. Nevertheless, there had apparently been no falling-off in the yield of taxation ; that might be explained by the increase in the taxable matter, as a result of the favourable effect of the rains on agricultural undertakings (page 155 of the report).

He did not see how to reconcile the publication on page 161 of the report of a statement of revenue and expenditure for 1937 communicated by the Syrian Government, with the announcement on page 158 that the Syrian and Lebanese Governments and the Sanjak of Alexandretta had declined to communicate revenue and expenditure accounts for the financial year in question.

M. DE CAIX explained that the statement on page 161 was provisional. The figures it contained were not likely however to differ very much from the final figures, so that the French Adviser had accordingly seen no objection to inserting them in the report. The figures for Lebanon, for example (which had reached M. de Caix after the report had been drawn up), did not differ from the totals given in the provisional statements.

There was no question of the Governments mentioned by M. Rappard (other than the Government of the Sanjak) refusing to co-operate ; there had merely been delays and inexactitudes.

M. RAPPARD read the statement in the report (page 161) to the effect that :

“ The budgets of the Lebanese and Syrian Republics are voted by Parliament and promulgated by the President of the Republic. Those of the Syrian Mohafazats are also promulgated by the central authorities, but only after approval by the regional representative councils.”

Were the public finances suffering from the relaxation by the mandatory Power of its responsibilities ?

M. DE CAIX did not think that the figures at any rate justified such an inference : nor could it be said that the French Financial Adviser was unable to make his voice heard—especially in difficult situations.

M. RAPPARD was astonished that the Customs receipts did not appear to be sufficient to finance the services common to the various territories, as the Mohafazats were asked to pay a 5% contribution to the State.

M. DE CAIX said that the reason for imposing a 5% contribution was not so much to obtain the actual revenue concerned, as to ensure that the Mohafazats with special regimes did not lose interest in general affairs. It might happen, moreover, that the refund payable in respect of Customs receipts, after the common expenditure had been defrayed, was higher than the amount of the contribution in question.

M. RAPPARD asked for an explanation of the refusal by the Jebel Druse to make any contribution to the Central Government.

M. DE CAIX replied that the Jebel Druse was a very poor country, and its inhabitants (including the notables) defended their money very keenly.

M. RAPPARD asked if there was not some reason for apprehension as to the financial future of a country some of whose citizens did not appear to show any marked civil discipline ?

M. DE CAIX said that that apprehension might be present in the minds of the representatives of the Mandatory ; but, up to the present, it did not seem to have been justified by the facts. The increases in the Civil Service and the unproductive expenditure voted had not, in fact, prevented the budget of the country from being balanced.

M. RAPPARD said that, in view of what was known of the Syrian administration, the results of the financial year 1938 were extremely favourable. What was the explanation ?

M. DE CAIX explained that the agricultural situation had been favourable, and the yield of taxation had not been appreciably affected by the political agitation, which had remained superficial and, since 1925, had hardly touched the country districts. It might indeed be said to be confined to the large towns. Moreover, there was nothing to prove that the Syrians were unable to keep their finances in order. Some of their officials were capable of very efficient work in that connection, if politics did not nullify their actions.

M. GIRAUD asked whether the municipal tax referred to on page 97 of the report was not in fact a surtax on the Customs duties collected at the frontier, as it only affected foreign produce.

M. DE CAIX agreed. The difference was that that tax was not collected on entry into the territory, but only at certain points.

M. GIRAUD concluded that the resulting position was tantamount to an internal Customs barrier between Syria and Lebanon.

M. DE CAIX agreed that such was the situation which tended to be created under the influence of the spirit displayed by the two States in the treatment of the question of their common interests.

TOBACCO MONOPOLY

M. RAPPARD observed that the account given on page 182 of the report appeared to show that the Tobacco Monopoly was working satisfactorily.

M. DE CAIX said that that was so, both from the fiscal and from the business standpoint. The tobacco crops had been improved, and the tobacco was selling and exporting better. The surplus stocks which had had to be bought up from the producers, and for which the States were largely liable to the Monopoly, under arrangements already reported to the Commission,¹ were being used up much more rapidly than had been anticipated, because consumption within the country was developing faster than had been expected, so that it was possible that the charges on the Syrian and Lebanese Treasuries for the reduction of those excess stocks would be next to nothing.

LABOUR

M. GIRAUD said that the report mentioned (page 27) the establishment of a Labour Welfare Department in Lebanon, for the purpose of co-ordinating information relating to labour and unemployment, preparing the elements of labour social legislation, and seeing that such legislation was applied. What were the activities of that Department ? Was labour social legislation at present in course of preparation ?

M. DE CAIX replied that he had not yet received information concerning the activities of this particular Department in Lebanon. The only social legislation in the country consisted of laws relating to the work of women and children, and certain provisions of the law of contract (code des obligations). The large companies operating in Syria and Lebanon, which were drawing up internal regulations on the subject of industrial accidents and conditions of employment (page 27 of the report), were introducing a very advanced system, which might have adverse effects on the workers as a whole, who did not, and could not, enjoy the same advantages as the employees of some big companies.

M. GIRAUD said that the chapter dealing with labour and industry in Syria (page 91 of the report) gave the impression that there were still large gaps in labour legislation in that country.

M. DE CAIX observed that a Syrian deputy had tabled a draft law on the subject which had still to be discussed.

M. GIRAUD asked that the statistics given on page 91 of the report might in future be completed by an indication of the way in which the workers were divided among the various industries.

M. DE CAIX remarked that those statistics could only be rough estimates.

¹ See Minutes of the Thirty-fifth Session of the Commission, pages 104 and 105.

M. GIRAUD noted that out of 72,000 workers in Damascus, 10,000 were children (page 91 of the report). Was there not reason to think, *a priori*, that the proportion was very high ?

M. DE CAIX replied that the figures really referred to handicraftsmen, and that the children only worked intermittently when the father and mother were absent for one reason or another. Syrian parents were far from being hard on their children : they tended rather to be too lenient. If there was one thing to complain of in those countries, it was not excess of work, but difficulty of marketing.

M. GIRAUD asked whether there was not any system of labour inspection in Syria.

M. DE CAIX replied that there was none. The system existed only in Lebanon.

M. GIRAUD asked whether it would be possible to have, for Lebanon, some statistical data similar to those given for Syria.

M. DE CAIX undertook to try to obtain them.

DRUGS

In reply to questions by Lord Hankey, M. DE CAIX explained that the passage on page 43 of the report meant that the hashish sent to Egypt was an adulterated drug of reduced value. There had been constant arrests in connection with the traffic in narcotic drugs ; but, as it was extremely lucrative, it was a permanent temptation for many. When hashish crops were destroyed in one district, the inhabitants of another district attempted to grow them. The districts concerned were generally poor, with very few facilities for cultivating lucrative crops.

Lord HANKEY pointed out that much more opium was seized in 1938 than in 1937 (page 43 of the report). Opium seizures were increasing rapidly from year to year. Had any representations been made to the Turkish Government regarding opium coming from Malatia ?

M. DE CAIX replied that the mandatory Government was only responsible for suppressing the transport of opium across Syrian territory. Other activities in that connection were a matter for the international organs of the League of Nations.

Lord HANKEY wished to know whether any change which might take place in the status of the Sanjak of Alexandretta was likely to affect the traffic in narcotic drugs. On page 41 of the report it was stated that five new posts had been established on the boundary between the territory of the Sanjak and that of Syria.

M. DE CAIX did not think the change in the status of the Sanjak would make any difference to the suppression of the traffic in narcotic drugs ; the same authorities as before had that duty to perform. The posts referred to were not specially concerned with the surveillance or suppression of the drug traffic.

Lord HANKEY asked whether M. de Caix could give him the figure of the " other " arrests in connection with cocaine (page 43) which were usually given in the annual reports.

M. DE CAIX regretted he was not in possession of the figure : he undertook to see that it reappeared in subsequent reports.

In reply to a question by M. Rappard, he added that the population of Syria was little affected by drug addiction. In that respect, it had a clean bill of health.

EDUCATION : INFLUENCE OF POLITICS IN THE SCHOOLS

Mlle. DANNEVIG noted from pages 44 to 46 of the report that, in Syria proper, the educational initiative had in the main passed to the local authorities, and the French agents were in most cases reduced to the rôle of mere observers. The local authorities had apparently shown a consistent desire to act independently of foreign guidance. According to the report, apart from certain mistakes committed, those authorities had generally given proof of a high sense of duty, undoubted care for the public welfare and much patriotic feeling.

M. DE CAIX replied that the report, far from saying that the Syrian authorities had shown a consistent desire to act independently of foreign guidance, even indicated the contrary. Moreover, the French adviser on educational matters had not by any means a low opinion of

the Syrian officials of the Department of Education. The minority groups had always been supporters of foreign participation in education. If the majority were now trying to get rid of it, that was nothing new. It merely represented the tendency, which had become general in the East, to eliminate the dominance of Western culture.

Mlle. DANNEVIG noted with satisfaction that the Syrian Government was taking great interest in education, and that the credits for the Department of Education had been increased since 1936 (page 78 of the report). It was strange, as was said in the report, that the foreigners should be accused in Syria of wishing to keep the population in ignorance when the mandatory Power and other foreign institutions had founded such a large number of schools in the territory.

M. DE CAIX explained that this was one of a group of accusations which many Syrian nationalists were always ready to make; they bore no relation to the facts. The improvement in the present position of education as compared with the position twelve years previously was, nevertheless, considerable.

Mlle. DANNEVIG called attention to the part which politics played in the schools. The students, according to the report (page 77), looked upon themselves as the shock troops of nationalism, and were ready at any moment to come out on strike at the intimation of political groups, having frequently neither the taste for study nor the sense of discipline which study required. At Damascus, the students of certain of the high school classes had attended only eighty working days. Political agitation was rife in the high schools, to the great prejudice of discipline.

M. DE CAIX explained that there was a great difference between the Syrian teachers, who were usually serious-minded men, and the politician. The young people who went on strike and worked for only eighty days a year in the high schools were often congratulated by the Ministers themselves and were not allowed to be punished. The schools were an instrument of political agitation in the hands of parties. The politicians inflamed the minds of the students by telling them that they were the hope of the Arab nation and the fighters for its independence.

Mlle. DANNEVIG supposed that that partly explained the number of candidates who failed in their examinations. She also noticed that the classes were overcrowded.

M. DE CAIX replied that it was not certain that, if the standard required by the examiners were as high as it ought to be, the number of candidates who failed would not be still larger. As matters stood, it must be admitted that the political activities of the schools—which were by no means to the taste of many of the parents—had become a real source of weakness, so far as studies were concerned.

Mlle. DANNEVIG said that the statistics included in the report with reference to primary education (page 79) showed that the number of State schools and of pupils attending them had increased. The number of girls had, however, decreased slightly; and the education of girls appeared to lag behind that of boys.

It was also stated on the same page of the report that a large number of applications for admission had had to be refused because of a lack of accommodation. The report stated that the schools were less overcrowded than before; nevertheless the average number of pupils per class (forty-three) was still too large.

It was interesting to note that instruction had been provided for illiterate adults. Some fifty courses had been established which had been attended by 2,423 students (page 79 of the report). How were those courses organised? Were they connected with primary education? Was it proposed to develop them? Were they approved of by the population?

Pages 83 and 84 of the report referred to a new kind of education described as general supplementary schools. Was the object of that instruction to continue the education of pupils leaving the primary schools who were unable to embark upon lengthy studies in the secondary schools? It was apparently the intention gradually to require pupils who wished to go on to the secondary schools, the commercial schools, training colleges for teachers in primary schools, etc., first to attend those supplementary classes. Mlle. Dannevig would welcome any additional information about that new system. Why had it been introduced and what part was it called upon to play in the educational system as a whole?

M. DE CAIX replied that the French Adviser, who had succeeded in persuading the competent authorities to accept his suggestions concerning the school programmes, was endeavouring to restrict access to the secondary schools, as there was now a plethora of lawyers and doctors and would-be civil servants in the territory.

The supplementary courses recently introduced took the pupils as far as the certificate of general supplementary education or, alternatively, the entrance examination for technical schools. Generally speaking, the number of pure intellectuals in Syria was too large; and that was one of the reasons why supplementary education had been established.

Mlle. DANNEVIG understood that the grant made by the Government to the private schools (page 87 of the report) amounted to 546,000 francs, a very small sum out of a budget of 32 millions francs. Was it proposed to increase it, or did the State intend gradually to take over the private schools?

M. DE CAIX replied that it was unlikely that the Syrian State would take much interest in those schools, which were minority schools, or that it was thinking at the moment of taking them over. The establishment of new schools absorbed practically all the funds available for education.

Mlle. DANNEVIG was surprised to find in the district of Latakia (page 114 of the report) that, out of a total of 16,024 pupils, there were only 4,338 Alawites, though the number of Alawites in the district was 235,516 out of a total of 371,880 inhabitants (page 113 of the report). What were the principal obstacles in the way of the development of education among the Alawites ?

M. DE CAIX replied that the Alawites lived in remote and mountainous districts poorly equipped with schools. However, there had been some improvement in the position, since, in the Mohafazat of Latakia, there were now a number of schools in Alawite centres hitherto without any at all.

Mlle. DANNEVIG asked whether politics were kept out of the schools in Lebanon.

M. DE CAIX replied that the schools in Lebanon were comparatively free from political influence, though politics played its part—as it did in other parts of the world—in determining where schools should be built.

Mlle. DANNEVIG did not propose to dwell on the matter of technical schools and universities in Lebanon, of which a very full account was given in the report (pages 131 *et seq.*). She wished, however, to draw attention to the statement on page 144 of the report to the effect that :

“ The health conditions obtaining in rural districts and the possibilities of improvement were studied, as in the previous year, by professors and students of the Village Welfare Service of the (American) University. Three holiday camps were formed by them, one near Damascus, another in Békâa, and the third in North Lebanon.”

Were those activities successful and were the students interested in them ?

M. DE CAIX had no information as to the reception of the Village Welfare Service. The persons engaged in it were a small group, who, however, took a keen interest in the work.

In reply to a question by M. Rappard, M. de Caix said that several Near Eastern States, including Syria, granted scholarships to the American University.

PUBLIC HEALTH

Count DE PENHA GARCIA said the report showed that, on the whole, the state of health of the population of the territory was satisfactory. The public health budget was larger, but, as the Syrian currency had been devalued, was that a real increase ?

M. DE CAIX replied that it was real in so far as it represented a larger proportion of the budget.

Count DE PENHA GARCIA congratulated the mandatory Power on having devoted special attention to villages in which the spleen index was highest. He also noted that a decree had been promulgated for the suppression of fraud in foodstuffs. Was it thought that this would be effective ?

M. DE CAIX replied that the services of doctors, of whom there was a sufficient number, could be enlisted to assist in carrying out the decree. But it was as well to bear in mind the habits which had prevailed for so long in the country in estimating the decree's effectiveness.

Count DE PENHA GARCIA drew attention to the heavy infant mortality in the Jebel Druse (page 108 of the report).

M. DE CAIX explained that there could be no improvement in the figures until the Druses became more enlightened than they were at present, and the mothers of families in the first place.

Count PENHA GARCIA noted the satisfactory results obtained by the mobile medical service in the Jebel Druse (page 108 of the report).

Was the new health organisation of the Cazas in the Mohafazat of Latakia likely to prove useful (page 121 of the report) ?

M. DE CAIX replied that the new organisation was of very recent date, and some time must elapse before it could be seen whether the results were better than those of the old organisation.

DEMOGRAPHIC STATISTICS

M. RAPPARD noted the tables inserted at the end of the report (pages 212 and 213). Were the data in them taken from the civil registers? What was meant by "sedentary population"?

M. DE CAIX replied that the sedentary population comprised the whole population other than the bedouins. The tables were based on the civil registers, in which the population was classified especially by religion.

M. RAPPARD thought it would be interesting to know how many foreigners there were by nationalities.

M. DE CAIX replied that there were not many foreigners in Syria.

In reply to a further question by M. Rappard, M. de Caix said that most estimates put the number of bedouins in Syria at from 200,000 to 250,000.

Lord HANKEY noted that, in 1938, the number of foreigners entering Syria from Palestine was greater than the number leaving it: the opposite was the case in previous years. On page 42 of the report this was attributed to the flight of hundreds of Palestinian families from the troubles in Palestine.

M. DE CAIX said that this development was probably due to the disturbances in Palestine; but, in any case, it was not possible to form an accurate idea of the position by examining it year by year. People might enter the country one year and leave it the following year. To estimate movements of population, it was necessary to take a period of several years.

M. RAPPARD asked that future reports might contain a table of the population of Lebanon similar to that compiled for the population of Syria.

CLOSE OF THE HEARING

The CHAIRMAN observed that the examination of the report on Syria had this year proved particularly difficult, owing to the uncertainty which, from an administrative point of view, had prevailed in that country throughout 1938. The local authorities had been granted some measure of independence; simultaneously, the mandatory Power had lost part of its control—to such an extent, indeed, that, more than once, the Commission had had the impression that it was asking the mandatory Power to account for events which it no longer controlled. In some cases, moreover, the mandatory authority had been compelled to resume administration in order to make good the lapses or deficiencies of the Syrian authorities, who had no sense of government and were at all times tempted to abuse their powers. Lastly, it had not been without some concern that the Commission had noted that prejudices characteristic of the countries of the East were still so strong in Syria that they sometimes defeated all the efforts exerted by the mandatory Power to counteract them—for instance, in the spheres of education and freedom of conscience.

The Chairman thanked M. de Caix for once again giving such valuable help to the Commission. He regretted, however, that the report on Syria and Lebanon had not reached the Commission until after the opening of the session; as a result, the members had been compelled to make an additional effort at a time when the daily work of the session claimed all their attention. He felt bound to insist that the responsible departments should prepare the document in good time; it was a matter of courtesy towards the Commission. Moreover, the actual content of the report gave clear evidence of the haste with which it had been prepared.

TWENTY-SEVENTH MEETING

Held on Saturday, June 24th, 1939, at 5 p.m.

Palestine: Policy laid down by the United Kingdom Government in the Document entitled "Palestine—Statement of Policy" of May 1939 (continuation): Exchange of Views between the Members of the Commission (continuation).

The Commission, after an exchange of views, appointed a Drafting Sub-Committee.

TWENTY-EIGHTH MEETING

Held on Monday, June 26th, 1939, at 5 p.m.

South West Africa : Observations of the Commission.

The Commission began its examination of the text of its observations on the administration of South West Africa.

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 14).*

Palestine : Policy laid down by the United Kingdom Government in the Document entitled "Palestine—Statement of Policy" of May 1939 (continuation) : Exchange of Views between the Members of the Commission (continuation).

The Commission continued its exchange of views on the basis of the texts resulting from the work of the Drafting Sub-Committee.

TWENTY-NINTH MEETING

Held on Tuesday, June 27th, 1939, at 10.30 a.m.

New Guinea : Observations of the Commission.

After an exchange of views, *the Commission adopted the text of its observations concerning New Guinea (Annex 14).*

Syria and Lebanon : Petitions, dated (a) January 8th, 1939, from M. Ibrahim Debs, Douma, (b) January 12th, 1939, from M. Hilmi Atassi, Homs, and (c) April 1st, 1939, from M. Hassan Mourad, M. Philippe Atallah and Other Signatories, Homs (continuation).

After an exchange of views, *the Commission adopted the conclusions of Count de Penha Garcia's report (Annex 10).*

THIRTIETH MEETING

Held on Tuesday, June 27th, 1939, at 3.30 p.m.

Palestine : Policy-laid down by the United Kingdom Government in the Document entitled "Palestine—Statement of Policy" of May 1939 (continuation) : Exchange of Views between the Members of the Commission (continuation).

The Commission continued its exchange of views on the basis of the texts resulting from the work of the Drafting Sub-Committee.

THIRTY-FIRST MEETING

Held on Wednesday, June 28th, 1939, at 10.30 a.m.

Palestine : Observations of the Commission concerning the United Kingdom Government's White Paper of May 1939.

After an exchange of views, *the Commission drew up at a first reading the terms of its observations concerning the United Kingdom Government's White Paper of May 1939.*

THIRTY-SECOND MEETING

Held on Wednesday, June 28th, 1939, at 3.30 p.m.

Syria and Lebanon : Petitions, dated (a) July 17th, 1938, from M. Abdel Rahman Rafai, Tripoli, (b) July 30th, 1938, from M. Anis Omar Naja, M. Sami El Tyara, and Others, Beirut, and (c) July 18th, 1938, from M. Abdallah Latif Bissar, M. Mohamed Aly Dinnaoui and Others, transmitted by M. Camille Klat, Tripoli (continuation).

After an exchange of views, *the Commission adopted the conclusions of Mlle. Dannevig's report (Annex II).*

Trans-Jordan : Observations of the Commission.

After an exchange of views, *the Commission adopted the text of its observations concerning Trans-Jordan (Annex 14).*

Syria and Lebanon : Petition, dated November 1st, 1938, from M. Habib El Hache, M. Nejib Souleiman El Hache and Other Members of the Ismailieh Community of Massyaf (continuation).

After an exchange of views, *the Commission adopted the conclusions of Lord Hankey's report (Annex 12).*

Palestine : Petition, dated March 21st, 1938, from the Arab Alcohol Agency, Jerusalem.

After an exchange of views, *the Commission adopted the conclusions of M. Giraud's report (Annex 6).*

Palestine : Letter, dated May 17th, 1939, from the President of the Jewish Agency for Palestine, London, accompanying a Memorandum on the Development of the Jewish National Home in Palestine in 1938.

After an exchange of views, *the Commission adopted the conclusions of Count de Penha Garcia's report (Annex 7).*

South West Africa : Observations of the Commission (continuation).

After an exchange of views, *the Commission adopted the text of its observations concerning South West Africa (Annex 14).*

Nauru : Observations of the Commission.

After an exchange of views, *the Commission adopted the text of its observations concerning Nauru (Annex 14).*

Palestine : Observations of the Commission on the United Kingdom Government's White Paper of May 1939 (continuation) : Question of Procedure.

The CHAIRMAN recalled that, as was customary, the text of the Commission's observations on the White Paper of May 1939 would be communicated to the accredited representative. To enable him to form an exact impression of that document, Mr. MacDonald ought, he thought, to have before him, not only the Minutes of the meetings reporting his hearing, which had already been sent to him, but also the Minutes of the twenty-second and twenty-third meetings, which had been devoted to exchanges of views between the members of the Commission. He suggested that those texts should be communicated to Mr. MacDonald.

The Chairman's suggestion was approved.

Syria and Lebanon : Observations of the Commission.

After an exchange of views, *the Commission adopted the text of part of its observations concerning Syria and Lebanon (Annex 14).*

THIRTY-THIRD MEETING

Held on Thursday, June 29th, 1939, at 10.30 a.m.

Syria and Lebanon : Observations of the Commission (continuation).

After an exchange of views *the Commission adopted the text of its special observations on Syria and Lebanon (Annex 14).*

Palestine : Observations of the Commission on the United Kingdom Government's White Paper of May 1939 (continuation).

After an exchange of views, *the Commission adopted, at a final reading, the text of its observations on the White Paper of May 1939 (Annex 14).*

Palestine : Report of the Sub-Committee on Petitions concerning the General Policy to be adopted by the Mandatory Power and the Suppression of the Disturbances in 1938 and subsequently.

After an exchange of views, *the conclusions of the report were adopted (Annex 8).*

Palestine : General Observation of the Commission.

After an exchange of views, *the Commission adopted the text of its general observation concerning the administration of Palestine in 1938 (Annex 14).*

Syria and Lebanon : Petitions (Eleven in Number) from Inhabitants of Jezireh (continuation).

After an exchange of views, *the Commission adopted the conclusions of M. Rappard's report (Annex 9).*

Syria and Lebanon : (a) Petitions (Twenty-seven in Number), dated June and July 1938, concerning the Sanjak of Alexandretta ; (b) Petition, dated June 11th, 1938, from M. Assad Dagher, Secretary-General of the Syro-Palestinian Committee, Cairo (continuation).

After an exchange of views, *the Commission adopted the conclusions of M. Rappard's report (Annex 13).*

Petitions rejected under of Article 3 of the Rules of Procedure in respect of Petitions : Report by the Chairman.

The Commission noted the Chairman's report (Annex 4).

THIRTY-FOURTH MEETING

Held on Thursday, June 29th, 1939, at 3.30 p.m.

Palestine : Communications from Private Sources received on the Occasion of the Examination of the Problem of Palestine (continuation).

The Commission took note of the fifth supplementary list of communications received from private sources in connection with the problem of Palestine (Annex 5).

Adoption of the List of Annexes to the Minutes of the Session.

The Commission adopted the list of annexes, in which it decided to include the White Paper of May 1939 on Palestine in order to facilitate the study of the Minutes.

Examination of the Draft Report of the Commission to the Council.

After an exchange of views, *the Commission adopted the text of its report to the Council on the work of its thirty-sixth session (Annex 14).*

Date of the Next Session of the Commission.

The Commission decided, in principle, that its thirty-seventh session should open on Tuesday, October 31st, 1939.

Publication of the Report and Minutes of the Thirty-sixth Session of the Commission.

After an exchange of views, *the Commission decided* to follow the regulations laid down by the Assembly for the Advisory Committees of the League, whereby the reports and Minutes of those Committees are to be simultaneously distributed to Members of the League and published at the time of their transmission to the Council in printed form, and not to avail itself of its right to depart from that rule.

It was understood that the Secretariat would do everything possible to expedite the printing of the Minutes and the report and that, if the United Kingdom Government asked that the Minutes of the discussions on Palestine and the Commission's observations on the matter should be published as soon as possible, without awaiting the publication of the rest of the proceedings of the session, the Commission should be deemed to have assented.

Representation of the Commission at the Session of the Council in September 1939 and, if necessary, at the 1939 Assembly.

The Commission decided that, in the event of an invitation being received to be represented at the September session, 1939, of the Council and at the 1939 session of the Assembly, its representative should be its Chairman, M. ORTS, or in the event of the Chairman being unable to attend, M. RAPPARD, Vice-Chairman, or failing M. Rappard, by another member of the Commission to be appointed for the purpose by the Chairman.

Late Communication of Certain Annual Reports.

The Commission decided to mention, in its report to the Council, those annual reports which had not been communicated to it until after the statutory date and to express the hope that the mandatory Powers concerned would in future do everything possible to avoid such delays, which hampered the Commission in its work.

South West Africa : Minutes of Meetings held in the Native Reserves.

M. DE HALLER said that the accredited representative for South West Africa had handed to the Secretariat, for the use of the members of the Commission interested in the question, a number of copies of the Minutes of the meetings held in the various native reserves.

Closing Speech by the Chairman.

The CHAIRMAN wished to emphasise that the session just ending had been one of the most important ever held by the Mandates Commission.

As regarded the problem of Palestine, the Commission had, he thought, done useful work. In the first place, it had unanimously expressed the opinion that the policy set out in the White Paper was not in keeping with the interpretation which, with the concurrence of the Council and the mandatory Power itself, the Commission had always placed upon the Palestine mandate. That was an important point. Some of its members had gone so far as to assert that, whatever new interpretation might be adopted, the policy of the White Paper was contrary both to the terms of the mandate and to the fundamental intentions of its authors, whereas others were of opinion that such a policy might be justified provided that the Council did not oppose it. That divergence of views would itself show those who felt able to settle without hesitation the question whether the White Paper was within the framework of the present mandate that men who had supervised its application year by year for sixteen years might hold different opinions on the matter.

Lastly, the Commission had unanimously decided to recall, in its report, the work of the Royal Commission of 1937 and its own opinion given to the Council in August 1937. The Chairman was very glad of that. In his view, the report of the Peel Commission was the best, the most penetrating and the most objective study of the Palestine problem ever made. The conclusions of that report had not, it was true, been confirmed by the Woodhead Commission ; but the Chairman thought it would be wrong to ignore the work of the Peel Commission and also, perhaps, the favourable reception it had met with at the time from the Mandates Commission. Any solution reached should, he thought, take it into account. The Mandates Commission had therefore done constructive work in drawing the attention of those on whom the final decision depended to that report.

In view of the very detailed nature of the discussions, some surprise might possibly be felt that the report to the Council was so brief, especially as the introduction occupied the greater part of it. But on the present occasion, more than on any other, the Minutes formed the essential complement to the report, and those who took a genuine interest in the problem with which the Commission had dealt would not fail to refer to them.

After the customary thanks the Chairman declared the session closed.

ANNEX 1

LIST OF DOCUMENTS¹ FORWARDED TO THE SECRETARIAT BY THE MANDATORY POWERS SINCE THE LAST EXAMINATION OF THE REPORTS RELATING TO THE FOLLOWING TERRITORIES :

- | | |
|--|------------------------------|
| A. <i>Palestine and Trans-Jordan.</i> | D. <i>Nauru.</i> |
| B. <i>Syria and Lebanon.</i> | E. <i>New Guinea.</i> |
| C. <i>Togoland under French Mandate.</i> | F. <i>South West Africa.</i> |

A. 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 Trans-Jordan for the Year 1938.
2. Ordinances, Regulations, Rules, Orders and Notices. Annual Volume for 1938 :
Volume I : Ordinances ;
Volumes II and III : Regulations, Rules, Orders and Notices.
3. Legislation enacted in Trans-Jordan during 1938 (English translation from the Arabic) (with index for years 1918-1938).

Various Official Publications and Documents.

1. Report of the Partition Commission, October 1938 (Cmd. 5854).
2. Official Summary of the Partition Commission's Report (document C.492.M.334.1938.VI).
3. Statement on Palestine issued by the United Kingdom Government, November 1938 (Cmd. 5893) (document C.492.M.334.1938.VI).
4. Statement of Policy on Palestine by the United Kingdom Government, May 1939 (Cmd. 6019) (document C.163.M.96.1939.VI) (Annex 3).
5. The Quarterly Report of the Department of Antiquities in Palestine :²
Volume VIII : 1, 2, 3, 4.
6. Department of Migration. Annual Report, 1938.²
7. Palestine Official Gazette.²

B. SYRIA AND LEBANON

Annual Report.

Report to the League of Nations on the Situation in Syria and Lebanon, Year 1938.

Various Official Publications.

1. Official Bulletin of the Administrative Acts of the High Commissariat.²
2. Official Journal of the Syrian Republic.²
3. Official Journal of the Lebanese Republic.²

¹ (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 Power.

(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.

² Kept in the archives of the Secretariat.

4. Quarterly Economic Bulletin of the Levant States under French Mandate (Syrian Republic, Lebanese Republic, Mohafazat of Latakia, Sanjak of Alexandretta, Mohafazat of the Jebel Druse) (Third and Fourth Quarters, 1938).¹
5. Syrian Republic. Report on the Cadastral and Land Improvement Works carried out in 1938.¹
6. Lebanese Republic. Report on the Cadastral and Land Improvement Works carried out in 1938.¹
7. State of Hatay. Report on the Cadastral Works carried out in 1938.¹

C. 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 1938 (legislation annexed hereto).

Various Official Publications.

1. Local Budget. Annexed Budget for Railways Operations and Wharves : Financial Year 1938.
2. Final Accounts of the Local Budget and Annexed Budgets : Financial Year 1935.
3. Official Gazette of the Territory of Togoland under French Mandate.¹

D. NAURU

Annual Report and Legislation.

1. Report to the Council of the League of Nations on the Administration of Nauru during the Year 1938 (legislation annexed hereto).
2. Laws of the Island of Nauru in force on December 31st, 1937.¹

Various Official Publications.

Official Gazette of Nauru.¹

E. NEW GUINEA

Annual Report and Legislation.

1. Report to the Council of the League of Nations on the Administration of the Territory of New Guinea from July 1st, 1937, to June 30th, 1938.
2. Ordinances No. 33, 1937, and Nos. 1-51, 1938.

Various Official Publications.

1. Supplement No. 3 to the Official Handbook of New Guinea.¹
2. Official Gazette of New Guinea.¹

*Documents handed in by the Accredited Representative to the Commission at the Seventeenth Meeting of the Thirty-sixth Session on June 19th, 1939.*¹

1. Copies of the Reports in respect of the Year 1937/38 that have been submitted to the Administrator of New Guinea by the Following Religious Missions operating in the Territory :
 - (a) Catholic Mission of the Most Sacred Heart of Jesus ;
 - (b) Catholic Mission of the Holy Ghost, Eastern New Guinea ;
 - (c) Catholic Mission of the Divine Word, Central New Guinea ;
 - (d) Marist Mission, Kieta ;
 - (e) Lutheran Mission, Finschhafen ;
 - (f) Liebenzell Mission ;
 - (g) Methodist Missionary Society of Australasia ;
 - (h) Methodist Missionary Society of New Zealand ;
 - (i) Melanesian Mission ;
 - (j) Seventh Day Adventist Mission ;
 - (k) Lutheran Mission, Madang.
2. Report of the Committee appointed to investigate New Site for the Administrative Headquarters of the Territory of New Guinea.

¹ Kept in the archives of the Secretariat.

3. Report on the Forests of the Gold-fields of New Guinea together with Recommendations regarding a Forest Policy for the Whole Territory, by C. E. Lane-Poole, Inspector-General of Forests.
4. Mount Hagen-Sepik Patrol. A Progress Report, dated January 25th, 1939, from the Officer-in-charge of the Patrol, Assistant District Officer, J. L. Taylor.
5. Map of the Territory showing the Uncontrolled Areas and the Amended Boundaries of the Districts of Madang, Sepik and Morobe.
6. Administration of Native Races by J. R. Halligan. Extract from *Oceania*, March 1939, Vol. IX, No. 3.
7. Native Education. Two booklets.
8. Ordinances Nos. 1-3, 1939.
Two unnumbered Ordinances:
Land Ordinance, 1939 ;
Petroleum (Prospecting and Mining) Ordinance, 1939.
9. Legislative Council Debates :
Eighth Session — August 24th to 25th, 1938 ;
Ninth Session — September 22nd, 1938 ;
Tenth Session — March 2nd, 1939:
10. Supplement No. 2 to the Official Handbook of New Guinea.
11. Territories of Papua and New Guinea. Combined Administrations. Terms of Reference to Committee.

F. 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 1938.
2. Memorandum containing the Mandatory Power's replies to Questions put by Members of the Permanent Mandates Commission at the Examination of the 1937 Report.
3. The Laws of South West Africa, 1937.

Various Official Publications.

1. Accounts of the Administration of South West Africa for the Financial Year 1937/38, together with the Report of the Controller and Auditor-General thereon.
2. Minutes of the Annual Tribal Meetings held during the Year 1938 :

| District | Native Reserve |
|----------------------------|----------------|
| (a) Gibeon | Kransplatz |
| (b) Gobabis | Aminius |
| (c) Gobabis | Epukiro |
| (d) Grootfontein | Otjituo |
| (e) Karibib | Otjimbingwe |
| (f) Keetmanshoop | Berseba |
| (g) Keetmanshoop | Tses |
| (h) Okahandja | Ovitoto |
| (i) Omaruru | Okambahe |
| (j) Omaruru | Otjihovongo |
| (k) Otjiwarongo | Okakarara |

3. Official Gazette of South West Africa. ¹

C.P.M.2126(2).

ANNEX 2

AGENDA OF THE THIRTY-SIXTH SESSION OF THE PERMANENT MANDATES COMMISSION

- I. Opening of the Session.
- II. Election of the Chairman and Vice-Chairman of the Commission for the Year 1939/40.

¹ Kept in the archives of the Secretariat.

III. Examination of the Annual Reports of the Mandatory Powers :¹

- Palestine and Trans-Jordan, 1938.
- Syria and Lebanon, 1938.
- Togoland under French Mandate, 1938.
- Nauru, 1938.
- New Guinea, 1937/38.
- South West Africa, 1938.

IV. Petitions :

A. Petitions rejected by the Chairman as not deserving the Commission's attention :
Report by the Chairman (document C.P.M.2155(1)).

B. Petitions to be examined :

1. Palestine.

(a) Petition, dated March 21st, 1938, from the Arab Alcohol Agency, Jerusalem, forwarded on October 10th, 1938, by the United Kingdom Government with its observations (document C.P.M.2122).

(Rapporteur : M. Giraud.)

(b) Letter, dated May 17th, 1939, from the President of the Jewish Agency for Palestine, London, accompanying a Memorandum on the Development of the Jewish National Home in Palestine, in 1938, transmitted on June 7th, 1939, by the United Kingdom Government (documents C.P.M.2138 and 2138(a)).

Observations of the United Kingdom Government, dated June 19th, 1939 (document C.P.M.2144).

(Rapporteur : Count de Penha Garcia.)

(c) Petition, dated May 1st, 1938, from M. Abdul Halim Abu Daqar and other signatories, Madaba, forwarded on July 11th, 1938, by the United Kingdom Government with its observations (document C.P.M.2086).²

(d) Communication, dated July 25th, 1938, from M. Fahmi El Hussein, Mayor of Gaza, and ten other inhabitants of that town, transmitted on August 26th, 1938, by the United Kingdom Government with its observations (document C.P.M.2090).

(e) Petitions, dated :

(i) September 2nd, 1938, from Dr. H. F. El-Khalidi, Mahe (Seychelles);

(ii) September 24th, 1938, from four other Arab deportees in the Seychelles ;

transmitted on November 18th, 1938, by the United Kingdom Government with its observations (document C.P.M.2123).

(f) Petition, dated September 22nd, 1938, from M. Abdallah Al-Jazzar, Mufti of Acre, and other members of the Christian and Moslem religious communities of Acre, transmitted on May 26th, 1939, by the United Kingdom Government with its observations (document C.P.M.2132).

(g) Letters, dated :

(i) May 31st, 1939, from the President of the Jewish Agency for Palestine, London, concerning the Statement of Policy on Palestine (Cmd. 6019) issued by the United Kingdom Government on May 17th, 1939 ;

(ii) June 4th, 1939, from the President of the Jewish Agency for Palestine, London, communicating a Memorandum dealing with the legal aspects of the Statement of Policy ;

transmitted on June 7th, 1939, by the United Kingdom Government (documents C.P.M.2139 and 2139(a)).

(h) Letter, dated May 28th, 1939, from the Chairman of the General Council (Vaad Leumi) of the Jewish Community of Palestine, Jerusalem, accompanying a Memorandum concerning the Statement of Policy (Cmd. 6019), transmitted on June 7th, 1939, by the United Kingdom Government (document C.P.M.2140).

(i) Letter, dated Geneva, June 12th, 1939, from M. Jamaal Hussein, President of the Palestine Arab delegation, concerning the attitude of the Arabs to the White Paper (Cmd. 6019), transmitted on June 13th, 1939, by the United Kingdom Government (document C.P.M.2142).

¹ The examination of the annual reports on the Cameroons under French mandate and Tanganyika Territory has been deferred to the autumn session.

² The petitions (c) to (j) inclusive were entrusted for examination to a Sub-Committee composed of M. Rappard, M. van Asbeck and Count de Penha Garcia (see Minutes, page 44).

- (j) Petition, dated May 30th, 1939, from M. M. Blo, Central Agudath Israel, Jerusalem, transmitted on June 14th, 1939, by the United Kingdom Government (document C.P.M.2143).
(Rapporteurs : M. Rappard, M. van Asbeck and Count de Penha Garcia.)
- (k) Letter, dated Geneva, June 12th, 1939, from M. Jamaal Husseini, President of the Palestine Arab Delegation, transmitted on June 14th, 1939, by the United Kingdom Government (document C.P.M.2141).¹
2. Syria and Lebanon.
- (a) Petitions (eleven in number) from Inhabitants of the Jezireh, transmitted on May 25th, 1939, by the French Government with its observations (document C.P.M.2127).
(Rapporteur : M. Rappard.)
- (b) Petitions, dated :
- (i) January 8th, 1939, from M. Ibrahim Debs, Douma ;
- (ii) January 12th, 1939, from M. Hilmi Atassi, Homs ;
- (iii) April 1st, 1939, from M. Hassan Mourad, M. Philippe Atallah and other signatories, Homs ;
- transmitted on May 25th, 1939, by the French Government with its observations (document C.P.M.2128).
(Rapporteur : Count de Penha Garcia.)
- (c) Petitions, dated :
- (i) July 17th, 1938, from M. Abdel Rahman Rafai, Tripoli ;
- (ii) July 30th, 1938, from M. Anis Omar Naja, M. Sami El Tyara and others, Beirut ;
- (iii) July 18th, 1938, from M. Abdallah Latif Bissar, M. Mohamed Aly Dinnaoui and others, transmitted by M. Camille Klat, Tripoli ;
- transmitted on May 25th, 1939, by the French Government with its observations (document C.P.M.2129).
(Rapporteur : Mlle. Dannevig.)
- (d) Petition, dated November 1st, 1938, from M. Habib El Hache, M. Nejib Souleiman El Hache and other members of the Ismailieh Community of Massyaf, transmitted on May 25th, 1939, by the French Government with its observations (document C.P.M.2130).
(Rapporteur : Lord Hankey.)
- (e) (i) Petitions (twenty-seven in number) dated June and July 1938, concerning the Sanjak of Alexandretta, transmitted on May 25th, 1939, by the French Government with its observations (document C.P.M.2131) ;
- (ii) Petition, dated June 11th, 1938, from M. Assad Dagher, Secretary-General of the Syro-Palestinian Committee, Cairo (document C.P.M.2108).
(Rapporteur : M. Rappard.)

ANNEX 3

C.163.M.96.1939.VI.

PALESTINE

STATEMENT OF POLICY ON PALESTINE BY THE UNITED KINGDOM GOVERNMENT, MAY 1939 (Cmd. 6019).

LETTER, DATED MAY 20TH, 1939, FROM THE UNITED KINGDOM GOVERNMENT TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS

I am directed by Viscount Halifax to transmit to you, under separate cover, 400 copies of the Statement of Policy on Palestine, which was issued by His Majesty's Government in the United Kingdom on May 17th, following on the Conferences recently held in London with representatives of the Arabs of Palestine, of certain neighbouring countries, and of the Jewish Agency, to discuss the situation in regard to Palestine.

¹ The examination of this petition has been postponed (see Minutes, page 93).

2. I am to request that you will be good enough to arrange for this Statement to be translated into French and to circulate it in both languages to States Members of the League of Nations, the Permanent Mandates Commission, and other normal recipients of League of Nations documents.

3. Separate copies of the Statement in English have in the meanwhile been sent to the members of the Permanent Mandates Commission.

(Signed) C. W. BAXTER.

STATEMENT OF POLICY

In the Statement on Palestine, issued on November 9th, 1938, ¹ His Majesty's Government announced their intention to invite representatives of the Arabs of Palestine, of certain neighbouring countries and of the Jewish Agency to confer with them in London regarding future policy. It was their sincere hope that, as a result of full, free and frank discussion, some understanding might be reached. Conferences recently took place with Arab and Jewish delegations, lasting for a period of several weeks, and served the purpose of a complete exchange of views between British Ministers and the Arab and Jewish representatives. In the light of the discussions as well as of the situation in Palestine and of the reports of the Royal Commission ² and the Partition Commission, ³ certain proposals were formulated by His Majesty's Government and were laid before the Arab and Jewish delegations as the basis of an agreed settlement. Neither the Arab nor the Jewish delegations felt able to accept these proposals, and the conferences therefore did not result in an agreement. Accordingly, His Majesty's Government are free to formulate their own policy, and after careful consideration they have decided to adhere generally to the proposals which were finally submitted to, and discussed with, the Arab and Jewish delegations.

2. The mandate for Palestine, the terms of which were confirmed by the Council of the League of Nations in 1922, has governed the policy of successive British Governments for nearly twenty years. It embodies the Balfour Declaration and imposes on the Mandatory four main obligations. These obligations are set out in Articles 2, 6 and 13 of the mandate. There is no dispute regarding the interpretation of one of these obligations, that touching the protection of and access to the holy places and religious buildings or sites. The other three main obligations are generally as follows :

(i) To place the country under such political, administrative and economic conditions as will secure the establishment in Palestine of a national home for the Jewish people, to facilitate Jewish immigration under suitable conditions, and to encourage, in co-operation with the Jewish Agency, close settlement by Jews on the land.

(ii) To safeguard the civil and religious rights of all the inhabitants of Palestine irrespective of race and religion, and, whilst facilitating Jewish immigration and settlement, to ensure that the rights and position of other sections of the population are not prejudiced.

(iii) To place the country under such political, administrative and economic conditions as will secure the development of self-governing institutions.

3. The Royal Commission and previous Commissions of Enquiry have drawn attention to the ambiguity of certain expressions in the mandate, such as the expression " a national home for the Jewish people ", and they have found in this ambiguity and the resulting uncertainty as to the objectives of policy a fundamental cause of unrest and hostility between Arabs and Jews. His Majesty's Government are convinced that, in the interests of the peace and well-being of the whole people of Palestine, a clear definition of policy and objectives is essential. The proposal of partition recommended by the Royal Commission would have afforded such clarity, but the establishment of self-supporting independent Arab and Jewish States within Palestine has been found to be impracticable. It has therefore been necessary for His Majesty's Government to devise an alternative policy which will, consistently with their obligations to Arabs and Jews, meet the needs of the situation in Palestine. Their views and proposals are set forth below under the three heads, (I) The Constitution, (II) Immigration, and (III) Land.

I. THE CONSTITUTION

4. It has been urged that the expression " a national home for the Jewish people " offered a prospect that Palestine might in due course become a Jewish State or Commonwealth. His Majesty's Government do not wish to contest the view, which was expressed by the Royal Commission, that the Zionist leaders at the time of the issue of the Balfour Declaration recognised that an ultimate Jewish State was not precluded by the terms of the

¹ Cmd. 5893.

² Cmd. 5479 (document of the League of Nations C.495.M.336.1937.VI).

³ Cmd. 5854 (document of the League of Nations C.492.M.334.1938.VI).

Declaration. But, with the Royal Commission, His Majesty's Government believe that the framers of the mandate in which the Balfour Declaration was embodied could not have intended that Palestine should be converted into a Jewish State against the will of the Arab population of the country. That Palestine was not to be converted into a Jewish State might be held to be implied in the passage from the Command Paper of 1922¹ which reads as follows :

“ Unauthorised statements have been made to the effect that the purpose in view is to create a wholly Jewish Palestine. Phrases have been used such as that ‘ Palestine is to become as Jewish as England is English ’. His Majesty's Government regard any such expectation as impracticable and have no such aim in view. Nor have they at any time contemplated . . . the disappearance or the subordination of the Arabic population, language or culture in Palestine. They would draw attention to the fact that the terms of the (Balfour) 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*. ”

But this statement has not removed doubts, and His Majesty's Government therefore now declare unequivocally that it is not part of their policy that Palestine should become a Jewish State. They would indeed regard it as contrary to their obligations to the Arabs under the mandate, as well as to the assurances which have been given to the Arab people in the past, that the Arab population of Palestine should be made the subjects of a Jewish State against their will.

5. The nature of the Jewish National Home in Palestine was further described in the Command Paper of 1922 as follows :

“ During the last two or three generations, the Jews have recreated in Palestine a community, now numbering 80,000, of whom about one-fourth are farmers or workers upon the land. This community has its own political organs ; an elected assembly for the direction of its domestic concerns ; elected councils in the towns ; and an organisation for the control of its schools. It has its elected Chief Rabbinate and Rabbinical Council for the direction of its religious affairs. Its business is conducted in Hebrew as a vernacular language, and a Hebrew Press serves its needs. It has its distinctive intellectual life and displays considerable economic activity. This community, then, with its town and country population, its political, religious and social organisations, its own language, its own customs, its own life, has in fact ‘ national ’ characteristics. When it is asked what is meant by the development of the Jewish National Home in Palestine, it may be answered that it is not the imposition of a Jewish nationality upon the inhabitants of Palestine as a whole, but the further development of the existing Jewish community, with the assistance of Jews in other parts of the world, in order that it may become a centre in which the Jewish people as a whole may take, on grounds of religion and race, an interest and a pride. But in order that this community should have the best prospect of free development and provide a full opportunity for the Jewish people to display its capacities, it is essential that it should know that it is in Palestine as of right and not on sufferance. That is the reason why it is necessary that the existence of a Jewish National Home in Palestine should be internationally guaranteed, and that it should be formally recognised to rest upon ancient historic connection ”.

6. His Majesty's Government adhere to this interpretation of the Declaration of 1917 and regard it as an authoritative and comprehensive description of the character of the Jewish National Home in Palestine. It envisaged the further development of the existing Jewish community with the assistance of Jews in other parts of the world. Evidence that His Majesty's Government have been carrying out their obligation in this respect is to be found in the facts that, since the statement of 1922 was published, more than 300,000 Jews have immigrated to Palestine, and that the population of the National Home has risen to some 450,000, or approaching a third of the entire population of the country. Nor has the Jewish community failed to take advantage of the opportunities given to it. The growth of the Jewish National Home and its achievements in many fields are a remarkable constructive effort which must command the admiration of the world and must be, in particular, a source of pride to the Jewish people.

7. In the recent discussions, the Arab delegations have repeated the contention that Palestine was included within the area in which Sir Henry McMahon, on behalf of the British Government, in October 1915, undertook to recognise and support Arab independence. The validity of this claim, based on the terms of the correspondence which passed between Sir Henry McMahon and the Sharif of Mecca, was thoroughly and carefully investigated by British and Arab representatives during the recent conferences in London. Their report, which has been published,² states that both the Arab and the British representatives endeavoured to understand the point of view of the other party, but that they were unable to reach agreement upon an interpretation of the correspondence. There is no need to summarise here the arguments presented by each side. His Majesty's Government regret the misunderstandings which have arisen as regards some of the phrases used. For their part, they can only adhere, for the reasons given by their representatives in the report, to the view that the whole of

¹ Cmd. 1700.

² Cmd. 5974.

Palestine west of Jordan was excluded from Sir Henry McMahon's pledge, and they therefore cannot agree that the McMahon correspondence forms a just basis for the claim that Palestine should be converted into an Arab State.

8. His Majesty's Government are charged as the mandatory authority "to secure the development of self-governing institutions" in Palestine. Apart from this specific obligation, they would regard it as contrary to the whole spirit of the mandate system that the population of Palestine should remain for ever under mandatory tutelage. It is proper that the people of the country should as early as possible enjoy the rights of self-government which are exercised by the people of neighbouring countries. His Majesty's Government are unable at present to foresee the exact constitutional forms which government in Palestine will eventually take, but their objective is self-government, and they desire to see established ultimately an independent Palestine State. It should be a State in which the two peoples in Palestine, Arabs and Jews, share authority in government in such a way that the essential interests of each are secured.

9. The establishment of an independent State and the complete relinquishment of mandatory control in Palestine would require such relations between the Arabs and the Jews as would make good government possible. Moreover, the growth of self-governing institutions in Palestine, as in other countries, must be an evolutionary process. A transitional period will be required before independence is achieved, throughout which ultimate responsibility for the Government of the country will be retained by His Majesty's Government as the mandatory authority, while the people of the country are taking an increasing share in the Government, and understanding and co-operation amongst them are growing. It will be the constant endeavour of His Majesty's Government to promote good relations between the Arabs and the Jews.

10. In the light of these considerations His Majesty's Government make the following declaration of their intentions regarding the future government of Palestine :

(1) The objective of His Majesty's Government is the establishment within ten years of an independent Palestine State in such treaty relations with the United Kingdom as will provide satisfactorily for the commercial and strategic requirements of both countries in the future. This proposal for the establishment of the independent State would involve consultation with the Council of the League of Nations with a view to the termination of the mandate.

(2) The independent State should be one in which Arabs and Jews share in government in such a way as to ensure that the essential interests of each community are safeguarded.

(3) The establishment of the independent State will be preceded by a transitional period throughout which His Majesty's Government will retain responsibility for the government of the country. During the transitional period, the people of Palestine will be given an increasing part in the government of their country. Both sections of the population will have an opportunity to participate in the machinery of government, and the process will be carried on whether or not they both avail themselves of it.

(4) As soon as peace and order have been sufficiently restored in Palestine, steps will be taken to carry out this policy of giving the people of Palestine an increasing part in the government of their country, the objective being to place Palestinians in charge of all the Departments of Government, with the assistance of British advisers and subject to the control of the High Commissioner. With this object in view His Majesty's Government will be prepared immediately to arrange that Palestinians shall be placed in charge of certain Departments, with British advisers. The Palestinian heads of Departments will sit on the Executive Council, which advises the High Commissioner. Arab and Jewish representatives will be invited to serve as heads of Departments approximately in proportion to their respective populations. The number of Palestinians in charge of Departments will be increased as circumstances permit until all heads of Departments are Palestinians, exercising the administrative and advisory functions which are at present performed by British officials. When that stage is reached consideration will be given to the question of converting the Executive Council into a Council of Ministers with a consequential change in the status and functions of the Palestinian heads of Departments.

(5) His Majesty's Government make no proposals at this stage regarding the establishment of an elective legislature. Nevertheless, they would regard this as an appropriate constitutional development, and, should public opinion in Palestine hereafter show itself in favour of such a development, they will be prepared, provided that local conditions permit, to establish the necessary machinery.

(6) At the end of five years from the restoration of peace and order, an appropriate body representative of the people of Palestine and of His Majesty's Government will be set up to review the working of the constitutional arrangements during the transitional period and to consider and make recommendations regarding the constitution of the independent Palestine State.

(7) His Majesty's Government will require to be satisfied that, in the treaty contemplated by sub-paragraph (1) or in the constitution contemplated by sub-paragraph (6), adequate provision has been made for :

(a) The security of, and freedom of access to, the holy places, and the protection of the interests and property of the various religious bodies.

(b) The protection of the different communities in Palestine in accordance with the obligations of His Majesty's Government to both Arabs and Jews and for the special position in Palestine of the Jewish National Home.

(c) Such requirements to meet the strategic situation as may be regarded as necessary by His Majesty's Government in the light of the circumstances then existing.

His Majesty's Government will also require to be satisfied that the interests of certain foreign countries in Palestine, for the preservation of which they are at present responsible, are adequately safeguarded.

(8) His Majesty's Government will do everything in their power to create conditions which will enable the independent Palestine State to come into being within ten years. If, at the end of ten years, it appears to His Majesty's Government that, contrary to their hope, circumstances require the postponement of the establishment of the independent State, they will consult with representatives of the people of Palestine, the Council of the League of Nations and the neighbouring Arab States before deciding on such a postponement. If His Majesty's Government come to the conclusion that postponement is unavoidable, they will invite the co-operation of these parties in framing plans for the future with a view to achieving the desired objective at the earliest possible date.

II. During the transitional period, steps will be taken to increase the powers and responsibilities of municipal corporations and local councils.

II. IMMIGRATION

12. Under Article 6 of the Mandate, the Administration of Palestine, " while ensuring that the rights and position of other sections of the population are not prejudiced ", is required to " facilitate Jewish immigration under suitable conditions ". Beyond this, the extent to which Jewish immigration into Palestine is to be permitted is nowhere defined in the mandate. But in the Command Paper of 1922 it was laid down that for the fulfilment of the policy of establishing a Jewish National Home :

" it is necessary that the Jewish community in Palestine should be able to increase its numbers by immigration. 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 upon the people of Palestine as a whole, and that they should not deprive any section of the present population of their employment."

In practice, from that date onwards until recent times, the economic absorptive capacity of the country has been treated as the sole limiting factor, and in the letter which Mr. Ramsay MacDonald, as Prime Minister, sent to Dr. Weizmann in February 1931¹ it was laid down as a matter of policy that economic absorptive capacity was the sole criterion. This interpretation has been supported by resolutions of the Permanent Mandates Commission. But His Majesty's Government do not read either the Statement of Policy of 1922 or the letter of 1931 as implying that the mandate requires them, for all time and in all circumstances, to facilitate the immigration of Jews into Palestine subject only to consideration of the country's economic absorptive capacity. Nor do they find anything in the mandate or in subsequent Statements of Policy to support the view that the establishment of a Jewish National Home in Palestine cannot be effected unless immigration is allowed to continue indefinitely. If immigration has an adverse effect on the economic position in the country, it should clearly be restricted ; and equally, if it has a seriously damaging effect on the political position in the country, that is a factor that should not be ignored. Although it is not difficult to contend that the large number of Jewish immigrants who have been admitted so far have been absorbed economically, the fear of the Arabs that this influx will continue indefinitely until the Jewish population is in a position to dominate them has produced consequences which are extremely grave for Jews and Arabs alike and for the peace and prosperity of Palestine. The lamentable disturbances of the past three years are only the latest and most sustained manifestation of this intense Arab apprehension. The methods employed by Arab terrorists against fellow-Arabs and Jews alike must receive unqualified condemnation. But it cannot be denied that fear of indefinite Jewish immigration is widespread amongst the Arab population and that

¹ Hansard, Vol. 248, 13/2/31, Cols. 751-7.

this fear has made possible disturbances which have given a serious setback to economic progress, depleted the Palestine exchequer, rendered life and property insecure, and produced a bitterness between the Arab and Jewish populations which is deplorable between citizens of the same country. If in these circumstances immigration is continued up to the economic absorptive capacity of the country, regardless of all other considerations, a fatal enmity between the two peoples will be perpetuated, and the situation in Palestine may become a permanent source of friction amongst all peoples in the Near and Middle East. His Majesty's Government cannot take the view that either their obligations under the mandate, or considerations of common sense and justice, require that they should ignore these circumstances in framing immigration policy.

13. In the view of the Royal Commission, the association of the policy of the Balfour Declaration with the mandate system implied the belief that Arab hostility to the former would sooner or later be overcome. It has been the hope of British Governments ever since the Balfour Declaration was issued that, in time, the Arab population, recognising the advantages to be derived from Jewish settlement and development in Palestine, would become reconciled to the further growth of the Jewish National Home. This hope has not been fulfilled. The alternatives before His Majesty's Government are either (i) to seek to expand the Jewish National Home indefinitely by immigration, against the strongly expressed will of the Arab people of the country; or (ii) to permit further expansion of the Jewish National Home by immigration only if the Arabs are prepared to acquiesce in it. The former policy means rule by force. Apart from other considerations, such a policy seems to His Majesty's Government to be contrary to the whole spirit of Article 22 of the Covenant of the League of Nations, as well as to their specific obligations to the Arabs in the Palestine mandate. Moreover, the relations between the Arabs and the Jews in Palestine must be based sooner or later on mutual tolerance and goodwill; the peace, security and progress of the Jewish National Home itself require this. Therefore His Majesty's Government, after earnest consideration, and taking into account the extent to which the growth of the Jewish National Home has been facilitated over the last twenty years, have decided that the time has come to adopt in principle the second of the alternatives referred to above:

14. It has been urged that all further Jewish immigration into Palestine should be stopped forthwith. His Majesty's Government cannot accept such a proposal. It would damage the whole of the financial and economic system of Palestine and thus affect adversely the interests of Arabs and Jews alike. Moreover, in the view of His Majesty's Government, abruptly to stop further immigration would be unjust to the Jewish National Home. But, above all, His Majesty's Government are conscious of the present unhappy plight of large numbers of Jews who seek a refuge from certain European countries, and they believe that Palestine can and should make a further contribution to the solution of this pressing world problem. In all these circumstances, they believe that they will be acting consistently with their mandatory obligations to both Arabs and Jews, and in the manner best calculated to serve the interests of the whole people of Palestine, by adopting the following proposals regarding immigration:

(1) Jewish immigration during the next five years will be at a rate which, if economic absorptive capacity permits, will bring the Jewish population up to approximately one-third of the total population of the country. Taking into account the expected natural increase of the Arab and Jewish populations, and the number of illegal Jewish immigrants now in the country, this would allow of the admission, as from the beginning of April this year, of some 75,000 immigrants over the next five years. These immigrants would, subject to the criterion of economic absorptive capacity, be admitted as follows:

(a) For each of the next five years, a quota of 10,000 Jewish immigrants will be allowed, on the understanding that a shortage in any one year may be added to the quotas for subsequent years, within the five-year period, if economic absorptive capacity permits.

(b) In addition, as a contribution towards the solution of the Jewish refugee problem, 25,000 refugees will be admitted as soon as the High Commissioner is satisfied that adequate provision for their maintenance is ensured, special consideration being given to refugee children and dependants.

(2) The existing machinery for ascertaining economic absorptive capacity will be retained, and the High Commissioner will have the ultimate responsibility for deciding the limits of economic capacity. Before each periodic decision is taken, Jewish and Arab representatives will be consulted.

(3) After the period of five years, no further Jewish immigration will be permitted unless the Arabs of Palestine are prepared to acquiesce in it.

(4) His Majesty's Government are determined to check illegal immigration, and further preventive measures are being adopted. The numbers of any Jewish illegal immigrants who, despite these measures, may succeed in coming into the country and cannot be deported will be deducted from the yearly quotas.

15. His Majesty's Government are satisfied that, when the immigration over five years which is now contemplated has taken place, they will not be justified in facilitating, nor will they be under any obligation to facilitate, the further development of the Jewish National Home by immigration regardless of the wishes of the Arab population.

III. LAND

16. The Administration of Palestine is required, under Article 6 of the mandate, "while ensuring that the rights and position of other sections of the population are not prejudiced" to encourage "close settlement by Jews on the land", and no restriction has been imposed hitherto on the transfer of land from Arabs to Jews. The reports of several expert Commissions have indicated that, owing to the natural growth of the Arab population and the steady sale in recent years of Arab land to Jews, there is now in certain areas no room for further transfers of Arab land, whilst, in some other areas, such transfers of land must be restricted if Arab cultivators are to maintain their existing standard of life and a considerable landless Arab population is not soon to be created. In these circumstances, the High Commissioner will be given general powers to prohibit and regulate transfers of land. These powers will date from the publication of this statement of policy and the High Commissioner will retain them throughout the transitional period.

17. The policy of the Government will be directed towards the development of the land and the improvement, where possible, of methods of cultivation. In the light of such development it will be open to the High Commissioner, should he be satisfied that the "rights and position" of the Arab population will be duly preserved, to review and modify any orders passed relating to the prohibition or restriction of the transfer of land.

* * *

18. In framing these proposals, His Majesty's Government have sincerely endeavoured to act in strict accordance with their obligations under the mandate to both the Arabs and the Jews. The vagueness of the phrases employed in some instances to describe these obligations had led to controversy and has made the task of interpretation difficult. His Majesty's Government cannot hope to satisfy the partisans of one party or the other in such controversy as the mandate has aroused. Their purpose is to be just as between the two peoples in Palestine whose destinies in that country have been affected by the great events of recent years, and who, since they live side by side, must learn to practise mutual tolerance, goodwill and co-operation. In looking to the future, His Majesty's Government are not blind to the fact that some events of the past make the task of creating these relations difficult; but they are encouraged by the knowledge that at many times and in many places in Palestine during recent years the Arab and Jewish inhabitants have lived in friendship together. Each community has much to contribute to the welfare of their common land, and each must earnestly desire peace in which to assist in increasing the well-being of the whole people of the country. The responsibility which falls on them, no less than upon His Majesty's Government, to co-operate together to ensure peace is all the more solemn because their country is revered by many millions of Moslems, Jews and Christians throughout the world who pray for peace in Palestine and for the happiness of her people.

ANNEX 4

C.P.M.2155(1).

PETITIONS REJECTED IN VIRTUE OF 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 thirty-fourth 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.

I. *Palestine.*

1. Telegram, dated August 5th, 1938, from the Muslim Institute, Durban;
2. Telegram, dated August 6th, 1938, from Mr. Jami Atul Ulama, Muslim Association, Johannesburg (Union of South Africa);
3. Telegram, dated August 23rd, 1938, from M. Sassoun Kadoori, rabbi, and other Jews of Iraq, Baghdad;

4. Letter, dated August 27th, 1938, from Mr. Haji Muhammed Haji Dada Naviwala, Dhoraji (India), transmitting the text of a resolution adopted on August 26th, 1938, by an assembly of the Moslems of Dhoraji ;
5. Letter, dated August 30th, 1938, from Mr. Sulaiman H. Ibrahim, Bantva (India), transmitting the text of a resolution adopted on August 26th, 1938, by an assembly of the Moslems of Bantva ;
6. Telegram, dated September 10th, 1938, from M. Mohamad Kamel El Kassab, Chairman of the Executive Committee of the first conference of Moslem Ulemas held at Damascus.

The object of the above communications is to protest against the exceptional measures taken by the Administration in connection with the disturbances in Palestine, and to express sympathy with the Arab cause. They merely reproduce considerations already put forward in the petitions recently examined by the Mandates Commission, and do not contain any new information of importance.

7. Petition, dated June 5th, 1939, communicated on behalf of Mr. Asa Whitney, Sarisbury (Hants, England), by Messrs. Ensor, Lisby and Firth, Southampton.

This petition—which does not contain any new information of importance—deals with the question of the Lake of Tiberias (Palestine), which has already formed the subject of a communication from the same source recently examined by the Mandates Commission.¹

II. *Syria and Lebanon.*

Letter, dated December 30th, 1938, from Mr. A. R. Bazzaz, London, Vice-Chairman of the First Congress of Arab Students in Europe, held at Brussels.

The object of this communication is to protest in general terms against the policy of the mandatory Power in Syria, and to demand the country's complete independence.

As it does not go into any details, I do not think that its examination by the Commission would serve any useful purpose.

III. *Cameroons under French Mandate.*

1. Letters, dated January 24th and May 21st, 1939, from M. Mandessi Bell, President of the Union camerounaise, Paris.

The author of these communications repeats the demand made in his petition of May 9th, 1938, that the A mandate system be substituted for the present status of the Cameroons under French mandate (B mandate). That petition—which was transmitted through the mandatory Power—was judged inadmissible by the Commission at its thirty-fifth session, "as it is not for the Mandates Commission to express an opinion on such requests, its task being solely to watch the due observance of the provisions of the mandate in force";² the two new communications from M. Bell are therefore also outside the competence of the Commission.

2. Letter, dated May 13th, 1939, from M. Albert Ganne, Vaux (Creuse), France.

The object of this petition is the same as that of the one from the same source dated November 3rd, 1935, which was examined by the Commission at its thirtieth session.³ The Commission did not at that time consider itself called upon to enquire into the petitioner's grievances, in view of the legal remedies which were afforded him by his official status.

The case of M. Ganne—with regard to which his latest communication contains no new matter of such a kind as to justify the Commission's intervention—is within the jurisdiction of the administrative courts of the mandatory Power, and is not within the Commission's competence.

IV. *Western Samoa.*

Petition, dated April 4th, 1939, from Mr. Marc T. Green, Providence, R.I., U.S.A.

The object of this communication is : (1) to make certain criticisms of the Mandates Commission, and (2) to criticise the mandatory Power's administration of the territory.

As regards the first point, the communication is not a petition within the meaning of the Rules of Procedure in force ; as regards the second point, it contains no new information concerning the administration of the territory.

¹ See Minutes of the Thirty-fourth Session of the Commission, pages 51, 190, 206-207 and 233.

² See Minutes of the Thirty-fifth Session of the Commission, pages 113, 130-132, 184 and 213.

³ See Minutes of the Thirtieth Session of the Commission, pages 49, 192, 206 and 214.

ANNEX 5

PALESTINE

COMMUNICATIONS FROM PRIVATE SOURCES RECEIVED ON THE OCCASION
OF THE EXAMINATION OF THE PROBLEM OF PALESTINE

C.P.M.2145(I).

FOURTH SUPPLEMENTARY LIST ¹

1. M. Moh. Ali Allouba, Chairman of the Egyptian Parliamentary Committee for the Defence of Palestine. Letter, dated June 23rd, 1938, transmitting a resolution adopted on May 28th, 1938, at the meeting of members of Parliament at Cairo.
2. Sociedad sirio arabe, San Rafael Mendoza. Telegram, dated July 26th, 1938.
3. M. Mohammed Nouri El-Asghari, Deputy, and other members of the Association for the Defence of Palestine, Idlib. Letter, dated September 22nd, 1938.
4. Dr. Chichekli, Hama. Letter, dated September 23rd, 1938.
5. M. Ahmed Soleiman Zahir, Committee for the Defence of Palestine, Nabatieh. Two letters, one undated, the other dated September 23rd, 1938.
6. M. Taha, Society for the Defence of Palestine, Higher Committee, Baghdad. Letter, dated September 25th, 1938, transmitting a copy of a communication sent on September 25th, 1938, to the British Ambassador in Iraq.
7. M. Haroun, Committee for the Defence of Palestine, Latakia. Letter, transmitting a copy of a communication sent to the British Consul for the Secretary of State for Foreign Affairs of the United Kingdom.
8. M. Ahmed Arif Azzain, Chairman, and other members of the Palestine Defence Committee, Saida. Two letters, undated.
9. Arab National League, New York. Telegram, dated October 26th, 1938.
10. M. Jorge Beduino, Candido Mota, Brazil. Letter, dated October 30th, 1938.
11. Mr. Mervyn J. Stewart, Bishop's Stortford, England. Letter, dated November 5th, 1938.
12. Michigan Arabs, Detroit. Telegram, dated November 7th, 1938.
13. M. A. Altabeb, former rabbi, Sofia. Letter, dated November 23rd, 1938.
14. M. Abdur Rahman Siddiqi, All India Muslim League, Palestine Delegation in London. Letters, dated February 9th, 1939, transmitting a copy of a memorandum entitled "Statement of Indian Muslim Views on Palestine," sent to the United Kingdom Government.
15. M. D. G. Fernandel, Ezanville (France). Letter, dated May 23rd, 1939.
16. Mrs. R. C. Macy, Mansfield (Louisiana). Letter, dated May 31st, 1939, with two annexes.
17. M. Markus Lewinson, Warsaw. Letter, dated June 2nd, 1939.
18. Israelite Community of Plovdiv (Bulgaria). Letter, dated June 2nd, 1939.
19. Zionist Organisation of Plovdiv (Bulgaria). Letter in the same terms as No. 18 but entitled "Petition from Judaism of Bulgaria against the United Kingdom Government's White Paper on Palestine" and accompanied by some 5,000 signatures.
20. Central Consistory of Jews of Bulgaria, Sofia. Telegram, dated June 4th, 1939.
21. M. S. Lechtenstein, chief rabbi, and other Jews of Beclean, Roumania. Letter, dated June 4th, 1939.
22. Dr. Aaron Rosmarin, New York. Letter (with annex), dated June 5th, 1939.
23. Israelite Community of Sofia. Letter, dated June 6th, 1939.
24. M. Marschak, Chicago. Telegram, dated June 13th, 1939.
25. M. Winograd, New York. Telegram, dated June 14th, 1939.
26. M. B. Gourevitch, Vice-Chairman of the Committee for the Defence of Jewish Rights in Central and Eastern Europe, Paris. Letter (with annexes), dated June 15th, 1939.

* * *

¹ For the previous lists, see Minutes of the Commission : Thirty-second (Extraordinary) Session, pages 222-225 ; Thirty-third Session, page 172, and Thirty-fourth Session, page 204.

FIFTH SUPPLEMENTARY LIST

1. Mr. Maurice Winograd, New York. Letter, dated June 8th, 1939 (with annexes).
2. Mr. Ch. E. Russel and other signatories, New York. Telegram, dated June 20th, 1939.
3. M. Th. Ruyssen, Secretary-General of the League of Nations International Union, Geneva. Two letters, dated June 23rd, 1939, transmitting two resolutions from the Welsh Section and the Executive Committee, respectively, of the British League of Nations Union.
4. M. L. Kaftal, Poznan. Letter dated June 23rd, 1939 (with one annex).

C.P.M.2152(1).

ANNEX 6

PALESTINE

PETITION, DATED MARCH 21ST, 1938, FROM THE ARAB ALCOHOL AGENCY,
JERUSALEM

REPORT BY M. GIRAUD

In their petition, Messrs. Sahaghian and Abdullatif state on behalf of the Arab Alcohol Agency that their firm was founded in Palestine in January 1937 for the importation of denatured alcohol from Syria. At that time, under the terms of the Syro-Palestinian Customs Agreement of 1929, methylated spirits imported from Syria were allowed to enter Palestine duty free. The Arab Alcohol Agency gave an order in Beirut for fifty tons of denatured alcohol and for the denaturants required by the Palestine Ordinance on methylated spirits. A first consignment of ten tons of denatured alcohol was delivered on April 6th, 1937. A second order for 240 tons of denatured alcohol had just been given on May 1st, 1937, to a factory in Damascus, and a second consignment of twenty tons was ready for delivery on the first order, when, on May 20th, 1937, an Order was issued by the High Commissioner prohibiting the importation of denatured alcohol into Palestine.

The petitioners consider it probable—though they are not prepared to make a categorical statement—that this prohibition was brought about by the Zionist Organisation at the request of the Tel-Aviv Alcohol Syndicate. They say that M. Sahaghian had shortly before received a visit from two Jewish directors of that Syndicate, who proposed an agreement designed to put an end to the competition of the Arab Alcohol Agency. That offer was refused.

The petitioners vehemently protest against the measure taken by the High Commissioner. Not only do they deny that the measure is legal, but they also maintain that it constitutes political discrimination against the Arabs in favour of the Jews, which is contrary to Articles 2 and 3 of the mandate. They also maintain that the six months notice, for which provision is made in Section 20 of the Syro-Palestinian Customs Agreement, was not observed. They say that the prohibition of May 20th, 1937, as applied to their orders which had already been placed, was of a retroactive nature and therefore inadmissible. They point out that the prohibition affects their trade and does them great harm, and that they also run the risk of having to indemnify their purveyors, under the terms of the purchase contracts, owing to their being unable to take delivery of their orders. They therefore request either that they should be accorded, in respect of imports of denatured alcohol, the six months notice for which provision is made in the Syro-Palestinian Customs Agreement, or that they should be compensated for the various expenses incurred and the loss of profits resulting from what has happened.

In its observations, the mandatory Power explains that the import prohibition was introduced on the strength of representations made at the end of April 1937 by the Palestinian manufacturers of denatured alcohol. This product, when manufactured in Palestine, is liable to an excise duty of £P15, whereas, when it was imported from Syria, it was duty free under the Syro-Palestinian Customs Agreement of 1929. As this difference of treatment endangered the existence of the local denatured alcohol industry and might do serious harm to Palestine finances, the High Commissioner proposed to the High Commissioner in Syria the imposition of an import duty of £P20 on denatured alcohol from Syria (the rate proposed being £P5 higher than that of the excise duty, to allow for the higher cost price of denatured alcohol in Palestine).

As the High Commissioner in Syria was unable to agree to this proposal, the High Commissioner in Palestine decided to prohibit the importation of denatured alcohol entirely. The Order was issued by him on May 20th, 1937, in virtue of the powers conferred on him in Customs matters by Section 44 of the Palestine Customs Ordinance. The mandatory Power adds that, notwithstanding the statement of the petitioners, it is not the practice of His

Majesty's Government in the United Kingdom to inform those concerned in advance of contemplated measures for the prohibition of imports, and that neither domestic legislation in Palestine nor the Syro-Palestinian Customs Agreement placed the Palestine Government under any obligation to give such notice. It points out that the six months notice provided for in the Syro-Palestinian Agreement applies to the termination of that Agreement, and not to any change in its provisions. As for any claim for compensation that might be made against the Arab Alcohol Agency by the purveyors as a result of the non-execution of the contracts, the mandatory Power points out that the clauses of the said contracts relating to such compensation cannot be invoked against the petitioners, as the latter were prevented by the law from fulfilling their commitments. The mandatory Power also points out that the High Commissioner has no legal power to authorise the importation of the twenty tons of denatured alcohol which were about to be delivered when the prohibition Order was issued. It states that, to the best of its knowledge, it is not the custom of any country to accord pecuniary compensation to private persons whose interests have been injured by import prohibitions. It admits, however, that absolute prohibition to import goods, other than harmful products, is liable to give rise to serious objections; and, in view of the recent denunciation of the Syro-Palestinian Agreement, the High Commissioner has been asked to get into touch with Syria with a view to replacing the prohibition by the introduction of a suitable protective duty.

In view of the explanation furnished, it would seem that, as the High Commissioner's Order of May 20th, 1937, was made in a regular manner and for sufficient reasons, the Commission can but note that the mandatory Power admits the drastic nature of the absolute prohibition which it was obliged to order, and has instructed the High Commissioner in Palestine to take steps with a view to the replacement of this extreme measure by such fiscal provisions as will permit those concerned to resume their commercial transactions.

Consequently, it would seem that the following conclusion might be adopted :

" The Commission,

" Having examined the petition, dated March 21st, 1938, from the Arab Alcohol Agency, Jerusalem, and the observations of the mandatory Power on the facts set forth therein :

" Considers that no special recommendation on the petition need be submitted to the Council."

C.P.M.2157(I).

ANNEX 7

PALESTINE

LETTER, DATED MAY 17TH, 1939, FROM THE PRESIDENT OF THE JEWISH AGENCY FOR PALESTINE, LONDON, ACCOMPANYING A MEMORANDUM ON THE DEVELOPMENT OF THE JEWISH NATIONAL HOME IN PALESTINE IN 1938

REPORT BY COUNT DE PENHA GARCIA

The letter and the memorandum from the President of the Jewish Agency on the development of the Jewish National Home in Palestine and the observations of the mandatory Power on these two documents constitute a comprehensive review of the position of the National Home in 1938.

The letter from the President of the Jewish Agency for Palestine is a commentary upon the political events connected with the efforts of the mandatory Power to restore peace in Palestine. It contains statements concerning the plan for the partition of the territory drawn up by the mandatory Power, the scheme of the London Conferences, and the proposals to which they gave rise, which explain in detail the attitude of the Agency to these important questions.

The question whether economic absorptive capacity can legally be abandoned as a criterion for the restriction of immigration is discussed at length, and the Agency proposes that it should be submitted to the Permanent Court of International Justice.

The President of the Agency states that the disturbances, though on the decrease, continue to have an adverse effect on the progress of the Jewish National Home, and that this tendency has been intensified by the reduction in Jewish immigration and the prevailing uncertainty regarding the future.

In spite of these adverse circumstances, however, Jewish economy has, according to this letter, again revealed its inherent strength and resilience. The import of capital has increased: agricultural colonisation has made steady progress: and a considerable contribution to

industry and commerce is being made by Jewish immigrants expelled from Germany and Austria, who, with their high technical qualifications, have rendered possible the creation of fresh industries.

The memorandum in eleven chapters draws a complete picture of the life of the Jewish National Home in Palestine from the demographic, social and economic points of view. This picture confirms the statements contained in the letter of the President of the Jewish Agency.

The population has been increased by the entry of 12,868 Jews from Central Europe. The total Jewish population is now 437,000, or 29.9% of the population of Palestine. Of these, 77.1% live in towns, the remainder being distributed over 233 agricultural settlements. It is estimated that two-thirds of the Jewish population of Palestine are engaged in manual occupations, the remaining third being engaged in commerce and the liberal professions.

During 1938, the Jews acquired 27,280 dunums of land at an aggregate price of £P174,551.

The total area owned by Jews, including the concessions, is 1,455,917 dunums. Jewish agricultural output for 1937 (the last year for which the statistics have already been published) is of a value of £P3,790,000.

As regards urban development, the sums devoted by the Jews to building work in 1938 were estimated at £P2,000,000.

The figures for industry and trade are also very striking. Industrial undertakings and handicrafts (numbering 5,606 and employing 29,986 persons) represent a capital of £P11,637,000. The value of Jewish trade in 1937 is estimated by the Agency at £P32,742,000.

One remarkable fact is that, in the three years during which disturbances have been going on, the Jewish capital imported amounted approximately to £P20,000,000, and that Jewish public funds spent £P4,330,000 for the development of the Jewish National Home. The banking organisation of Palestine also seems to be very sound; its assets amount to £P21,625,000.

The Jewish Agency draws attention in its memorandum to the fact that the new fisheries and shipping and boat-construction concerns are making progress. A Jewish maritime school was set up in 1938. Aviation has also made considerable progress; two Jewish companies run regular lines, and flying-clubs have been established in several towns. In order to indicate the full extent of Jewish industrial expansion in Palestine, the Agency has drawn up two tables showing the returns of two Jewish concession companies, the Palestine Electric Corporation, Limited, and the Palestine Potash Company, Limited. The sales of the former increased from 3,515,000 kilowatts of electric energy in 1928 to 72,254,000 in 1938. The latter exported in 1932 bromine and potash to the value of £P70,000, while, in 1938, its exports reached the figure of £P323,000. The Mercas Co-operative Union, which controls twenty-three companies running motorised transport services, is also a remarkable concern. Its turnover for 1938 was estimated at £P1,000,000.

When reading the description of the work of the Jewish Home in the memorandum, it is seen that association and co-operation are at the basis of the whole organisation, whose development is entrusted to excellently planned technical research institutions.

The memorandum contains a certain number of complaints by the Jewish Agency relating in particular to the following points: the insufficient number of immigration permits; lack of assistance on the part of the mandatory Power in negotiating certain loans and carrying out certain constructional work of public utility; the need for amending Article 18 of the mandate, which, according to the Agency, by imposing the economic equality clause on Palestine, places Palestinian agriculture, industry and commerce at a disadvantage; the need for altering the present commercial arrangement with Syria and Lebanon, and the lack of proportion which, according to the Agency, exists between the grants made by the mandatory Power for education and public health to the Arabs and those made to the Jews.

In its observations, the mandatory Power gives a detailed account of its action in a certain number of cases, while, in other cases, the Commission has heard the accredited representatives of the mandatory Power. Some of the demands made by the Jewish Agency are being examined with a view to subsequent decisions.

In these circumstances, I propose that the Commission adopt the following conclusion:

“ The Commission,

“ Having examined the memorandum of the Jewish Agency on the development of the Jewish National Home in Palestine in 1938, together with a letter, dated May 17th, 1939, from the President of the Jewish Agency, as also the observations of the mandatory Power:

“ Draws attention to the interest attaching to these documents, but does not consider it necessary to make any particular observations thereon.”

ANNEX 8

PALESTINE

REPORT OF THE SUB-COMMITTEE ON PETITIONS CONCERNING THE GENERAL POLICY TO BE ADOPTED BY THE MANDATORY POWER AND THE SUPPRESSION OF DISTURBANCES IN 1938 AND SUBSEQUENTLY

The Sub-Committee has examined the following petitions, referred to it by the Commission, and submits below conclusions on each of those petitions, together with a general draft conclusion which the Commission, if it agrees, could lay before the Council.

A. PETITIONS CONCERNING THE GENERAL POLICY TO BE ADOPTED BY THE MANDATORY POWER

(1) Petition, dated May 1st, 1938, from M. Abdul Halim Abu Daqar and others, Madeba, on the subject of the plan for the partition of Palestine, transmitted by the mandatory Power on July 11th, 1938 (document C.P.M.2086).

(2) (a) Letter, dated May 31st, 1939, from the President of the Jewish Agency, London, to the High Commissioner in Palestine on the subject of the White Paper issued by the United Kingdom Government on May 17th, 1939.

(b) Letter, dated June 4th, 1939, from the President of the Jewish Agency, London, to the High Commissioner in Palestine, dealing with certain legal aspects of the above-mentioned White Paper.

The above two letters were transmitted by the mandatory Power on June 8th, 1939 (documents C.P.M.2139 and 2139(a)).

(3) Letter, dated May 28th, 1939, from the President of the Executive Committee of the General Council of the Jewish Community in Palestine (Vaad Leumi), with memorandum drawn up by Vaad Leumi on the subject of the White Paper of May 17th, 1939, transmitted by the mandatory Power on June 7th, 1939 (document C.P.M.2140).

(4) Letter, dated Geneva, June 12th, 1939, from M. Jamaal Husseini, President of the Palestine Arab delegation, on the subject of the White Paper of May 17th, 1939, transmitted by the accredited representative of the mandatory Power (document C.P.M.2142).

(5) Petition, dated May 30th, 1939, from M. M. Blo, of the Agudath Israel headquarters, on the subject of the White Paper of May 17th, 1939, transmitted by the mandatory Power on June 14th, 1939 (document C.P.M.2143).

* * *

As regards petition No. (1), the mandatory Power states that it has no observations to offer.

In the opinion of the Sub-Committee, this petition ceased to be of interest when the proposal for the partition of Palestine was abandoned. It would therefore appear to be superfluous for the Commission to give it further consideration.

As regards petitions Nos. (2) to (5), the mandatory Power states that it has been unable to prepare a memorandum of observations on the subject of the letters and petitions in question in the time available before the meeting of the Mandates Commission. It accordingly refers the Commission to the verbal explanations to be submitted by the accredited representative.

Now that the exhaustive discussions between the Secretary of State for the Colonies and the Commission, the conclusions of which will be found in the Commission's report to the Council on the work of its thirty-sixth session, are ended, the Sub-Committee considers that there is no reason for drawing the special attention of the Council to these letters and petitions.

B. PETITIONS CONCERNING THE SUPPRESSION OF DISTURBANCES IN 1938 AND SUBSEQUENTLY

(1) Petition, dated July 25th, 1938, from M. Fahmi El-Husseini, Mayor of Gaza, and others, transmitted by the mandatory Power on August 26th, 1938 (document C.P.M.2090).

(2) Petitions, dated September 2nd and 24th, 1938, from Dr. H. F. El-Khalidi, and from four other deportees, transmitted by the mandatory Power on November 18th, 1938 (document C.P.M.2123).

(3) Petition, dated September 22nd, 1938, from M. Abdallah Al-Jazzar, Mufti of Acre, and from other members of religious communities in Acre, transmitted by the mandatory Power on May 26th, 1939 (document C.P.M.2132).

* * *

As regards petition No. (1), the occurrences which are the occasion of the petitioners' protest are incidents of the internal strife with which Palestine is now afflicted. However serious and distressing these occurrences may be, only that referred to below appears at the present stage to call for possible comment. In 1938¹ already, the accredited representative of the mandatory Power had informed the Commission that the Palestine Government felt bound to arm the Jews to enable the latter to defend themselves against armed Arab bands. This year, the accredited representative referred again² to the necessity of arming the Jews, and explained that there was no question of a general distribution of weapons, such arms as were issued being given out in accordance with a preconcerted plan for purely defensive purposes—viz., for the defence of the Jewish settlements.

It appears to the Sub-Committee that this petition calls for no further comment.

As regards petition No. (2), the petitioners, a number of Arab leaders, at that time deportees in the Seychelles, complain of the climate in those islands and of the treatment inflicted upon them by the Administration. It emerges from the observations of the mandatory Power and from the statements made by the accredited representative that the state of health of the deportees had occupied the attention of the competent authorities, and that a doctor had been sent to the islands to examine them. As a result of that examination, the doctor in question had reported "that not a single one had seriously suffered in health as a result of his deportation."³

As all these petitioners were released at the end of 1938, the petition, in the view of the Sub-Committee, no longer appears to call for comment.

As regards petition No. (3), the petitioners complain of a series of atrocities and acts of violence and ill-treatment alleged to have been committed by British troops in the course of their activities in connection with the suppression of disturbances in Palestine.

The allegations, most of which are couched in somewhat vague terms, leave the impression that they relate to military and police measures which, deplorable as may have been their effect on the innocent victims, do not in themselves justify reproaches. The accredited representative of the mandatory Power has informed the Commission that "at the present time all conflicts, whether armed or not, usually involve the use of propaganda and that Palestine is no exception to that rule. All specific allegations or reports of atrocities by British troops or police in Palestine have been investigated; and, if the troops or police are found to have exceeded their powers, disciplinary action is always taken. Most of the allegations have been proved to be unfounded or grossly distorted. When searches or military operations are being conducted, the officers in command exercise the strictest control; and, in order to forestall the commonest form of complaint, that of theft, troops engaged in making a search are themselves searched and a clearance certificate obtained from the Mukhtar before the village or area is evacuated."⁴

Two particular points, raised in the petition however, deserve notice in the opinion of the Sub-Committee :

The first is the obstacle to observance of religious duties by the inhabitants which is involved in the case of certain measures. The other is the practice adopted in certain cases by British troops of sending cars carrying Arabs under detention or sentence in front of military vehicles, when there is reason to suspect that the road has been mined by insurgents.

Regarding the first of these points, the accredited representative of the mandatory Power has stated "that there had never been any deliberate intention to interfere with Moslem Friday services", but that "whenever a murder was committed, a curfew was immediately imposed on the area, irrespective of the day of the week, and raised only when the subsequent searches for the guilty were completed". He added that "in 1937, orders had been issued not to search churches or mosques. It was found, however, that churches and mosques were being used by terrorists as places of refuge, and the order was rescinded and permission given to the troops to search such places in the presence of an officer. The results fully justified the decision taken, as offenders had on occasion been found concealed in such unlikely places as pulpits."⁵

In connection with the second allegation in regard to the danger to the civilian population involved in the practice of the British troops noted above, the accredited representative has stated that "British troops had suffered severely from land mines. The General Officer Commanding had therefore decided that Arabs detained on suspicion of participation in rebel activities would travel in the first car of a military convoy. The result was that no further mines were laid in the areas where this precaution was taken." As to the legal justification for such a measure, he believed "that the wide powers given to the General Officer Commanding under the Defence Regulations would cover the action described".⁶

¹ See Minutes of the Thirty-second (Extraordinary) Session of the Commission, page 49.

² See Minutes of the present session, page 87.

³ *Ibid.*, page 76.

⁴ *Ibid.*, pages 85-86.

⁵ *Ibid.*, page 86.

In the light of the explanations given by the accredited representative, the Sub-Committee considers that the allegations contained in this petition have received all the attention they deserve. The Sub-Committee desires further to draw attention to the fact that the petition contains no word of condemnation of terrorist activities.

* * *

Having thus examined the petitions referred to it, the Sub-Committee submits the following general draft conclusion which the Commission, if it agrees, could lay before the Council :

“ The Commission,

“ Having examined, in the light of the information supplied by the mandatory Power, the petitions relating to Palestine, classified as follows :

“ A. Petitions concerning the general policy to be adopted by the mandatory Power ;

“ B. Petitions concerning the suppression of disturbances in 1938 and subsequently :

“ Considers that the petitions falling under category A call for no comment other than that to be found in the Commission's observations on the White Paper issued by the United Kingdom Government on May 17th, 1939,

“ And that as regards the petitions falling under category B, no special recommendation to the Council is required.”

C.P.M.2161(I).

ANNEX 9

SYRIA AND LEBANON

PETITIONS (ELEVEN IN NUMBER) FROM INHABITANTS OF JEZIREH¹

REPORT BY M. RAPPARD

The French Government forwarded on May 25th, 1939, that is, from ten to twelve months after their receipt, a series of eleven petitions from inhabitants of Jezireh, dated from May to July 1938.

Most of these petitions advocate in almost identical terms the restoration of direct French rule in the territory of Jezireh. They invoke in support various demonstrations organised with that object in view.

Petition No. II, which is the most detailed, includes a complete report of the decisions taken by a number of leaders and notables of the Jezireh districts at a meeting held on July 18th, 1938. These decisions can be summarised as follows :

- (1) To pursue the submission of complaints and protests designed to achieve the restoration of French rule in Jezireh and the maintenance there of armed forces “ to protect the frontiers and to preserve security both inside and outside the district ” ;
- (2) To impose a general boycott on the local government, and particularly to refuse to pay taxes ;
- (3) To request the French Government to settle the Jezireh question finally ;
- (4) To protest against the activities of various chiefs and other persons, who are paid by the Syrian authorities to act in a manner detrimental to Jezireh ; to press for the reform of the system of subsidies to Jezireh chiefs ;
- (5) To press for the release of certain persons held in domiciliary confinement at Damascus ;
- (6) To refuse recognition to any act of the Syrian Government which is directed against the aspirations of the inhabitants of Jezireh.

¹ List of the petitions :

1. Nayef Moustapha Pasha, and other signatories, Andivar (May 26th, 1938).
2. M. Chukri Agop, and other signatories, Ras-El-Ain (undated).
3. M. Mikail Nabergi, and other signatories, Amouda (undated).
4. M. Abdoul Aziz Mouslout, and other signatories, Hassetché (undated).
5. M. Issa Guetna, and other signatories, Derbessié (May 9th, 1938).
6. Izzet Selim Bey, and other signatories, Ras-El-Ain (July 5th, 1938).
7. M. Ali Ghaleb El Darouiche, Kamechlié (July 11th, 1938).
8. M. Abdul Kérim Kass Elias, and other signatories, Amouda (July 4th, 1938).
9. M. Hadjo Agha, and other signatories, Hassetché (July 5th, 1938).
10. M. Abdi Mirhi, and other signatories, Kamechlié (July 5th, 1938).
11. M. Mohamed Abdurrahman, and other signatories, Semmetek (July 18th, 1938).

Another petition (No. 1) protests against the ill-treatment inflicted upon a person described as a "son of Jezireh" who is alleged to have been insulted and beaten by the investigating magistrate at Damascus.

As the mandatory Power points out in its covering letter, the political demands put forward by the petitioners have already appeared in a number of petitions from the same source submitted to the Mandates Commission.¹ The situation in Jezireh is constantly under review by the mandatory Government, as the annual report and the statements made by the accredited representative in reply to questions put by the Commission show. The mandatory Government has urged the Syrian Government to apply at an early date the law for the decentralisation of the Mohafazats; the question is now under investigation by the High Commissioner.

The prisoners, whose fate is a matter of concern to some of the petitioners, are the authors of the kidnapping, on December 21st, 1937, of the Mohafaz Tewfik Chamié, who had been appointed by the Syrian Government. The mandatory Power states that it is not true they were ill-treated during their detention. They were sentenced to imprisonment for eighteen months after detention for fifteen months pending trial, and were thereupon immediately freed at the instance of the mandatory authority.

The situation in Upper Jezireh has already been the subject of a number of observations by the Permanent Mandates Commission. In connection with the latest stage in the events in question, reference should be made to the general observations concerning Syria which will be found in the report on the Commission's present session.

In the circumstances, the Commission does not seem to be called upon to submit any special recommendation as a result of its examination of the petitions summarised above.

Should my colleagues share my views on the subject, the Commission might adopt the following conclusion :

" The Commission,

" Having examined the petitions (eleven in number) from inhabitants of Jezireh and the observations of the mandatory Government ;

" Having heard the additional explanations of the accredited representative of the mandatory Power ;

" And having submitted to the Council in that part of its report which relates to Syria and Lebanon certain observations on the status of Jezireh :

" Considers that it is not called upon to make special recommendations to the Council regarding the above-mentioned petitions."

C.P.M.2148(1).

ANNEX 10

SYRIA AND LEBANON

PETITIONS, DATED (1) JANUARY 8TH, 1939, FROM M. IBRAHIM DEBS, DOUMA, (2) JANUARY 12TH, 1939, FROM M. HILMI ATASSI, HOMS, (3) APRIL 1ST, 1939, FROM M. HASSAN MOURAD, M. PHILIPPE ATALLAH AND OTHER SIGNATORIES, HOMS

REPORT BY COUNT DE PENHA GARCIA

The purpose of all three petitions is the same—to denounce the policy followed by the mandatory Power towards Syria, the non-ratification of the Franco-Syrian Treaty and, more particularly, the acts of the mandatory Power's agents in Jezireh, the Alawite territory and the Jebel Druse, which acts the petitioners regard as supporting a separatist policy. The first two petitions draw attention to the protest strikes proclaimed at Douma and Homs. The third also protests against illegal entries into private premises and acts of violence said to have been committed by the troops at Homs.

The mandatory Power explains that the strikes in the bazaars at Douma and Homs were of short duration, and that the alleged acts of violence, which no doubt have been greatly exaggerated, are to be attributed, not to the troops of the mandatory Power, but to the Syrian police, for which the mandatory Power is of course responsible.

In view, further, of the explanations submitted in connection with the examination of the annual report on the subject of the main theme of these petitions—viz., the non-ratification of the Treaty and of the mandatory authority's support of the movement for the independence

¹ See, in particular, Minutes of the Thirty-third (page 161), Thirty-fourth (page 223) and Thirty-fifth Sessions (pages 198-199).

of the three territories mentioned by the petitioners, I propose the adoption of the following conclusions :

“ The Commission,

“ Having examined the petitions dated :

“ (1) January 8th, 1939, from M. Ibrahim Debs, Douma ;

“ (2) January 12th, 1939, from M. Hilmi Atassi, Homs ;

“ (3) April 1st, 1939, from M. Hassan Mourad, M. Philippe Atallah and other signatories, Homs,

and the mandatory Power's observations :

“ Considers that no special recommendation need be made to the Council regarding these petitions.”

C.P.M.2150(1).

ANNEX 11

SYRIA AND LEBANON

PETITIONS, DATED (1) JULY 17TH, 1938, FROM M. ABDEL RAHMAN RAFAI, TRIPOLI, (2) JULY 30TH, 1938, FROM M. ANIS OMAR NAJA, M. SAMI EL TYARA AND OTHERS, BEIRUT, (3) JULY 18TH, 1938, FROM M. ABDALLAH LATIF BISSAR, M. MOHAMED ALY DINNAOUI AND OTHERS, FORWARDED BY M. CAMILLE KLAT, TRIPOLI

REPORT BY MLE. DANNEVIG

These three petitions, which were despatched in the form of telegrams to the High Commissioner, are couched in almost identical terms. Their purpose is to demand that the provisions contained in the exchanges of letters Nos. 6 and 6bis, annexed to the Franco-Lebanese Treaty of November 13th, 1936, should be put into execution before the treaty is ratified. The petitioners assert that the Lebanese authorities show no sign of any genuine intention of applying the principles laid down in the exchange of letters.

Exchange of letters No. 6 guarantees (1) equality of civil and political rights to all nationals without distinction, (2) equitable representation of the different elements in the country in Government employment, (3) a fair allocation of expenditure on public utilities in the different parts of the country.

Exchange of letters No. 6bis provides for the grant of wider powers to the municipalities in Lebanon, and for the establishment of district councils with power to investigate questions of local concern.

The mandatory Government, in its covering letter, observes that it has long been enquiring into the grievance concerning the unequal representation of the different creeds in the public administration of Lebanon. That the shiahs are not yet equally represented in that administration is due to the backward state of public education in their areas, but the efforts of the Lebanese Government are being directed towards improving that situation. The complaint concerning the unequal distribution of public expenditure in the different parts of Lebanon is an obsolete grievance which has lost its point since the fiscal unification of the territory of Lebanon. The temporary restrictions placed upon municipal liberties are due to bad administration on the part of elected municipalities.

It is added that these complaints are really only an expression of the separatist sentiments of some of the Sunnis in Lebanon, especially in Tripoli, which periodically manifest themselves on one pretext or another.

In view of these explanations from the mandatory Government, as amplified by the accredited representative, I do not think that these petitions call for any special observation to the Council.

Accordingly, I would suggest that the Commission adopt the following conclusion :

“ The Commission,

“ Having considered the petitions, dated (1) July 17th, 1938, from M. Abdel Rahman Rafai, Tripoli, (2) July 30th, 1938, from M. Anis Omar Naja, M. Sami El Tyara and others, Beirut, (3) July 18th, 1938, from M. Abdallah Latif Bissar, M. Mohamed Aly Dinnaoui and others, forwarded by M. Camille Klat, Tripoli, together with the observations of the mandatory Power :

“ Considers that they do not call for any special recommendation on its part to the Council.”

ANNEX 12

SYRIA AND LEBANON

PETITION, DATED NOVEMBER 1ST, 1938, FROM M. HABIB EL HACHE, M. NEJIB SOULEIMAN EL HACHE AND OTHER MEMBERS OF THE ISMAILIEH COMMUNITY OF MASSYAF

REPORT BY LORD HANKEY

The petition, dated November 1st, 1938, and signed by various members of the Ismailieh community of Massyaf, in the Latakia district, was presented on the occasion of the murder of one of the Ismailieh leaders, Mohamed Ibrahim, on October 30th, 1938.

The petitioners allege that two days passed without adequate measures being taken by the judicial authorities against the murderers, amongst whom they particularly mention the name of one Suleiman El Ali, a justice of the peace, who is said to have been left undisturbed in his functions. They ask for justice to be done promptly and for energetic measures to be taken by the authorities. Fears are expressed for the safety of the women and children of the community.

The mandatory Power expresses the opinion that the murder had no political or confessional significance, and further states :

(1) That the Public Prosecutor and the examining magistrate began their enquiries on the very day of the murder—that is to say, two days before the petition was forwarded ;

(2) That, while it has not yet been possible to identify the murderers, warrants were issued for the arrest of the various persons mentioned by the petitioners, in particular Suleiman El Ali, who was also suspended from his office ;

(3) That about eighty gendarmes were available at Massyaf, and that there was no reason to fear for the safety of the families of the Ismailieh.

In reply to questions put to him at the meeting of the Permanent Mandates Commission on June 24th, 1939, the accredited representative further stated that the mandatory Power had followed the affair closely because of its repercussions. The proceedings, which were now drawing towards the end, had been directed by a non-French judge : some delay had been caused by difficulties arising out of the local situation.

It should be noted that there is no evidence of neglect by the responsible authorities in taking the requisite steps either to discover the perpetrators of the crime and to bring them to justice, or for the maintenance of order.

In view of the general principles which guide the Permanent Mandates Commission in determining its competence in regard to petitions, it would seem that, as the petition deals with matters with which the judicial authorities of the mandated territory are dealing, no action can be proposed by the Permanent Mandates Commission.

I therefore propose that the following conclusion be adopted :

“ The Commission,

“ Having examined the petition, dated November 1st, 1938, from M. Habib El Hache, M. Nejib Souleiman El Hache and other members of the Ismailieh community of Massyaf, and the mandatory Power's observations :

“ Considers that no action can be proposed to the Council regarding this petition.”

ANNEX 13

SYRIA AND LEBANON

(1) PETITIONS (TWENTY-SEVEN IN NUMBER), DATED JUNE AND JULY 1938, CONCERNING THE SANJAK OF ALEXANDRETTA¹; (2) PETITION, DATED JUNE 11TH, 1938, FROM M. ASSAD DAGHER, SECRETARY-GENERAL OF THE SYRO-PALESTINIAN COMMITTEE, CAIRO

REPORT BY M. RAPPARD

The group of twenty-seven petitions referred to under (1) above comes partly from the Sanjak of Alexandretta and partly from places in Syria, Lebanon and Trans-Jordan. They were forwarded by the mandatory Power from ten to eleven months after they had been submitted to the mandatory authorities—much later, therefore, than the statutory time-limit of six months.

Among the petitions that have been referred to me for examination, there is, further, a communication from a source outside the territory under mandate (the Syro-Palestinian Committee in Cairo), which was found admissible by the Chairman of the Commission and forwarded on November 2nd, 1938, to the mandatory Power for its comments.

These petitions contain protests with regard to political happenings in the Sanjak of Alexandretta during the months of May and June 1938, and also references to certain particular incidents which occurred during the period of the elections.

The petitioners lay stress on the fact that the electoral procedure in the Sanjak has indubitably proved the attachment of the majority of the population to Syria. They assert that the mandatory authorities put pressure on the Arab electors to induce them to have their names removed from the lists of electors, definite cases being mentioned, particularly in petition No. 24. This procedure, it is alleged, is contrary to the international undertakings of the mandatory Power, and shows an obvious bias in favour of the Turks. The Franco-Turkish agreement, giving twenty-two members in the Sanjak Assembly to the Turks, is alleged to be fundamentally unjust. It is stated that what has occurred in the Sanjak is a breach of the elementary principles of the law of nations and of the Franco-Syrian Treaty, and is calculated seriously to impair the prestige of the mandatory Power.

With regard to these various petitions, the mandatory Power has stated that they do not, in general, call for any explanation, apart from what may be said on the whole question to which they relate.

Among the events more specifically referred to by the petitioners, mention may be made of the closure of the office of the Communist Party at Alexandretta, the arbitrary arrest of a number of members of that Party, and the ill-treatment of various inhabitants of the Sanjak. Petition No. 19 deals with the arrest of the leader Arsouzi and his friends. It also states—as does petition No. 22—that women and children have been killed by the forces responsible for the maintenance of order, and that old men have been terrorised.

So far as concerns the arrests mentioned in some of the petitions, the mandatory Power points out that those arrests were carried out at the time when, to prevent disturbances,

¹ List of the petitions :

1. M. Kassem Radouan, Alexandretta (June 24th, 1938).
2. M. Artin Makhian, Alexandretta (July 5th, 1938).
3. Cheikh Ahmad, and other signatories, Omar Agha (July 1st, 1938).
4. M. Amin El Mahairi, Damascus (June 4th, 1938).
5. M. Mohammed Baroudi, Hama (June 5th, 1938).
6. M. Ispir Bachour, and other signatories, Safita (June 6th, 1938).
7. M. Toufic Bissar, and other signatories, Tripoli (June 6th, 1938).
8. M. Mahmoud Abdel Razzak, Tartous (June 6th, 1938).
9. M. Yehia Bajouj and M. Wedad Adib, Jebel (June 5th, 1938).
10. M. Mohammed Wajih Zoobi, and other signatories, Tal Kelakh (June 6th, 1938).
11. M. Abdel Kader Chreiteh, and other signatories, Latakia (June 5th, 1938).
12. M. Makram El Atassi, and other signatories, Homs (June 5th, 1938).
13. M. Mousbah Zeitoun, and other signatories, Jebel (June 5th, 1938).
14. M. Abdel Daen Atassi, Homs (June 4th, 1938).
15. M. Fawzi El Mufti, Damascus (June 5th, 1938).
16. Maître Nazem El Kadri, Rachaya (June 7th, 1938).
17. M. Mohammed El Taouil, Latakia (June 8th, 1938).
18. M. Ahmed Aref Zein, and other signatories, Saida (June 11th, 1938).
19. M. Fahmi El Mahairi, Damascus (June 15th, 1938).
20. M. Mamoun, Damascus (June 10th, 1938).
21. " Ligue d'action nationale ", Deraa (undated).
22. M. Abdul Haim Atassi, Homs (June 16th, 1938).
23. M. Mansour Issa, and other signatories, Massyaf (June 16th, 1938).
24. Cheikh Ahmad El Mohammed, and other signatories, Aleppo (June 18th, 1938).
25. M. Ahmed El Assi (no place of origin indicated) (undated).
26. M. Jamil Girgis, and other signatories, Tel Kalakh (June 9th, 1938).
27. Maître Rafik Salah, and other signatories, Amman (June 9th, 1938).

rival political organisations in the Sanjak were dissolved. All the persons arrested during these operations were released after a certain time.

It seems obvious to me that all the political happenings in the Sanjak of Alexandretta during the recent period were influenced by the requirements of the international situation as judged by the mandatory Power. If they had taken place during a normal period, it would certainly be right and proper to endeavour to meet the demands of the petitioners, whose complaints frequently appear to have some foundation. However, in view of the *de facto* circumstances, it would unfortunately appear to be useless to attempt to do so at the present time. Those circumstances are governed by a policy, the reasons for which seem clear, though the immediate consequences for those who have been its victims are not the less deplorable for that.

Whatever reflections may be suggested by the operations for the purpose of preparing for the change that has come about in the statute of the Sanjak of Alexandretta, and whatever legitimate rights may have been disregarded in the carrying-out of those operations, I do not see what effective measures I could propose to the Commission to redress the wrongs that have been suffered and to lessen the sufferings of the victims. Should my colleagues be of a different opinion, I should be very happy to agree with them. If not, I shall, to my great regret, be bound to propose that they should adopt the following conclusion :

“ The Commission,

“ Having examined (1) twenty-seven petitions, dated June and July 1938, concerning the Sanjak of Alexandretta forwarded on May 25th, 1939, by the French Government and (2) a petition, dated June 11th, 1938, from M. Assad Dagher, Secretary-General of the Syro-Palestinian Committee, Cairo, with the mandatory Power's observations ;

“ Not having received from the mandatory Power any information which would give it reason to believe that the complaints made in these petitions are all unfounded ;

“ Realising, on the other hand, that the injustices that may have been committed result from a general policy on which it cannot express an opinion :

“ Decides to confine itself to drawing the attention of the Council to the said complaints.”

ANNEX 14

I.

REPORT TO THE COUNCIL ON THE WORK OF THE COMMISSION

The Permanent Mandates Commission met at Geneva from June 8th to 29th, 1939, for its thirty-sixth session, and held thirty-four meetings, the first and part of the second of which were public.

The annual reports were considered in the order indicated below, with the co-operation of the representatives of the mandatory Powers. In addition, the Commission, with the help of the Secretary of State for the Colonies in the United Kingdom Government, examined the White Paper on the policy of the mandatory Power in Palestine, issued in May 1939.

South West Africa, 1938.

Accredited Representatives :

Mr. C. T. TE WATER, High Commissioner for the Union of South Africa in London ;

Mr. H. T. ANDREWS, Accredited Representative of the Union of South Africa to the League of Nations ;

accompanied by

Mr. J. P. NIEHAUS, Professional Assistant to the Attorney-General of South West Africa, Adviser.

Togoland under French Mandate, 1938.

Accredited Representative :

M. M. BESSON, Director of the Agence économique de l'Afrique-Occidentale française, Paris.

Palestine and Trans-Jordan, 1938.

Accredited Representatives :

The Right Honourable Malcolm MACDONALD, M.P., Secretary of State for the Colonies ;

Sir Grattan BUSHE, K.C.M.G., C.B., Legal Adviser to the Secretary of State ;

Mr. H. F. DOWNIE, C.M.G., O.B.E., Colonial Office ;

accompanied by

Mr. S. MOODY, O.B.E., Deputy Chief Secretary, Government of Palestine ;

Mr. A. S. KIRKBRIDE, O.B.E., British Resident in Trans-Jordan.

New Guinea, 1937/38.

Accredited Representative :

Mr. J. R. HALLIGAN, Officer in charge of the Territories Branch of the Prime Minister's Department of the Commonwealth of Australia.

Nauru, 1938.

Accredited Representative :

Mr. J. R. HALLIGAN, Officer in charge of the Territories Branch of the Prime Minister's Department of the Commonwealth of Australia.

Syria and Lebanon, 1938.

Accredited Representative :

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

The report on Palestine and Trans-Jordan reached the Commission on May 31st, that on Syria and Lebanon on June 9th, and that on Togoland under French mandate on May 27th —*i.e.*, with delays of eleven, twenty and seven days respectively after the due date, which was May 20th. The Commission hopes that the mandatory Powers will do everything in their power to prevent the recurrence of such delays, which are detrimental to the work of the Commission (pages 14, 46, 245, 249).

* * *

A. PALESTINE : OBSERVATIONS ON THE POLICY LAID DOWN IN THE WHITE PAPER OF MAY 1939

1. In September 1937, His Britannic Majesty's Government in the United Kingdom, being desirous of working out a settlement of the Palestine problem, was authorised by the Council of the League of Nations to study the practical application of a scheme of partition recommended by the Royal Commission, under the chairmanship of the late Lord Peel, involving the creation of an independent Arab State and an independent Jewish State, while certain parts of the country were to remain under the administration of the mandatory Power. The Commission set up by the mandatory Power for this purpose visited Palestine in 1938, and reached conclusions which led His Majesty's Government to decide that the proposed solution was impracticable. In a resolute attempt to bring about an understanding between the opposing sections of the population of Palestine, the United Kingdom Government organised in London, in the early part of 1939, conferences at which exchanges of views took place between Ministers of the Crown on the one hand, and the representatives of the Arabs and of the Jews on the other. The discussions failed to bring about the desired agreement, and His Majesty's Government accordingly considered itself free to formulate its own policy.

2. In these circumstances, it communicated to the Secretary-General of the League of Nations on May 20th, 1939, a document entitled "Palestine—Statement of Policy", in which such a policy is laid down. It requested the Secretary-General to have the document circulated to the Members of the Permanent Mandates Commission at the same time as to the Members of the League of Nations. The former had also received the document direct from the United Kingdom Government.

3. At the meeting of the Council of the League of Nations on May 22nd, 1939, moreover, the representative of the United Kingdom announced the communication of the document to his colleagues. The representative of France pointed out that the proposed terms of settlement would be submitted to the Mandates Commission. The representative of Latvia, speaking as Rapporteur to the Council on mandates questions, said :

"The Council would no doubt be called upon to deal with the question at a later session. In the meantime, the Permanent Mandates Commission, which would meet in ordinary session in June 1939, would have an opportunity of examining the recent decisions of the United Kingdom Government."

4. The Mandates Commission had the honour of hearing the Right Honourable Malcolm MacDonald, Secretary of State for the Colonies, who came to Geneva to explain his Government's intentions as more briefly set out in the White Paper. The Secretary of State also expounded his reasons for believing that the policy was in conformity with the provisions of the Palestine mandate.

5. The Commission desires to recall these facts to show why, though neither the mandatory Power nor the Council had expressly invited it to state its opinion on this matter, it nevertheless felt bound, having regard to the circumstances in which the question was brought to its notice, to give it careful consideration and to communicate to the Council such observations as that examination might suggest.

* * *

6. The Commission considered the problem at its meetings on June 15th, 16th, 17th and 20th, with the assistance of the Secretary of State for the Colonies and his advisers. After discussing the matter at its meetings on June 21st, 22nd, 24th, 26th, 27th, 28th and 29th, it then drew up the present observations.

7. In submitting them to the Council, the Commission desires, in the first place, to pay a sincere tribute to the Government of the mandatory Power, for the consideration which, on this occasion, it has once more shown to the League of Nations, and for this further proof of its attachment to that institution. The Commission was particularly grateful to the Secretary of State for the clarity of his statements and for the inexhaustible patience with which he lent himself to the long and arduous exchanges of views which the Commission was privileged to have with him.

8. Being anxious both to formulate as concisely as possible its conclusions and at the same time, in a matter of such importance and complexity, to leave no doubt as to any of the considerations by which it has been inspired, the Commission ventures to draw the particular attention of the Council to the Minutes of its meetings of June 21st and 22nd. In the Minutes of the proceedings will be found a full statement of the grounds for opinions which are here only indicated briefly.

* * *

9. From the first, one fact forced itself to the notice of the Commission—namely, that the policy set out in the White Paper was not in accordance with the interpretation which, in agreement with the mandatory Power and the Council, the Commission had always placed upon the Palestine mandate.

In order to prove this, it will be enough to say that, only two years ago, the Government of the mandatory Power declared, in the Statement of Policy which accompanied the report published by the Royal Commission, that the present mandate was unworkable. In view of this, the Mandates Commission communicated to the Council its opinion that a mandate which was declared unworkable by the mandatory Power almost became so by that very fact.

10. In 1937, there was already a conflict between Jewish and Arab aspirations, which the United Kingdom Government admitted its inability to reconcile ; that conflict was the principal obstacle to Palestine's being administered in accordance with the mandate. Since that time, the conflict has become more and more intense. In 1937, the United Kingdom Government, feeling itself unable equitably to administer Palestine under the present mandate, believed that the possibility of so doing was to be found in a territorial partition for which no provision was made therein, while to-day it considers its new policy to be in accordance with the mandate. Does this not show that that instrument had at that time a different meaning in the eyes of the mandatory Power than that which it has to-day ?

* * *

11. The Commission did not, however, confine itself to establishing this single fact. It went on to consider whether the Palestine mandate might not perhaps be open to a new interpretation which, while still respecting its main principles, would be sufficiently flexible for the policy of the White Paper not to appear at variance with it. The Commission was all the less reluctant to raise this question since, according to the mandatory Power, no such contradiction existed. The Commission learned from the Secretary of State for the Colonies that the mandatory Power considered, on the strength of the opinion expressed by its legal advisers that, in view of the changed situation, the policy which it proposed to pursue was in agreement with the mandate, itself based on Article 22 of the Covenant and on the Balfour Declaration.

12. During the examination of this latter question, divergent views were found to exist among the members of the Commission.

13. In view of these divergencies, and of the resultant inability of the Commission to submit on this point conclusions which would be both definite and unanimous, it can only refer the Council to the Minutes of its meetings for an account of the individual views of its members.

14. As will be seen therein, four of the latter did not feel able to state that the policy of the White Paper was in conformity with the mandate, any contrary conclusion appearing to them to be ruled out by the very terms of the mandate and by the fundamental intentions of its authors.

15. The other members, three in number, were unable to share this opinion ; they consider that existing circumstances would justify the policy of the White Paper, provided the Council did not oppose it.

16. All the members agree in thinking that the considerations put forward in the report of the Royal Commission of 1937 and in the preliminary opinion presented by the Mandates Commission in August of the same year have not lost their relevance : the solutions envisaged in these two documents (excluding the setting-up of two independent States withdrawn at the outset from mandatory control) should be borne in mind at the appropriate moment.

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 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.¹

¹ The page numbers following each observation are those of the Minutes of the session.

TERRITORIES UNDER A MANDATE

Palestine

GENERAL OBSERVATION

In 1938, the deadlock which characterised the political situation a year ago was, unfortunately, not yet broken. The disturbances which began in 1936 and to which the Mandates Commission had already drawn the attention of the Council on two occasions, continued throughout the year 1938, involving victims among Arabs, Jews and other inhabitants of the territory, as well as among the military and police forces.

The principal efforts of the mandatory administration during 1938 were directed towards combating disorder and unrest. This state of affairs, as was explained by the accredited representative, not only made the execution of constructive work impossible but also led to a general curtailment of public services. Nevertheless, the Commission noted that, although the general trade situation was seriously affected, the economic and financial results, obtained during the year under review, have been less unfavourable than might have been expected in the circumstances. It also noted with interest that, in spite of the disturbed state of affairs, the public health services had generally been maintained.

According to the accredited representative, whereas, in 1937, most of the members of the armed bands were Arabs from the neighbouring countries, in 1938, the large majority of the rebels were Palestinian villagers.

In addition to other measures taken for the maintenance of order, the High Commissioner for Palestine delegated in October 1938 extensive powers to the General Officer Commanding the Palestine troops.

The accredited representative said that, in 1939, the larger armed bands had been virtually liquidated and that disturbances were confined mainly to individual acts of sabotage.

The Commission gained the impression that the authorities responsible for the maintenance of order have been acting efficiently and with a certain measure of success in very difficult circumstances.

In May 1939, the mandatory Power published its Statement of future policy in Palestine. The Commission learned that, following upon this publication, there was an attempt on the part of the more extreme Arab elements to revive the activity of armed bands in the rural areas and terrorism in the towns, but that it was too early to make any definite statement on the general feeling of the Arabs in Palestine in this respect. As regard Jewish reaction, there were demonstrations and, in certain towns, some rioting. Manifestos were issued urging the Jews in Palestine not to co-operate with the Government in the implementing of the new policy.

It appeared from the statements made by the accredited representative that it was hoped that the new policy announced in May 1939 would bring about appeasement, and that the only alternative to the continued use of force was to endeavour to remove the fear that underlies Arab hostility to the establishment of the Jewish National Home.

In this connection, the Commission desires to draw the attention of the Council to its observations on the Statement of future policy in Palestine.

Trans-Jordan

1. *General Administration.*

(a) The Commission noted that, in spite of the disturbances in the neighbouring territory, peace and order had been maintained in a general way in 1938 (pages 63, 94, 247).

(b) The Commission was informed that the Executive Council would be replaced by a Council of Ministers and the control exercised by the Mandatory over the finances and administration of the territory would be somewhat relaxed. It will follow with interest the result of these developments (pages 63, 186-188, 247).

2. *Military Clauses.*

The Commission was informed that the parties had decided by mutual consent to rescind Article 10 of the Agreement of 1928 between the United Kingdom Government and the Amir of Trans-Jordan, according to which the Amir could not raise military forces in the territory without the consent of the mandatory Power. It noted, with reference to Article 17 of the mandate, the statement of the accredited representative that there was no intention to diminish the mandatory Power's right to exercise a general supervision over the action of the Trans-Jordan Government, and that the mandatory Power would retain a control over all measures taken by the local authorities relating to the international obligations of the mandatory Power (pages 63, 186-188, 247).

Syria and Lebanon

I. GENERAL OBSERVATIONS

General Survey.

In the words of the annual report, "the year 1938 was a period of waiting dominated by the question of the ratification of the Franco-Syrian Treaty of December 22nd, 1936". According to the statement of the accredited representative, it was "not a constructive year in an administrative sense. It was marked by certain vacillations due to the application of the treaty policy before all the ratifications required had given that instrument finality. The mandatory control was relaxed, in the spirit of the same policy, designed to prepare Syria for emancipation . . . The report does not conceal that this policy has proved disappointing in some respects."

The negotiations between the mandatory Power and the Syrian Government, mentioned in the Commission's last report to the Council, ¹ which related to certain additional guarantees to be entered into by Syria as a prelude to her emancipation, resulted in the signature, on November 14th, 1938, of further supplementary agreements. These agreements, the text of which was not published, provided for the ratification of the Treaty within a short space of time and the devolution to the Syrian Administration of certain functions hitherto retained by the mandatory authority; they also dealt with freedom of conscience, the confirmation of the personal status of Christians, the maintenance of the position of the French language in public education and the protection of certain economic interests.

The general purport of these agreements was known in Damascus, where, according to the report, the news of their conclusion was very ill received.

In addition, while the Syrians were awaiting the ratification of the 1936 Treaty, a more and more pronounced opposition to it was developing in France, being particularly marked in Parliamentary circles. Towards the end of the year, it had become obvious that the Parliamentary Committees would reject the Treaty, its annexes and the supplementary agreements, and that a proposal for their ratification might well fail to obtain a majority in the Chambers.

According to the explanations supplied by the accredited representative, "the main reason for this opposition was not hostility towards the actual policy embodied in the Treaty, but the fear that the 1936 instrument did not provide adequate guarantees for the minorities, scattered or compact, and that its military clauses were not such as to place France in a sufficiently sure position to be able to fulfil her obligations towards the minorities and towards Syria as a whole".

As a result of this development in the policy of the mandatory Power, the Syrian Parliament, on December 31st, 1938, adopted a resolution proclaiming its "sincere desire to conclude an alliance with France" and its "attachment to the text ratified by the Syrian Parliament on December 26th, 1936", denouncing "as null and void all alleged agreements, annexes, additions or acts subsequent to the Treaty, unknown to and not approved by it", and asking the Syrian Government "to take, without delay, radical measures for the transfer of those powers which had not yet been surrendered to it". A memorandum submitted by the Syrian Government to the French High Commissioner stated, *inter alia*, that "the Syrian Parliament alone possesses legislative power, and henceforth the decrees of the High Commissioner can have no authority in Syria". The mandatory authorities rejected this memorandum as not receivable.

The policy which the French Government intends, from now on, to follow in regard to Syria is summarised in a *communiqué* published by the High Commissioner on May 12th last, the text of which is given in the annual report.

This *communiqué* states that "the French Government remains faithful to its undertaking to lead Syria, the friend and ally of France, to independence. With this object in view, it desires to reach a final agreement with the Syrian Government as soon as possible on the general basis of the principles stated in the agreements already signed by both Governments".

Finally, the report mentions that, a few days later, the Syrian Chamber voted a motion proclaiming "its attachment to the Treaty and its refusal to approve any amendment thereto involving any curtailment of the acknowledged rights of Syria".

The Commission has learned of the non-ratification of a Treaty which had perhaps been negotiated prematurely. It welcomes the concern for the interests of minorities which appears to have in part contributed to this result.

Nevertheless, it hopes that an end will soon be made with the present uncertainty, the continuance of which could not but endanger peace and order within the country.

Sanjak of Alexandretta.

The chapter of the report entitled "Political Situation" contains a brief narration of the course of events in the Sanjak of Alexandretta since November 29th, 1937, the date fixed by the Council of the League of Nations for the entry into force of its decisions of May 29th, 1937.

In addition, the accredited representative of the mandatory Power made the following statement:

During the year 1938 . . . "the situation in the territory of Alexandretta developed in a manner which alarmed Syrian opinion. As I stated in October last, the question of the Sanjak was dominated by considerations of an international character exceeding the

¹ Report of the Mandates Commission on the Work of its Thirty-fifth Session.

scope of the mandate, and the solutions based on those considerations will be submitted to the Council. The mandatory Power was obliged to take them into account ; and, had it not done so, it would have done harm to Syria herself, which needs a clear-cut, peaceful situation and friendly relations with all her neighbours : Syria is, moreover, obviously highly interested in a policy which is designed to preserve the established order throughout the Mediterranean basin."

Lastly, the Commission noted that the mandatory Power had not been in a position to render an account, in its annual report, of the administration of the Sanjak, because the local authorities had not, by the end of the year, furnished it with the necessary data.

As a result, it has been impossible for the Commission to fulfil its duty of supervising the administration of that portion of the territory in 1938.

On the other hand, the Commission can only, in connection with this part of the territory, recall the terms of Article 4 of the Mandate for Syria and Lebanon, which states :

" The Mandatory shall be responsible for seeing that no part of the territory of Syria and the Lebanon is ceded or leased or in any way placed under the control of a foreign Power."

*Centralisation and Decentralisation:
Local Autonomy.*

As last year, the Commission has studied with particular attention the important problems of local administrative autonomy and the Syrian Government's leanings towards centralisation and unification.

The question of establishing harmonious relations between, on the one hand, the two Mohafazats, enjoying a system of local government and inhabited by compact minorities, and, on the other hand, the Syrian Government, appears to have remained in suspense during the year 1938. The same applies to relations between the Upper Jezireh, inhabited by scattered minorities, and the central authorities.

As regards the *Mohafazat of Latakia*, there has been a recrudescence of the autonomist movement among the Alawites in this area, and the Syrian Government's policy of unification appears only to have accentuated ill-feeling and widened the breach. The autonomist claims of the Alawite population are not, however, extreme, and do not involve complete separation ; their only aim is to obtain a considerable measure of local freedom and guarantees for such freedom.

As regards the *Jebel Druze*, the local chiefs have asked that its autonomy should be defined and extended.

It emerged from the statements of the accredited representative that the present policy of the mandatory Power is directed towards obtaining some extension of the status of the Mohafazats of Latakia and the Jebel Druze as defined in 1936. However, the situation created by the increased opposition between particularist aims and the policy of centralisation has led the mandatory Power to strengthen its control over the administration.

The situation in *Upper Jezireh* hardly improved in 1938. There was no diminution in the mutual hostility between the greater part of the population, which consists of minority Kurds and Christians, and the Damascus Government. Inhabitants of this area are persistent in their demand for French control over the administration, and for a large measure of autonomy. The Syrian authorities, on the other hand, are only prepared to treat the Jezireh like the other provinces and to apply the law on Mohafazats (with decentralised regime) ; but even this law they hesitate to put into force. Pending a solution of the question, the mandatory Power has resumed the administration of this area.

Moreover, the problem of the opposition between centralising and decentralising tendencies arises, in a general form, in respect of the whole territory of Syria.

The policy of the mandatory Power on this point is defined in the High Commissioner's *communiqué* of May 12th, 1939, in these terms : " Following the experience acquired in applying certain provisions of the 1936 Treaty, the French Government considers it essential that the question of the administrative regime of the Mohafazats should be settled in a spirit of mutual confidence, so that satisfaction may be given to the legitimate aspirations of the populations concerned, within the framework of Syrian unity "

As mentioned by the Commission in its last report, the development of the system of Mohafazats with decentralised regimes is capable of contributing effectively to the solution of the problem of scattered minorities by allowing the latter to share in the administration of their provinces.

The Commission hopes that a solution will soon be found which is respectful of the legitimate rights and interests of the Syrian State and also regardful of minority oppositional movements, in so far as recent experience has shown them to be justified.

*Freedom of Conscience and Equality
of Treatment.*

The Commission noted that certain legislative measures adopted by the mandatory Authority to ensure freedom of conscience in accordance with the mandate and the Syrian Constitution had met with very strong opposition in Syria on the part of the Moslem religious authorities and the local Government, and that, in view of the agitation which followed, the mandatory authority had thought it advisable to abandon its intention of applying the measures in question to Moslems.

The Commission would refer in this connection to the observations already submitted by it at previous sessions relating to inequality of treatment as between Moslems and other communities in respect of the possibility of having religious conversions entered in the civil registers.

The situation which exists in that respect in Syria, as a result of the attitude adopted by the local authorities, is entirely contrary to the principles of freedom of conscience and of equality of treatment embodied in Article 8 of the mandate and in the Syrian Constitution.

Judicial Organisation.

The Commission wishes once again to urge the importance of giving absolute independence to the courts, the authority of which still appears to be endangered by inopportune action on the part of the Ministry of Justice. That independence and that authority can, moreover, only be secured if all arbitrariness is ruled out in the matter of appointments, dismissals and the promotion of judges.

The Commission has noted various signs of a tendency on the part of the Syrian authorities to lessen the guarantees available to foreigners through the existence of courts competent to try cases involving foreign interests. It relies upon the mandatory Power to see that those guarantees are upheld.

The Commission also wishes to point once again to the great importance of the existence of a judicial system such as to afford all the guarantees necessary to ensure equal and regular justice to all persons appearing before the courts.

Municipalities.

The Commission notes anew that as a consequence of the relaxation of the mandatory Power's control over municipal activities, the administration of the municipalities leaves much to be desired, especially from the financial point of view. It hopes to find an indication of improvement in that respect in the next annual report.

II. SPECIAL OBSERVATIONS

I. *Military Clauses.*

The Commission would like to have further information about the development of the organisation of the Syrian and Lebanese military forces and the credits devoted to them (pages 225, 226, 248).

2. *Labour.*

The Commission draws attention to the importance of developing the system of labour inspection in Syria and Lebanon (pages 242, 248).

3. *Education.*

The Commission has noted with interest the efforts made to develop education in Syria and Lebanon. It hopes that it will be possible to increase the State subsidies to private schools, in view of the large part played by the latter in education in Syria and Lebanon.

The Commission regrets to note that a political agitation carried on among students, sometimes even with the encouragement of the local authorities, has considerably hampered education. It hopes that steps will be taken to remedy this state of affairs (pages 242-244, 248).

TERRITORY UNDER B MANDATE

Togoland under French Mandate

I. GENERAL OBSERVATION

The Commission noted with satisfaction that all the services of the territory had now regained their former autonomy, with power to apply to the Governor-General of French West Africa for the assistance of any specialists of whose help they may stand in need (pages 45-46, 47-48, 246).

II. SPECIAL OBSERVATIONS

I. *General Administration.*

The Commission would like to be kept informed of the part played in the administrative life of the territory by the various regional bodies such as *communes indigènes*, *communes mixtes*, and councils of notables in villages (pages 48-49, 246).

2. *Public Finance.*

The Commission, while welcoming the appreciable improvement in the form of the chapter on public finance, would be glad to find in the next report a complete analysis of the machinery of the territory's debt. It would like at the same time to have details of the system of grants by the home country to the territory, and particularly of the principles which govern the making of such grants (pages 51, 246).

3. *Social Conditions of the Natives.*

The Commission hopes that future annual reports will provide information allowing it to follow the activities and development of native provident societies (pages 45, 49, 53, 55-56, 246).

4. *Land Tenure.*

The Commission had expressed its concern at the risks inherent in the system of control in force in the territory as regards the safeguarding of native rights in land, which is formally stipulated in Article 5, paragraph 2, of the mandate, especially in connection with the creation of mortgages.

During the present session, it noted the explanations furnished by the mandatory Power regarding the measures adopted to discourage the transfer to Europeans of land belonging to the natives.

While noting, in the light of these explanations, that the dangers of the system appear, at present, to be more theoretical than real, the Commission decided to suspend final judgment pending the result of the investigation undertaken by the mandatory Power (pages 60-61, 246.)

TERRITORIES UNDER C MANDATE

Nauru

1. *Public Finance.*

The Commission took note with interest of the terms of the interim Agreement of December 7th, 1938, regarding the royalty on phosphates, part of which is used for the benefit of the natives, part is invested in a fund and the largest part is paid to the Nauruan landowners.

It would be glad to find in later reports details of the form in which the latter is distributed to the landowners (pages 163-164, 247).

2. *Police.*

The Commission expressed the wish to find in the next report detailed information on the strength, armament and distribution of the police force (pages 165-166, 247).

New Guinea

1. *Status of the Territory.*

The Commission noted the terms of reference of the Committee which has been appointed by the mandatory Power to investigate the advisability of amalgamating the administration of the mandated territory and the territory of Papua.

The accredited representative assured the Commission that, in the event of amalgamation being carried through, the provisions of the mandate would continue to be fully respected. The Commission will look forward with particular interest to complete information on this point (pages 142, 143-144, 246).

2. *Education.*

The Commission took note of the statements made by the accredited representative regarding the educational policy of the Administration. It noted that it is felt that the proposals now being investigated will open an avenue for the establishment of a scheme of education that will be suitable to the requirements of the territory.

Pending the results of the investigations, the Commission decided to proceed with the examination of the matter next year in the light of such further information as it hopes to receive in the next report (pages 161-162, 246).

3. *Roads.*

The Commission was gratified to learn of the increasing interest shown by the mandatory Power in the development of the road system as a means towards the extension of Administration influence and the development of the territory (pages 142, 148, 246).

4. *Labour.*

The Commission will further consider labour conditions, more particularly in the Sepik district, in the light of the information which, according to the assurance given by the accredited representative, will be included in the next annual report (pages 154-157, 246).

South West Africa

1. *Status of the Territory.*

The Commission learned from the annual report that, owing to the difficulty of satisfactorily controlling the eastern part of the Caprivi Zipfel, it is contemplated making over the control of this area to the Union Department of Native Affairs. It noted the statements

of the accredited representative to the effect that the officer administering the area in question would work in close co-operation with the mandatory Government which would be acting for the Administration of South West Africa and that information regarding that part of the territory would be included in the annual reports as hitherto.

The Commission holds the view that the administrative arrangement contemplated calls for no observations on its part provided all the provisions of the mandate are properly applied in the eastern portion of the Caprivi Zipfel (pages 16-17, 246, 247).

2. *Status of the Inhabitants.*

In connection with the rejection in the Legislative Assembly of the territory of a motion on mandate citizenship, the accredited representative explained that the view of the mandatory Power is that any person wishing to exercise the franchise and thus participate in the administration must be a Union national.

The Commission does not intend to reopen at present the general question of the national status of the inhabitants of territories under B and C mandates previously settled by the Council, nor will it go into the merits of the particular motion mentioned above. It wishes, however, to reserve its opinion as to whether the mandatory Power's view is consistent with the principles underlying the Council's decision of April 23rd, 1923 (pages 17-19, 246, 247).

3. *General Administration.*

(a) The Commission regretted not to find in the annual report any information as to the development of political relations between the various elements of the population of the territory. The accredited representative, however, informed the Commission that "the political position in the territory had not changed materially since last year" and that "South West Africa is undoubtedly quiet and peaceful" but that "the tension of the outside world due to the events through which Europe was and is passing is reflected in the territory". The Commission was also informed that, subsequent to the period under review, the mandatory Power had found it necessary to double the strength of the police force of the territory. The Commission would welcome information in the next report with regard to the activities of the political parties and the evolution of the relations between the various sections of the population of the territory (pages 16, 20-21, 246, 247).

(b) The Commission noted the information given by the accredited representative to the effect that, in some cases, police officials—who had a certain knowledge of native customs and languages—would discharge the functions of welfare officers in the native reserves without being designated as such but that "the necessity for increasing the number of specialised welfare officers as and when financial means permitted was constantly in the mind of the Administration".

The Commission, being of opinion that the expert guidance of the native inhabitants in the reserves is of great importance, both for the people themselves and for the future of the territory, hopes to find in future reports evidence of progressive improvement in the position (pages 23, 246, 247).

4. *Public Finance.*

The Commission noted from the information contained in the report that the financial situation of the territory had appreciably improved. It also noted that, in accordance with the decision taken in 1936, payments for interest and redemption charges for loans granted by the mandatory Government had been suspended.

The Commission would be glad to find in future reports a description of the general financial policy of the Administration of the territory (pages 24-25, 246, 247).

5. *Native Welfare.*

The Commission noted the statement in the annual report according to which "the natives again, in common with the Europeans, enjoyed a prosperous year".

On the other hand the mandatory Power also stated that in its view "the development of the natives in the territory cannot be forced and any efforts directed to their uplifting must be attuned to the ability of the natives themselves to appreciate and benefit from them". Questioned on this subject, the accredited representative said that "in the view of the Administration, the European taxpayer would continue to pay a large proportion of the expenditure on native welfare, but that it was their policy simultaneously to train the natives to be self-supporting".

In this connection, the Commission recalls the observations made at its thirty-fourth session, expressing the hope that this consideration will not lead the Administration to withhold the assistance which is required for the natives in the matter of provision of medical facilities or of water supply.

In regard to the last named, the Commission would like to know whether the Administration had drawn up any plan the execution of which, including the provision of the necessary financial means, would be spread over a period of several years (pages 32-35, 36, 246, 247).

6. Education.

With reference to paragraph 315 of the annual report, the Commission wishes to renew the expression of its hope that measures will be taken to supply the territory in the near future with properly trained and qualified native teachers (pages 38-39, 246, 247).

7. Public Health.

The Commission regretted to note the very unsatisfactory health conditions amongst the workmen in certain mines in the territory, revealed by the unusually high morbidity and mortality rates. One of the main causes of this situation appeared to be the very low power of resistance of the native workers, due to undernourishment.

The Commission earnestly hopes that the measures taken by the Administration to cope with these conditions will prove effective and in particular that it will be possible to enforce respect for health regulations upon the mining companies (pages 16, 25-27, 40-41, 246, 247).

C. PETITIONS¹

At its thirty-sixth session, the Commission considered the petitions mentioned below, together with the observations made on each of them by the mandatory Power concerned. These petitions were reported on in writing by the members 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.²

Palestine

- (a) PETITION, DATED MARCH 21ST, 1938, FROM THE ARAB ALCOHOL AGENCY, JERUSALEM (document C.P.M.2122) (pages 79, 247).

Observations of the United Kingdom Government, dated October 10th, 1938 (document C.P.M.2122).

Report (see Minutes, Annex 6, pages 263-264).

Conclusions.

"The Commission,

"Having examined the petition, dated March 21st, 1938, from the Arab Alcohol Agency, Jerusalem, and the observations of the mandatory Power on the facts set forth therein :

"Considers that no special recommendation on the petition need be submitted to the Council."

- (b) LETTER, DATED MAY 17TH, 1939, FROM THE PRESIDENT OF THE JEWISH AGENCY FOR PALESTINE, LONDON, ACCOMPANYING A MEMORANDUM ON THE DEVELOPMENT OF THE JEWISH NATIONAL HOME IN PALESTINE IN 1938 (documents C.P.M.2138 and 2138(a)) (pages 74, 77, 79, 80, 87, 91, 247).

Observations of the United Kingdom Government, dated June 19th, 1938 (document C.P.M.2144).

Report (see Minutes, Annex 7, pages 264-265).

Conclusions.

"The Commission,

"Having examined the memorandum of the Jewish Agency on the development of the Jewish National Home in Palestine in 1938, together with a letter, dated May 17th, 1939, from the President of the Jewish Agency, as also the observations of the mandatory Power :

"Draws attention to the interest attaching to these documents but does not consider it necessary to make any particular observations thereon."

¹ The page numbers following each title are those of the Minutes of the session.

² The Commission recommends that copies of the petitions and the mandatory Powers' observations should be deposited in the League of Nations Library and thus placed at the disposal of persons wishing to consult them.

(c) A. PETITIONS CONCERNING THE GENERAL POLICY TO BE ADOPTED BY THE MANDATORY POWER (pages 44, 69, 248) :

1. PETITION, DATED MAY 1ST, 1938, FROM M. ABDUL HALIM ABU DAQAR AND OTHER SIGNATORIES, MADEBA (document C.P.M.2086).

Observations of the United Kingdom Government, dated July 11th, 1938 (document C.P.M.2086).

2. LETTERS, DATED :

(i) MAY 31ST, 1939, FROM THE PRESIDENT OF THE JEWISH AGENCY FOR PALESTINE, LONDON, CONCERNING THE STATEMENT OF POLICY ON PALESTINE (Cmd. 6019) ISSUED BY THE UNITED KINGDOM GOVERNMENT ON MAY 17TH, 1939 ;

(ii) JUNE 4TH, 1939, FROM THE PRESIDENT OF THE JEWISH AGENCY FOR PALESTINE, LONDON, COMMUNICATING A MEMORANDUM DEALING WITH THE LEGAL ASPECTS OF THE STATEMENT OF POLICY.

(Documents C.P.M.2139 and 2139(a).)

3. LETTER, DATED MAY 28TH, 1939, FROM THE CHAIRMAN OF THE GENERAL COUNCIL (VAAD LEUMI) OF THE JEWISH COMMUNITY OF PALESTINE, JERUSALEM, ACCOMPANYING A MEMORANDUM CONCERNING THE STATEMENT OF POLICY (Cmd. 6019) (document C.P.M.2140).

4. LETTER, DATED GENEVA, JUNE 12TH, 1939, FROM M. JAMAAL HUSSEINI, PRESIDENT OF THE PALESTINE ARAB DELEGATION (document C.P.M.2142).

5. PETITION, DATED MAY 30TH, 1939, FROM M. M. BLO, CENTRAL AGUDATH ISRAEL, JERUSALEM (document C.P.M.2143).

B. PETITIONS CONCERNING THE SUPPRESSION OF DISTURBANCES IN 1938 AND SUBSEQUENTLY (pages 44, 69, 248).

1. COMMUNICATION, DATED JULY 25TH, 1938, FROM M. FAHMI EL HUSSEINI, MAYOR OF GAZA, AND TEN OTHER INHABITANTS OF THAT TOWN (document C.P.M.2090) (page 87).

Observations of the United Kingdom Government, dated August 26th, 1938 (document C.P.M.2090).

2. PETITIONS, DATED :

(i) SEPTEMBER 2ND, 1938, FROM DR. H. F. EL-KHALIDI, MAHE (SEYCHELLES) ;

(ii) SEPTEMBER 24TH, 1938, FROM FOUR OTHER ARAB DEPORTEES IN THE SEYCHELLES (document C.P.M.2123.) (page 76).

Observations of the United Kingdom Government, dated November 18th, 1938 (document C.P.M.2123).

3. PETITION, DATED SEPTEMBER 22ND, 1938, FROM M. ABDALLAH AL-JAZZAR, MUFTI OF ACRE, AND OTHER MEMBERS OF THE CHRISTIAN AND MOSLEM RELIGIOUS COMMUNITIES OF ACRE (document C.P.M.2132) (pages 85-86).

Observations of the United Kingdom Government, dated May 26th, 1939 (document C.P.M.2132).

Report (see Minutes, Annex 8, pages 266-268).

Conclusions.

" The Commission,

" Having examined, in the light of the information supplied by the mandatory Power, the petitions relating to Palestine, classified as follows :

" A. Petitions concerning the general policy to be adopted by the mandatory Power,

" B. Petitions concerning the suppression of disturbances in 1938 and subsequently :

" Considers that the petitions falling under category A call for no comment other than that to be found in the Commission's observations on the White Paper issued by the United Kingdom Government on May 17th, 1939,

" And that as regards the petitions falling under category B, no special recommendation to the Council is required."

Syria and Lebanon

- (a) PETITIONS (ELEVEN IN NUMBER) FROM INHABITANTS OF JEZIREH (document C.P.M.2127) (pages 237, 248).

Observations of the French Government, dated May 25th, 1939 (document C.P.M. 2127).

Report (see Minutes, Annex 9, pages 268-269).

Conclusions.

“ The Commission,

“ Having examined the petitions (eleven in number) from Inhabitants of Jezireh and the observations of the mandatory Government ;

“ Having heard the additional explanations of the accredited representative of the mandatory Power ;

“ And having submitted to the Council in that part of its report which relates to Syria and Lebanon certain observations on the status of Jezireh :

“ Considers that it is not called upon to make special recommendations to the Council regarding the above-mentioned petitions.”

- (b) PETITIONS, DATED :

(1) JANUARY 8TH, 1939, FROM M. IBRAHIM DEBS, DOUMA ;

(2) JANUARY 12TH, 1939, FROM M. HILMI ATASSI, HOMS ;

(3) APRIL 1ST, 1939, FROM M. HASSAN MOURAD, M. PHILIPPE ATALLAH AND OTHER SIGNATORIES, HOMS

(document C.P.M.2128) (pages 236-237, 246).

Observations of the French Government, dated May 25th, 1939 (document C.P.M. 2128).

Report (see Minutes, Annex 10, pages 269-270).

Conclusions:

“ The Commission,

“ Having examined the petitions, dated

“ (1) January 8th, 1939, from M. Ibrahim Debs, Douma,

“ (2) January 12th, 1939, from M. Hilmi Atassi, Homs,

“ (3) April 1st, 1939, from M. Hassan Mourad, M. Philippe Atallah and Other Signatories, Homs,

and the mandatory Power's observations :

“ Considers that no special recommendation need be made to the Council regarding these petitions.”

- (c) PETITIONS, DATED :

(1) JULY 17TH, 1938, FROM M. ABDEL RAHMAN RAFAI, TRIPOLI ;

(2) JULY 30TH, 1938, FROM M. ANIS OMAR NAJA, M. SAMI EL TYARA AND OTHERS, BEIRUT ;

(3) JULY 18TH, 1938, FROM M. ABDALLAH LATIF BISSAR, M. MOHAMED ALY DINNAOUI AND OTHERS, FORWARDED BY M. CAMILLE KLAT, TRIPOLI

(document C.P.M.2129) (pages 237-238, 247).

Observations of the French Government, dated May 25th, 1939 (document C.P.M.2129).

Report (see Minutes, Annex 11, page 270).

Conclusions.

“ The Commission,

“ Having considered the petitions, dated (1) July 17th, 1938, from M. Abdel Rahman Rafai, Tripoli, (2) July 30th, 1938, from M. Anis Omar Naja, M. Sami El Tyara and Others, Beirut, (3) July 18th, 1938, from M. Abdallah Latif Bissar, M. Mohamed Aly Dinnaoui and Others, forwarded by M. Camille Klat, Tripoli, together with the observations of the mandatory Power :

“ Considers that they do not call for any special recommendation on its part to the Council.”

- (d) PETITION, DATED NOVEMBER 1ST, 1938, FROM M. HABIB EL HACHE, M. NEJIB SOULEIMAN EL HACHE AND OTHER MEMBERS OF THE ISMAILIEH COMMUNITY OF MASSYAF (document C.P.M.2130) (pages 236, 247).

Observations of the French Government, dated May 25th, 1939 (document C.P.M. 2130).

Report (see Minutes, Annex 12, page 271).

Conclusions.

" The Commission,

" Having examined the petition, dated November 1st, 1938, from M. Habib El Hache, M. Nejib Souleiman El Hache and Other Members of the Ismailieh Community of Massyaf, and the mandatory Power's observations :

" Considers that no action can be proposed to the Council regarding this petition."

- (e) (1) PETITIONS (TWENTY-SEVEN IN NUMBER), DATED JUNE AND JULY 1938, CONCERNING THE SANJAK OF ALEXANDRETTA (document C.P.M.2131) (pages 222-223, 248).

- (2) PETITION, DATED JUNE 11TH, 1938, FROM M. ASSAD DAGHER, SECRETARY-GENERAL OF THE SYRO-PALESTINIAN COMMITTEE, CAIRO (document C.P.M.2108) (page 248).

Observations of the French Government, dated May 25th, 1939 (document C.P.M. 2131).

Report (see Minutes, Annex 13, pages 272-273).

Conclusions.

" The Commission,

" Having examined (1) twenty-seven petitions, dated June and July 1938, concerning the Sanjak of Alexandretta, forwarded on May 25th, 1939, by the French Government and (2) a petition, dated June 11th, 1938, from M. Assad Dagher, Secretary-General of the Syro-Palestinian Committee, Cairo, with the mandatory Power's observations ;

" Not having received from the mandatory Power any information which would give it reason to believe that the complaints made in these petitions are all unfounded ;

" Realising, on the other hand, that the injustices that may have been committed result from a general policy on which it cannot express an opinion :

" Decides to confine itself to drawing the attention of the Council to the said complaints."

II.

A. COMMENTS OF THE UNITED KINGDOM GOVERNMENT
ON THE OBSERVATIONS OF THE PERMANENT MANDATES
COMMISSION WITH REGARD TO THE POLICY LAID DOWN IN THE
WHITE PAPER OF MAY 1939

LETTER, DATED AUGUST 5TH, 1939, FORWARDING A MEMORANDUM
CONTAINING THE COMMENTS OF THE UNITED KINGDOM GOVERNMENT

Foreign Office, August 5th, 1939.

To the Secretary-General of the League of Nations.

I am directed by Viscount Halifax to transmit to you herewith copies of a memorandum containing the comments of His Majesty's Government in the United Kingdom on the observations on the policy laid down in the White Paper of May 17th, which are contained in the report of the Permanent Mandates Commission on the work of their thirty-sixth session.

2. The Secretary of State will be grateful if you will be so good as to cause this document to be circulated, together with the above-mentioned report.

(Signed) Lacy BAGGALLAY.

COMMENTS OF HIS MAJESTY'S GOVERNMENT IN THE UNITED KINGDOM

His Majesty's Government in the United Kingdom have given careful consideration to the observations of the Permanent Mandates Commission on the Command Paper issued in May 1939, regarding policy in Palestine, together with the Minutes of the twenty-second and twenty-third meetings of the thirty-sixth session of the Commission, to which reference is invited in the observations. His Majesty's Government desire to express their appreciation of the courtesy of the Commission in furnishing them with advance copies of these documents, and of the invitation that has been extended to them to offer their comments. They are glad to avail themselves of this invitation.

2. On the issue whether the policy set out in the Command Paper of 1939 is in conformity with the terms of the mandate for Palestine, there is a marked division of opinion between the members of the Commission. Four of them have reached the conclusion that they "did not feel able to state that the policy of the White Paper was in conformity with the mandate, any contrary conclusion appearing to them to be ruled out by the very terms of the mandate and by the fundamental intentions of its authors", and three of them state that they "were unable to share this opinion; they consider that existing circumstances would justify the policy of the White Paper, provided the Council did not oppose it", while for one reason or another, of the eleven places on the Commission four were not occupied at this session.

3. Although the Minutes of the twenty-second and twenty-third meetings of the Commission contain various references by individual members of the Commission to the political background of the matter under discussion, it is noted that most members of the Commission felt themselves obliged to disregard this background in considering whether the policy of the mandatory Power is in conformity with the mandate. The mandatory Power, responsible as it is for the government of Palestine, cannot disregard political considerations. This would be its clear duty, even if it were not instructed by the terms of the mandate itself to keep such considerations in mind. But in fact, under Article 2, the Mandatory is made responsible for placing Palestine "under such political, administrative and economic conditions as will secure the establishment of the Jewish national home". The mandate is a statement of the aims to be pursued and the principles to be observed in the government of the territory. Drawn up at a time when future developments could not be foreseen, it was naturally worded in the most general terms, in order that its aims might be pursued and applied in accordance with the fundamental principles of good government. Whilst His Majesty's Government can understand the reasons which prompted members of the Commission to leave political considerations out of account, they hold the view that political developments in Palestine since the mandatory Power assumed its responsibilities there are relevant to a due discharge of their obligations under the mandate, and they submit that the Council, like the mandatory Power, must have regard to these matters. They return to this point in paragraph 11 of the present memorandum.

4. His Majesty's Government find it necessary to correct a serious misapprehension which underlies the argument contained in paragraphs 9 and 10 of the observations that "the policy set out in the White Paper was not in accordance with the interpretation which, in agreement with the mandatory Power and the Council, the Commission had always placed upon the Palestine mandate". The Commission assert that, "in order to prove" this important statement

"it will be enough to say that, only two years ago, the Government of the mandatory Power declared in the Statement of Policy which accompanied the report published by the Royal Commission that the present mandate was unworkable."

But the mandatory Power made no such declaration in the Statement of Policy of 1937. The relevant passage in that Statement reads as follows:

"In the light of the experience and of the arguments adduced by the [Royal] Commission, they [His Majesty's Government] are driven to the conclusion that there is an irreconcilable conflict between the aspirations of the 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."

The aspirations referred to were those of the Arab and Jewish communities each to possess a national government of its own in Palestine. It was these aspirations for national governments which could not be reconciled under the mandate and which led to the proposal for the division of the country so that separate sovereign Arab and Jewish States could be set up, each in a part of it. Such a solution inevitably involved the termination of the existing mandate. The setting-up of two sovereign States has, however, since been found to be impracticable, and His Majesty's Government have been unable to envisage any other solution which would satisfy the separate aspirations of the two communities for sovereign independence. The

declarations of His Majesty's Government in the Command Papers of November 1938 and May 1939 in fact mean that the complete realisation of these aspirations must be abandoned by both Arabs and Jews. The policy set out in the Command Paper of May 1939 does not provide, therefore, for the conception of a sovereign Arab State or of a sovereign Jewish State coterminous with the whole or any part of Palestine. This suggestion having been abandoned, His Majesty's Government are unable to agree that the alternative which they have now adopted conflicts in principle with any declaration in their Statement of July 1937.

5. The grounds for the *conclusion* of the four members of the Commission who hold that the policy of the Command Paper is not in conformity with the mandate are not explicitly stated in the Commission's observations, but in the Minutes of their twenty-second and twenty-third meetings there is an indication of the grounds on which these members have reached their conclusion. His Majesty's Government would observe that the arguments used by those members, as recorded in the Minutes, ought to be considered, not only with the counter arguments of their three colleagues, but also with the detailed explanations given by the Secretary of State for the Colonies in his discussions with the Commission. In order that the Council may be fully seized of the position, they would invite careful attention to the comprehensive statements made by Mr. Malcolm MacDonald as recorded in the Minutes of the earlier meetings of the Commission. In the following paragraphs, His Majesty's Government merely summarise their attitude to the principal criticisms on major points of the members who regard the new policy as not being in conformity with the mandate.

6. His Majesty's Government conclude from the Minutes of the twenty-second and twenty-third meetings that the members in question regard the new policy as being in conflict with the mandate on the following three main grounds :

(a) *Immigration*. — The decision (in Section II of the Command Paper) which makes Jewish immigration after the end of five years dependent upon Arab acquiescence is thought to conflict with Article 6 of the mandate, which requires the Administration of Palestine to facilitate Jewish immigration, and with the interpretation given to the mandate on this point by the Command Paper of 1922 ;

(b) *Land*. — The decision (in Section III of the Command Paper) to give the High Commissioner general powers to prohibit and regulate transfers of land is also thought to conflict with Article 6 of the mandate, which requires the Administration of Palestine to encourage, in co-operation with the Jewish Agency, close settlement by Jews on the land ;

(c) *Constitution*. — The decisions relating to the future constitution of Palestine (Section I of the Command Paper) are thought to involve the political subordination of the Jewish National Home to an Arab majority, and thus to conflict with Article 2 of the mandate, which requires the Mandatory to place the country under such political, administrative and economic conditions as will secure the establishment of the Jewish National Home as laid down in the Preamble.

7. As regards (a) Immigration, attention is invited in particular to the statements of Mlle. Dannevig, M. Rappard and M. van Asbeck at the twenty-second meeting, in which they emphasised the obligation imposed on the Administration of Palestine to facilitate Jewish immigration. In referring to this obligation, the first two members speak of the undertaking under Article 6 of the mandate " to facilitate Jewish immigration ", as though this were an obligation only qualified by whatever might be the economic absorptive capacity of the country. But there is in fact in the mandate itself a broader qualification. No reference is made by these members to the requirement, set forth in the same article, that the Administration, in facilitating Jewish immigration, shall ensure " that the rights and position of the other sections of the population are not prejudiced ". But this requirement is important : it establishes that the obligation to the Jews shall be balanced by an obligation to the Arabs, and the Permanent Mandates Commission themselves, in their seventeenth (extraordinary) session in 1930, concurred in the view that " the obligations laid down by the mandate in regard to the two sections of the population are of equal weight ". In the light of this, His Majesty's Government cannot agree that the obligation to facilitate Jewish immigration was one to do this indefinitely, regardless of any consideration except the economic absorptive capacity of the country. If this had been the intention of the authors of the mandate, they would no doubt have stated expressly that the economic absorptive capacity of the country should be the sole consideration limiting the obligation to facilitate Jewish immigration. But the mandate makes no reference to the conception of economic absorptive capacity. It is true that there is an important reference to this economic consideration in the White Paper of 1922, but what that document states is that " 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 ". This means only that immigration should not *exceed* the economic absorptive capacity of the country : it does not exclude, and was never intended to exclude,

the possibility of immigration's falling below that level on account of other relevant considerations. In fact, the permanent qualification of the obligation to facilitate Jewish immigration is that contained in Article 6 of the mandate itself—*i.e.*, that it should be facilitated in so far as that is possible, " while ensuring that the rights and position of other sections of the population are not prejudiced ". That obligation is binding on the mandatory Power, and the Secretary of State for the Colonies has set out in his evidence before the Commission the various considerations which, in His Majesty's Government's view, that obligation involves. Nor can His Majesty's Government accept M. van Asbeck's view that the distinction which Article 6 seeks to draw between different sections of the population refers to social and economic divisions, and not to ethnical and racial divisions. The wording of the Preamble to the mandate, as well as the terms of Article 6 itself, make it clear that the distinction is one between the Jewish section and the non-Jewish sections of the population.

8. As regards (b) Land, the arguments of the members who conclude that the policy declared in the Command Paper is not in conformity with the mandate appear to follow similar lines. His Majesty's Government invite the attention of the Council to the fact that Mlle. Dannevig, M. Rappard and M. van Asbeck refer to the obligation of the mandatory Power to " encourage the close settlement of Jews on the land " as though, again, this were an unqualified obligation. They omit to mention that in Article 6 of the mandate this obligation also is qualified by the requirement that the Administration should ensure " that the rights and position of other sections of the population are not prejudiced ". His Majesty's Government would again remind the Council that the Permanent Mandates Commission have concurred in the view that " the obligations laid down by the mandate in regard to the two sections of the population are of equal weight ". The difficulty of the problem in Palestine arises from the duty imposed upon the mandatory Power of keeping a just balance between these two complementary obligations; and it cannot be overcome by underestimating the importance of, or ignoring, one of the obligations. It is precisely because His Majesty's Government have been advised that if land sales are not prohibited in some areas and regulated in others the rights and position of the Arab population on the land may be prejudiced, that they have been compelled to reach this decision, and they would regard any failure to safeguard the position of the Arab population in this respect as a breach of the mandate.

9. As regards (c), the Constitution, it appears that the members of the Commission do not contend that the arrangements contemplated in the transition period before the establishment of an independent State are contrary to the mandate, but that the independent State contemplated in the Command Paper would have a composition and form which could not be reconciled with the obligations of the mandatory Power. The members who hold this view all suggest in one way or another that the interests of the Jewish minority would be subordinated to the will of the Arab majority, and that consequently the Jewish National Home would have no security. His Majesty's Government do not see how this can be deduced from the terms of the Command Paper of May 1939. The Command Paper does not even attempt to sketch the form of the future constitution; it would be premature to do so, and it is premature therefore to speculate on the matter. But the Command Paper does lay down definitely certain ruling principles of the constitution for the very purpose of securing that, when the time comes to frame it, the rights and position of both the Arab and the Jewish communities under the mandate shall be safeguarded. In paragraph 8 and again in paragraph 10(2) of the Command Paper, it is made clear that the independent State should be one in which the two peoples in Palestine—Arabs and Jews—" share in government in such a way as to ensure that the essential interests of each community are safeguarded ". In paragraph 10(7)(b), it is laid down that, before relinquishing their mandatory authority, His Majesty's Government will require to be satisfied, that in the proposed treaty or in the constitution, " adequate provision has been made . . . for the protection of the different communities in Palestine in accordance with the obligations of His Majesty's Government to both Arabs and Jews, and for the special position in Palestine of the Jewish National Home ". In paragraph 9, it is stated that " the establishment of an independent State and the complete relinquishment of mandatory control in Palestine would require such relations between the Arabs and the Jews as would make good government possible ". And in paragraph 10(1), it is emphasised that the proposal for the establishment of the independent State " would involve consultation with the Council of the League of Nations with a view to the termination of the mandate ".

These considerations appear to His Majesty's Government sufficient to establish that the mandatory Power fully intends that the proposals of the Command Paper shall not lead to the subordination of the rights and position of either Arabs or Jews. In any case, the Council of the League, whose approval will be required for the termination of the existing mandate, would bear the final responsibility for ensuring that the ultimate form of the constitution should be such as to safeguard the rights of both communities.

10. The terms of the last paragraph of the observations encourage His Majesty's Government to hope that there is less divergence of opinion than would appear between them and some members of the Permanent Mandates Commission regarding future constitutional

development in Palestine. The seven members who were present are unanimous in the view "that the considerations put forward in the report of the Royal Commission of 1937 and in the preliminary opinion presented by the Mandates Commission in August of the same year have not lost their relevance"; and they urge that "the solutions envisaged in these two documents (excluding the setting-up of two independent States withdrawn at the outset from mandatory control) should be borne in mind at the appropriate moment". The considerations mentioned by the Commission related to the proposal for a solution by partition of the country so as to establish sovereign Arab and Jewish States. Such a solution has been found impracticable, but, as will be seen from various statements made to the Commission by the Secretary of State for the Colonies, one of the possibilities which the mandatory Power has in view is the establishment of a federal constitution, and the provisions of the Command Paper relating to the constitution have been so framed as to allow of this, among other possible solutions.

11. In view of the importance of the issues involved and of the Commission's invitation to the mandatory Power to comment on their observations, His Majesty's Government have felt it necessary to set down briefly here their attitude towards the conclusion of those members of the Commission who urge that the policy of the Command Paper is not in conformity with the mandate. It is not, however, their intention to labour these points further. Certain members of the Permanent Mandates Commission hold the view that political considerations are outside the Commission's scope, but all the members are agreed that the Council may properly take such considerations into account. His Majesty's Government, holding, as they do, the view that a document such as the mandate for Palestine cannot be applied regardless of political developments in that country in the course of the carrying-out of the mandate, will invite the Council, when considering this matter, to give due weight to the general situation in Palestine which the new policy is designed to meet.

12. In this connection, it is pertinent to consider what would be the effect in Palestine if the mandatory Power were to pursue a policy which did not include the provisions regarding immigration and other important matters contained in the Command Paper of 1939. The result would be a continuation of that uncertainty about the future which has produced chronic unrest and bitterness between the two communities in the country. During the past twenty years, the mandatory Power has been facilitating Jewish immigration to such a point that the Jewish community has achieved a size and strength which ensure the permanence of the Jewish National Home marked by all those "national" characteristics which were described in the Command Paper of 1922. In paragraph 12 of the Command Paper of May this year, His Majesty's Government declared that, if immigration were continued indefinitely up to the economic absorptive capacity of the country, regardless of all other considerations, a fatal enmity between Arabs and Jews would be perpetuated. His Majesty's Government reached this conclusion with a full sense of their obligations under the mandate to both the Arabs and the Jews, and in the light of their knowledge of the country and its peoples derived from over twenty years of government there. It is their responsibility to ensure the well-being of both peoples in Palestine, and in their view the continuation of a policy which would perpetuate strife and enmity would, apart from other considerations, defeat the achievement of their obligation under Article 2 of the mandate to place the country "under such political, administrative and economic conditions as will secure the establishment of the Jewish National Home". There would be no security in such a policy, and it would lead to an interminable period of government by force. It is in the interests of the Jewish community and of the Arab community in Palestine that government should be not by force but by consent, and in His Majesty's Government's view the peace, security and progress of the Jewish National Home itself require that the relations between the Arabs and the Jews should be based on mutual tolerance and goodwill. In determining on a policy which seeks to achieve that happier situation, His Majesty's Government believe that they are pursuing faithfully the fundamental aim of the mandate.

B. COMMENTS OF THE ACCREDITED REPRESENTATIVES SUBMITTED IN ACCORDANCE WITH SECTION (e) OF THE CONSTITUTION OF THE PERMANENT MANDATES COMMISSION

The accredited representative for Palestine and Trans-Jordan has stated that he has no comments to make on the observations concerning the *administration* of these territories.

The accredited representatives for Syria and Lebanon, Togoland under French Mandate, Nauru, New Guinea and South West Africa 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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PERMANENT MANDATES COMMISSION

MINUTES OF THE THIRTY-SEVENTH SESSION

Held at Geneva from December 12th to 21st, 1939.

The following members of the Commission took part in the work of the session :¹

M. ORTS (*Chairman*);

M. RAPPARD (*Vice-Chairman*);

BARON VAN ASBECK;

Mlle. DANNEVIG;

M. GIRAUD;

LORD HAILEY;

COUNT DE PENHA GARCIA.

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

Secretary: M. E. DE HALLER, Director in Charge of Mandates Questions.

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

For the *Cameroons under British Mandate*:

Major L. SEALY-KING, District Officer, Nigeria.

For the *Cameroons under French Mandate*:

M. REPIQUET, Honorary Governor-General of the Colonies, former Commissioner of the French Republic in the Cameroons.

For *Tanganyika Territory*:

Mr. J. E. S. LAMB, Deputy Provincial Commissioner, Tanganyika.

For *Ruanda-Urundi*:

M. HALEWYCK DE HEUSCH, Permanent Recruitment Secretary, former Director-General in the Belgian Colonial Ministry;

Assisted by

M. VAN HOOF, Chief Medical Officer of the Belgian Congo.

For *Togoland under British Mandate*:

Captain C. C. LILLEY, O.B.E., former District Commissioner in Togoland.

For *Western Samoa*:

Mr. R. M. CAMPBELL, M.A., LL.B., Ph.D., New Zealand Government's Economic Adviser in London.

* * *

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

¹ Absences of the Members: M. Orts : eighth and ninth meetings; M. Rappard : first six meetings; Mr. Weaver : first meeting

FIRST MEETING

Held on Tuesday, December 12th, 1939, at 11 a.m.

Opening Speech by the Chairman.

The CHAIRMAN spoke as follows : I have the honour to declare the thirty-seventh session of the Permanent Mandates Commission open.

In the first place, I owe it to my colleagues to thank them for their willingness to postpone the date of our session, which was originally convened, as you know, for November 17th. At that time, owing to the prevailing circumstances, it would have been extremely difficult for some of them to leave their countries, and so I took the initiative of proposing an adjournment. Thanks to the goodwill of those members whose movements were not thus hampered, the proposal was accepted, though it may have involved some inconvenience for them. I am extremely grateful to them.

I must also apologise to the accredited representatives of the mandatory Powers, who had been obliged to make their arrangements for attendance at Geneva at the beginning of November and were informed at the last moment of the adjournment of the session.

Since our last meeting, Lord Hankey, who had been appointed by the Council on May 23rd of this year, addressed a letter to the Council, dated September 7th, 1939, resigning his membership of the Mandates Commission.

As every one of you is aware, Lord Hankey has joined the United Kingdom Cabinet, and this has involved his resignation as a member of the Commission in accordance with the provisions of our constitution. I am sure I shall be interpreting the feelings of us all when I express our regret that our collaboration with Lord Hankey was so short ; we shall remember him as a man of great charm of manner and also as a colleague in whom we were conscious of merits — especially that of great conscientiousness — for which he was known and reputed even before he became a member of this Commission.

Lord Hailey, who was a member of the Commission from September 19th, 1936, to March 7th, 1939, has responded to the appeal of the Council of the League of Nations and agreed to sit once more on the Commission. I welcome him very cordially. When he left us, we had no reason to hope that the separation would be but momentary and when, as we then thought, we finally took leave of him, we expressed our unreserved appreciation of his collaboration, which had proved of exceptional value. Lord Hailey can therefore be in no doubt as to the satisfaction with which we now welcome him back to take up that collaboration once more.

It is customary for the Chairman to give an account at the beginning of each of our sessions of the discussions to which consideration of the report of the previous session of the Commission has given rise in the Council and/or Assembly of the League. As my colleagues are aware, circumstances have not yet made it possible for the Council or Assembly to proceed with the consideration of our last report.

* * *

The Chairman added that M. Rappard was expecting to attend the meeting of the Commission in two or three days' time.

M. Palacios had intimated that he would be prevented from attending.

Statement by the Director in charge of Mandates Questions.

M. DE HALLER made the following statement :

It is customary for the Secretariat to inform the Commission at the opening of its session of the activities of the Secretariat since the closure of the last session. As the Commission's time is strictly limited, I do not propose to go into details. I will confine myself to making communications of which it is necessary to take note, as follows :

1. The Minutes and report of the thirty-sixth session, held in June last, were distributed to the Council on August 17th, and to States Members on August 19th, 1939.

2. The annual reports to be examined at the present session reached the Secretariat in the following order :

| Territory | Administrative period | Date of reception |
|---|-----------------------|---------------------|
| Tanganyika Territory ¹ | 1938 | June 1st, 1939 |
| Western Samoa | 1938/39 | August 25th, 1939 |
| Cameroons under British Mandate | 1938 | August 30th, 1939 |
| Togoland under British Mandate | 1938 | August 30th, 1939 |
| Ruanda-Urundi | 1938 | September 1st, 1939 |
| Cameroons under French Mandate | 1938 | November 11th, 1939 |

¹ This report appeared on the agenda of the thirty-sixth session ; but, in view of the length of its programme, the Commission postponed consideration of it to the present session.

No report has so far been submitted on the islands under Japanese mandate for 1938.¹

3. Thanks to the assistance which the accredited representatives of the mandatory Powers have been good enough to lend to the Secretariat, the work of bringing up to date the collection of statistical tables concerning the various mandated territories (the last edition of which was published in 1933) is now practically complete.²

Adoption of the Agenda and Programme of Work.

The Commission adopted its agenda (Annex 2) and programme of work.
(The Commission went into private session.)

Western Samoa : Examination of the Annual Report for the Year ended March 31st, 1939.

Mr. R. M. Campbell, Economic Adviser to the New Zealand Government in London, accredited representative of the mandatory Power, came to the table of the Commission.

WELCOME TO THE ACCREDITED REPRESENTATIVE

The CHAIRMAN welcomed Mr. R. M. Campbell, Economic Adviser to the New Zealand Government in London. Mr. Campbell had been accredited for the third time by the mandatory Power as its representative on the Commission.

He understood that Mr. Campbell had recently visited the mandated territory. This circumstance could not fail to increase the value of his co-operation with the Commission, which the latter had already had occasion twice before to appreciate.

GENERAL STATEMENT BY THE ACCREDITED REPRESENTATIVE

Mr. CAMPBELL made the following statement :

The first source of information at the disposal of the Commission in its consideration of the administration of Western Samoa is the annual report. This, I hope, covers all the points raised by the Commission in the 1938 session and then left outstanding. Supplementing this, I will communicate to the Commission the substance of a letter from the Prime Minister, dated August 18th, 1939, and of his cablegram, dated December 5th, 1939.

The Prime Minister wrote on August 18th that the Administration was continuing to function with complete normality. Cabling on December 5th, he reported that the Faipule election had passed off quietly, representatives being returned for forty-one constituencies.

In his letter of August 18th, the Prime Minister further stated that the Governor-General of New Zealand had recently visited the territory, where he received messages of loyalty from all sections of the community, including the Samoans, the population of mixed blood and the German nationals. The visit was successful in every way, and appeared to have had a useful effect.

A reference to the value of the Governor-General's visit was made in the Legislative Council on August 1st, 1939.

The Prime Minister's letter further referred to the subject of *medical practitioners*. Difficulties were still continuing in connection with training additional native medical practitioners. The proposed additions to the Central Medical School in Suva had been postponed by the Government of Fiji : as a result, it was still impossible to increase the number of trainees as the Administration would wish. It was hoped, however, that this difficulty would be removed next year, and, in the meantime, efforts were being made to arrange for an increased number of boys to be accommodated outside the school.

Cabling on December 5th, the Prime Minister added that five additional trainees were proceeding to the school in Suva in January 1940.

Reference was made in the 1937/38 report, page 25, to an epidemic of *jaundice* : the 1938/39 report, page 26, painted a more serious picture.

In his letter of August 18th, the Prime Minister stated that the attack continued to be prevalent. It appeared to be a new, or at any rate an obscure, disease, and, he added, "an attempt may be made to obtain an expert from Queensland where similar but, it is believed, not identical conditions exist ; but it is not yet possible to say whether such an expert can be obtained".

Cabling on December 5th, the Prime Minister stated that the epidemic was decreasing. It had been found impossible to secure expert field investigators ; arrangements had been made with the Director-General of Health in Queensland and the Hooper Foundation in the University of California for examination of specimens.

¹ At the thirteenth meeting (see pages 118 and 119), the Commission was informed that the Japanese Government's report had been despatched from Tokio during November.

² See Minutes of the Thirty-fifth Session of the Commission, page 188.

To turn to *labour* problems, the experiment with the Niue islanders seems to be failing. The men have been found unsuitable for the work, particularly on the cocoa plantations. An attempt is now being made to obtain a certain number of men from the Cook Islands, which are under direct New Zealand administration. But the problem of what is to happen when the remaining coolies return to China next year has still to be solved.

Trade. — Prices for tropical produce have been very low (see page 14 of the report). The decline in value of total trade in 1938, as compared with the calendar year 1937, was 28%.

Copra prices in 1938 were as low as £8 15s. a ton. The latest information points to some improvement.

Rubber prices had also improved, but this is not a trade item of much importance in the mandated territory.

Cocoa declined from £40 a ton at the end of 1937. Sales in 1939 from the "Reparation Estates" were at £35-£37 a ton. The rainfall in January 1939 proved ruinous to the crop; and, in August 1939, the Prime Minister wrote that the very low prices, combined with the effect of the rainfall in January, had had a most damaging effect on the prospects of the European planters. The position had been met by a complete remission of all rentals payable by the latter (most of whom are tenants of the "Reparation Estates") for six months.

Government Finance. — As a result of the low prices for tropical produce referred to, and of exceptional expenditure to repair flood damage, the budget for the current year will, for the first time for eight years, show a deficit. The deficit will be of the order of some £18,000, and will be met without difficulty from the reserve funds which have been accumulated for that purpose.

As mentioned by the Chairman, I was able to visit the territory in April-May 1939. I spent ten days at Apia and surrounding districts. The period was of course far too limited for me to be able to claim to be an authority. My rôle must still be one of transmitting to the appropriate authorities your comments and requests for information.

As a first general impression: I do not think any member of the Commission visiting the territory as I did would dissent from the view that conditions are reasonably satisfactory. We do not pretend that Western Samoa is an idyllic, care-free, tropical isle, where every prospect pleases. That would be to invite disillusion. But, on the other hand, it is not simply a hotbed of intrigue and suppressed discontent. I think that, if asked whether the calm in Western Samoa is a real and healthy one or, on the other hand, an unhealthy torpor, one would have no difficulty in giving a favourable judgment.

The material connection between Western Samoa and New Zealand is of course very real. The ship that brought us to Apia, ten days from New Zealand, is a New Zealand Government ship — the *Mau'i Pomare* — and a very well-run ship too. In addition, another ship trades with New Zealand and the other islands. Big American liners call at Pago Pago with launch connections for mail to and from Apia; and now and then liners on pleasure cruise call at Apia. But the shipping connection with New Zealand by the New Zealand Government ship is the main link in outside communication.

Another material connection — and this is most striking on boat-sailing day — is the banana trade with New Zealand. The statistics of increasing volume and value tell part of the story. They cannot give an adequate picture of the stimulus that is brought to the island by this trade. One has to see the care with which supplies are arranged and the eagerness to participate. Notice is given that bananas may not be cut before a stated time, so that they will be fresh for shipment. From then until boat-sailing time, the countryside is a hive of industry. Life has a purpose and a keenness which go to show that this banana connection has a value out of proportion to the money involved.

Apia itself and the villages appear to be very well kept; that is true of roads and public buildings, such as churches and meeting-houses, as well as the fales in which the people live. The schools and hospitals I was able to see also seemed to be well kept and creditable.

A more striking and, I am sure it will be agreed, a better criterion was the human factor. From census figures, you know of the 40% population increase in the decade 1926 to 1936: so the picture of life that is abundant and healthy shows that not much is amiss.

While the enthusiasm for schools is heartening, one who is in the territory can also appreciate the remark in a recent report to the effect that the Administration has been almost embarrassed by this enthusiasm. Many older children — adolescents and even older — seem to be turning up at school for the first time and, in some places, to be crowding the infant classes; but that is doubtless a transient problem.

Members of the Mandates Commission would also, I am sure, be gratified with the hospital and medical work, and in particular with the development of dental training (see the pictures on pages 35-37 of the report).

They would also, I think, be reasonably satisfied with the relations between the Administration and the people. These certainly struck me as very good. Amongst those with whom I was fortunate in being able to spend some time were the Faipules in their Fono, the legislative councillors, including the Honourable Mr. Nelson and the Honourable Dr. Dawson, the Chief Judge and the associate judges, and the Fautua (Malietoa and Tamasese). One recalls the almost boyish enthusiasm of the young man Tamasese — eager that Samoans should at once be apace with the best and newest in the world — and, in contrast, the benevolent maturity of the older man, Malietoa. Malietoa (the name means "well fought") has died since I was there — a sad loss of a fine old character.

Altogether, the relations between the Administration and people are creditable to all.

I hope I have not suggested that Western Samoa is a country without problems. If only as a corrective to too rosy a picture, I may refer to planters and their very real anxieties as to the supply of labour, if the plantations are to survive. "We agree", they say, "that Samoa should be governed in the interests of the inhabitants; but we planters claim to be included among the inhabitants."

Again there are the unsolved problems of education and of native responsibilities in government. These are problems that I suppose will never be solved in any final sense. I read the other day that "the belief that it is possible to settle things once and for all is one of the most ancient and deep-seated illusions".

I have only to add that the relations between Western Samoa and its American neighbours are excellent.

The CHAIRMAN thanked the accredited representative for his statement.

It was particularly gratifying to note that the report furnished a reply to all questions put by members of the Commission in connection with the consideration of the last report. A list of references on page 2 of the report, and the references to pages of the Minutes of the Thirty-fifth Session of the Commission in which the questions occurred, and to the pages of the report in which the replies were to be found, showed the efforts that had been made to facilitate the work of the Commission. The work of the Commission would be still further facilitated if a distinction was made between questions which were the subject of *observations* made by the Commission as a whole and questions representing *individual enquiries* by members of the Commission. Subject to the above observation, he wished to express the Commission's appreciation of the goodwill shown by the mandatory Power.

STATUS OF THE TERRITORY

M. VAN ASBECK referred to a report in the *Pacific Islands Monthly*, of February 15th, 1939, to the effect that changes in the mandate were contemplated with a view to bringing the mandate under the control of the British High Commissioner for the Western Pacific. He put the question, not because he himself attached any credence to the rumour, but in order to clear up the position and place the facts on record.

Mr. CAMPBELL answered that he had no reason to think there was any justification for the rumour.

REPERCUSSION OF THE STATE OF WAR BETWEEN THE MANDATORY POWER AND GERMANY

M. VAN ASBECK asked whether the mandatory Power held that Western Samoa was at war with Germany since September 1939.

The question, he was aware, related to a state of affairs which had arisen after the close of the period to which the report related; but the point was clearly one which had an interest of its own. He did not propose to discuss the matter; he wished merely to obtain the information necessary to gain a clear idea of the actual position.

The CHAIRMAN, intervening, said he must explain that, in agreement with the accredited representatives, the Commission had frequently had occasion to deal with questions arising after the period covered by the annual reports. When the Commission took the initiative of raising such questions, the established practice was that the accredited representative was free to answer or not as he pleased.

Mr. CAMPBELL answered that he was perfectly willing to clear up the situation, if he could; but he was unable to do so. A state of emergency was declared in Western Samoa at the beginning of the current war; he did not know whether technically there was a state of war.

LEGAL STATUS OF THE SAMOANS

Lord HAILEY put a question with regard to the statement in section III of the report to the effect that "the Samoan Status Ordinance of 1934 has been amended by deleting its former requirement that part-Samoans of European status, on applying for the legal status of Samoans, should 'live as Samoans' ". Was the status contemplated in the ordinance a purely internal status ?

Mr. CAMPBELL answered that he so interpreted the ordinance.

Lord HAILEY asked what was the reason for Samoans' being precluded from holding shares in companies (page 3 of the report).

Mr. CAMPBELL replied that this question seemed to be a matter for the administrative officials on the spot. He doubted if the restrictions had any serious consequence for the Samoan population.

Count DE PENHA GARCIA thought that the status of the several elements of the population was described with commendable clearness in the report.

INTERNATIONAL CONVENTIONS

Count DE PENHA GARCIA said he had asked in the previous year for a list of international Conventions applicable to Western Samoa. The mandatory Power had been good enough to supply a valuable and interesting list in reply on page 3 of the report, for which he was grateful.

Certain of the entries might seem at first sight a little surprising : for example, the Convention of December 9th, 1923, on the International Regime of Railways was apparently applicable to Western Samoa, in spite of the fact that there were no railways in the territory. No doubt, however, if one day there were railways in the territory, they would be effectively regulated by the Convention.

SECOND MEETING

Held on Tuesday, December 12th, 1939, at 3.15 p.m.

Western Samoa : Examination of the Annual Report for the Year ended March 31st, 1939
(continuation).

Mr. Campbell came to the table of the Commission.

PARTICIPATION OF THE NATIVES IN PUBLIC AFFAIRS : RÔLE OF THE MAU AND ANTI-MAU MOVEMENTS

M. VAN ASBECK, referring to the statement in the report concerning the appointment of four Samoan members to the Legislative Council, asked whether he was right in thinking that, although legally they were nominated by the administrator, in fact they might be considered to have been elected, as the administrator always followed the proposals made to him. Do they belong to the Mau or to the New Mau ? Were relations satisfactory between the Administration and the Mau and the New Mau ?

Mr. CAMPBELL replied that the members in question were chosen on behalf of the villages, the nominations made locally being accepted. They were all members of the Mau. Relations between the Administration and both the Mau and the anti-Mau were quite satisfactory. The position as between the Mau and the anti-Mau was not an occasion of difficulty. The situation was calm and satisfactory, and there was nothing new to report since the last report.

M. VAN ASBECK enquired whether the Mau had any influence in the Fono of Faipule.

Mr. CAMPBELL answered in the affirmative. Most members of the Fono would be members of the Mau. It was possible that there might be less emphasis at the present time than a few years ago, but their dress alone would indicate their membership of the Mau. He added, in reply to a further question, that there was a substantial structural difference between the Legislative Council and the Fono of Faipule. The former was a more European institution, and its members included officials of the Administration. The latter was a distinctly Samoan institution, meeting in Samoan fashion.

Mlle. DANNEVIG enquired as to the relations between Mr. Nelson and the Administration.

Mr. CAMPBELL replied that Mr. Nelson was a member of the Legislative Council, elected by Europeans. Relations between him and the Administration were quite satisfactory, calling for no special comment.

M. GIRAUD enquired as to the position of the anti-Mau since the death of Malietoa. Did his successor in the leadership of the anti-Mau wield as much influence? Had he, too, been appointed Fautua.

Mr. CAMPBELL did not know the position to have been altered. Malietoa's successor as Fautua had not been appointed. The relations between the Fautuas and the Administrator were informal in character, but much appreciated on both sides.

ACTIVITIES OF THE MAU GUARDSMEN

M. VAN ASBECK enquired as to the activities of the Mau guardsmen.

Mr. CAMPBELL was aware of no change, nor of any special significance attached to their activities.

M. VAN ASBECK suggested that the existence of a private police force was always risky.

Mr. CAMPBELL quoted in reply an answer to a question in the New Zealand Parliament in September 1938 (reported in the *Western Samoa Mail*, October 1st, 1938), in which the Minister expressed the opinion that the Mau guardsmen were useful for keeping roads clear and in directing traffic. The Minister compared their action with the control exercised in similar respects by the Maori police.

POWERS OF THE OFFICIAL AND UNOFFICIAL VILLAGE HEADS

M. VAN ASBECK said that the Commission had asked in the previous year¹ for "more detailed information on the relations between the official and unofficial village heads, who appear to have a parallel authority".

The reply in the present report (page 5), for which he was much obliged, suggested that the *chiefs* and *orators* of each village, acting as a group, directed communal village activities of a nature *not compulsory by law*, such as village work on utilities and health measures, the planting of a sufficiency of food crops, enquiry into breaches of the social code, or the reception of visitors. The report added that it was no part of the system that the village officials should necessarily be village heads or leaders of the village life by any right of law or by the Government appointments which they held. So village government falls into two categories — the operation of law emanating from "government" and the direction of village social life by its chiefs and orators on the basis of custom.

Did not the accredited representative see a source of weakness in this rift existing in village government? Would it not be a sounder policy for the Government Administration to educate the real leaders of the villages to take administrative positions and back them with its moral influence?

Mr. CAMPBELL replied that he had discussed the point on the occasion of his visit earlier in the year, since it had been raised in previous discussions by the Mandates Commission. He had no doubt that the mandatory Government and Administration would be interested in the observations and suggestions coming from the Commission.

The CHAIRMAN wished to make it clear to the accredited representative that the Commission did not intend to make any formal recommendations as to administrative action. This would not be its proper function, as the Commission understood it. It would be for the mandatory Power to decide whether it should take account of the views expressed in the course of the discussion.

Lord HAILEY said there were two classes of authorities, each with different sanctions behind them. On the one hand, there was the official authority with the law to back it. On the other hand, there was the traditional authority of the village heads, with only the possibility of a resort to extra-legal methods (such as ostracism and the like) to back them. Was it not obvious that, with the advance of civilisation, the authority of the latter would necessarily weaken in relation to the authority of the former? If so, what would be the result? The Administration would have deprived itself of a potentially useful instrument for the introduction of improvements in local government and the like. The point which M. van Asbeck and he had wished to put to the accredited representative was that this could be avoided if the traditional authorities were now integrated into the administrative system.

¹ See Minutes of the Thirty-fifth Session of the Commission, page 210.

Mlle. DANNEVIG suggested that it was precisely these extra-legal functions which gave to the Samoans their interest in life. It would be a pity if they were destroyed. Work could not be a sufficient interest in the life of the Samoans, as it appeared that the Samoans did not work much or enjoy working.

PUBLIC FINANCE

M. VAN ASBECK asked for further information in the next report as to the expenditure of village funds, and the control of such expenditure. He referred to Article 26 of the Samoa Native Regulations, 1938, which leaves it to the Pulenu'u only to expend village funds for purposes of general benefit to the village, at his discretion, without circumscribing what is to be included in the general benefit and without binding him to some sort of budget.

Mr. CAMPBELL quoted the Samoan Native Regulations, 1938, clauses 26 and 27. The former required expenditure to be "of general benefit to the village"; the objects and the method of control of expenditure could perhaps be more precisely defined in the next report.

The CHAIRMAN thanked the accredited representative for the reply (page 11 of the report) to a question which M. Rappard had put last year¹ with regard to an anomaly which M. Rappard thought he had found in the table of permanent charges on the public debt appearing on page 7 of the 1937/38 report.

The year under consideration had not been so prosperous as the previous one. Prices had collapsed, and the proceeds of import and export duties were both lower. While the accounts for 1938/39 showed a nominal surplus of £4,570, expenditure for commitments made during the year totalling £2,850 did not come to charge before the close of the financial year; the effective surplus was thus appreciably reduced. At the same time, it had proved impossible to continue the redemption of debt on the scale of the two preceding years. The budget for 1939/40 even showed a deficit of £17,917 (see the "Estimates of Revenue and Expenditure for the Year 1939/40").

Expenditure had exceeded revenue, and sinking fund payments would have to continue. That was bound to make it difficult to maintain the sinking fund programme to which reference was made on page 9 of the 1937/38 report.

Mr. CAMPBELL said that the decrease in revenue and the abnormal increase in expenditure were largely a consequence of the floods and other exceptional causes. No doubt the reserves and special debt repayments would be affected.

Lord HAILEY gathered that the territory had been making (a) direct payments in redemption of debt, as well as (b) payments to the sinking fund. It would no longer be able to continue the former; but it was bound to continue the latter, because the latter were statutory.

Mr. CAMPBELL agreed.

M. GIRAUD enquired as to the figure £4,855 shown at the bottom of page 10 of the report as "Repayment of Principal" for 1938/39.

Mr. CAMPBELL answered that this was a sinking fund payment.

Lord HAILEY suggested that, whereas in many cases sinking funds were allowed to accumulate until the whole of the debt concerned could be redeemed, the Government of the mandated territory preferred to use the sums annually allocated to its sinking fund to make direct redemptions of debt every year. The £4,855 had been so used in the year under review, as shown by page 11 of the report. There was of course no objection to this course.

Count DE PENHA GARCIA enquired as to the amusements tax shown on page 12 of the report. Why had it only brought in £58 in 1938/39 as compared with £111 in 1937/38?

Mr. CAMPBELL did not know the reason for the decline. The tax was presumably, as in New Zealand and the United Kingdom, a tax on cinematograph entertainments.

M. GIRAUD also enquired as to the business and other licence fees on page 12. How came it that the yield had increased by 25% in a time of stagnation?

¹ See Minutes of the Thirty-fifth Session of the Commission, page 161.

Mr. CAMPBELL replied that the tax presumably related to internal business. The stagnation to which the report referred was rather in the export trade of the territory.

M. GIRAUD drew attention to the fact that the amounts spent on agriculture (see the second table on page 10 of the report) ceased to be shown separately after the year 1928/29. Under what heading was agricultural expenditure now to be found ?

Mr. CAMPBELL, in reply, referred to the statement on page 29 of the report to the effect that, " during the past ten years, the circumstances of the territory have not warranted the maintenance of a separate Department of Agriculture, the Administration being content to exercise a strict scrutiny of all export produce before shipment ".

ECONOMIC SITUATION : IMPORTS AND EXPORTS : BANANA TRADE :
AGRICULTURE : SAVINGS BANKS

M. GIRAUD said that the economic situation of the territory in 1938 was clearly shown in the figures of the table at the foot of page 14. The figures might be analysed as follows :

Three products — copra, cocoa and bananas — represented almost the whole of the exports from the territory (£240,000 out of a total of £248,000). The fall in the prices of two of these products — copra and cocoa — explained the decline in values of exports, which was 30% less than in the previous year, and had brought about a roughly equivalent decrease in imports.

The year 1938 had not therefore been favourable to the trade of the mandated territory. The public finances had suffered accordingly, Customs' receipts being 25% down, while the Post Office savings banks showed larger withdrawals than deposits.

It should be observed, however, that, in the matter of agricultural output, the 1938 figures made a happily reassuring impression, for, if weight, as distinct from value, were considered, it would be noticed that the total tonnage of the three main export products was substantially the same, while two of them — cocoa and bananas — attained record figures.

He thanked the accredited representative for the information furnished on the action taken in regard to the complaints made against the banana inspection service. The report indicated that the enquiry instituted had shown these complaints to be groundless. He asked whether it was true that the plaintiffs had declined to attend the enquiry, alleging a refusal to provide an interpreter to translate the evidence of the natives into Samoan. Further, how had those who had interests in the production of bananas taken the intervention, against the organisation of the banana service, of parties unconnected with that branch of production ?

Mr. CAMPBELL replied that the enquiry had been conducted by Mr. R. V. Kay. The complainants were represented at the enquiry by Miss Olive Nelson, who was a solicitor. The result of the enquiry was published by the Government at the end of the year. It completely exonerated Mr. Newton. It appeared that those who instigated the enquiry had lost a good deal of ground as a result of their complaints being proved to be unfounded. The prospect of the Government dropping its plan for the banana trade was a source of much apprehension.

It should be noted that a counter-petition in favour of the inspector — Mr. Newton — obtained 700 signatures.

M. GIRAUD said that the figures on page 14 showed that banana exports had been rising steadily since 1932 and that, as the report rightly pointed out, this branch of production was an important factor in the economic stability of the territory. Were new plantations, native and European, still being laid out ?

Mr. CAMPBELL replied in the affirmative. Production on the whole was increasing. But the banana plant was understood to be very heavy on the soil.

M. GIRAUD noted, on page 14, a statement to the effect that cocoa would be " considerably affected by the setback " due to the bad weather in January 1939. Could the accredited representative give any indication — it could obviously be but a very rough estimate — of the extent to which (a quarter, a third, half) the 1939 crop was likely to be reduced ?

Mr. CAMPBELL said he had no estimate of the extent of the set-back ; but he feared the higher figure was likely.

M. GIRAUD pointed out that timber imports had risen from 680,000 square feet in 1937 to 1,176,000 square feet in 1938. What was the reason for this large increase ?

Mr. CAMPBELL thought that the increase might perhaps be due to the building boom during that period.

M. GIRAUD thanked the accredited representative for the information supplied on page 7 in regard to Post Office Savings Bank deposits. The greater number of depositors were natives; but their aggregate deposits amounted to only £7,622 out of a total of £67,610. Was this because the natives were not much given to saving, or because they invested their money in other ways?

Mr. CAMPBELL answered that there was no doubt that the natives had very little money; but he was told, when he was in the territory, that other deposits in the Post Office Savings Bank represented money held by the missions, etc., in trust for natives.

M. GIRAUD asked whether it would not be possible for the reports to give, year by year, particulars of the number of native depositors and the extent of their deposits.

Mr. CAMPBELL noted M. Giraud's request.

JUDICIAL ORGANISATION

M. VAN ASBECK had no questions to put; but he wished to thank the accredited representative for the particulars supplied, as desired at the previous session, in regard to judges and associate judges.¹

Lord HAILEY asked what law was administered by the Native Land and Titles Court referred to on page 16 of the report.

Mr. CAMPBELL believed that it administered the customary law of the territory.

Lord HAILEY asked whether any attempt had been made to prepare any special study or digest of the customary law.

Mr. CAMPBELL thought not.

Lord HAILEY said they would be grateful for any information on the point at the next session.

Mlle. DANNEVIG observed that ten women in the territory had been convicted of common assault. Women there, as elsewhere, being essentially law-abiding, she presumed they must have been ill-treated first.

Mr. CAMPBELL said that any analysis of the tables of criminal offences other than was to be found in the report would have to be referred back to the Administration of the territory.

POLICE : DEFENCE OF THE TERRITORY

Lord HAILEY asked for further information as to the volunteer force referred to on page 20 of the report.

Mr. CAMPBELL said that, in September 1939, there had been offers by 9,000 men for enrolment in the force; but the offers had not been accepted.

M. VAN ASBECK observed that the mandatory Power was entitled, under the mandate, to organise forces of this kind for the defence of the territory.

Mr. CAMPBELL replied that the men in question had offered their services for oversea fighting as well as for home defence.

M. VAN ASBECK quoted an extract from the *Western Samoa Mail*, of April 22nd, 1939, with regard to "the marvellous response which has been made to the appeal for a local defence force". According to this newspaper "two forces are being raised — a territorial force of young people and a reserve force of ex-servicemen and others who have already had military training in one form or another. The territorial force is being raised on the basis of a three-year engagement, whilst the reserve force is only an emergency force and stands ready for immediate service for the purpose of maintaining law and order should a crisis arise in Samoa. Both forces are for local defence, and those who join up will never be called upon to go to war outside of this place. Rumours that are being spread in Samoa that those who join up will be sent away from here if a war should commence are false. . . .". What is the strength of these forces?

Mr. CAMPBELL said he understood that, since October 1939, the number of effectives in the force was 214, of whom eighty were doing full-time service.

¹ See Minutes of the Thirty-fifth Session of the Commission, page 163.

SOCIAL CONDITION OF THE NATIVES

COUNT DE PENHA GARCIA said that it had been the policy of the mandatory Power to leave the natives free to keep up their native practices. One native custom of dealing with offenders was to ask them to leave their villages — it might be for long periods. Did the accredited representative get the impression, on his visit, that this institution was effective? Did the ostracised actually go into ostracism?

Mr. CAMPBELL answered in the affirmative.

COUNT DE PENHA GARCIA asked how they were to interpret the final sentence of Section XIV of the report (page 21) to the effect that "One is reminded that the weight of social judgments finds its victims, with justice or otherwise, not alone in Samoa".

Mr. CAMPBELL said that there were occasions when the Government had to intervene to avert injustice.

Mlle. DANNEVIG asked whether the accredited representative had any information, other than was contained in the report, as to the position of women in the lower classes — she supposed there *were* lower classes — in the territory.

Mr. CAMPBELL had no special information other than was contained in the report.

Mlle. DANNEVIG asked if the women were respected by the men, whether they had their freedom, and whether polygamy was infrequent.

Mr. CAMPBELL felt sure that the answer to all three questions must be in the affirmative.

LABOUR

M. GIRAUD said that, in his preliminary statement, the accredited representative had acknowledged how extremely difficult the labour problem was to solve. The Samoans were reluctant to undertake regular work for any length of time. The Administration was thus obliged to meet the requirements of local plantations by recruiting labour from outside the mandated islands. Up till recently, recourse had been had to Chinese labour, which appeared to have been wholly satisfactory to the planters. It had been decided, however, possibly under the influence of the Mau, to abandon this practice, and the labourers were being gradually repatriated. In replacement of the Chinese, an attempt had been made to utilise Melanesians. But the recent trial with natives of Niue did not appear to have given satisfactory results. The accredited representative had intimated, in his statement, that a further trial was to be made with natives of the Cook Islands. It was to be hoped that this scheme would be successful. If, however, it should fail, did not the accredited representative believe that the Administration might be compelled, all opposition of the Mau notwithstanding, to revert to the practice of recruiting Chinese coolies?

Mr. CAMPBELL replied that it would not be quite true to say that the decision to repatriate the Chinese was due to the Mau, though it was true that the Mau approved of the decision.

The labour-supply problem still awaited solution. The policy of the Administration on social grounds was not to use non-Polynesian labour. He had no reason to suppose there had been any recent change in that policy.

It might interest the Commission to hear what a planter had said to him on his recent visit. "Samoans", said this planter, "will work for nothing for the Church, but they will not work for us, even for good wages".

COUNT DE PENHA GARCIA asked whether the planters were satisfied with the Chinese labourers.

Mr. CAMPBELL believed that they were.

Mr. WEAVER asked why the experiment with labour from Niue Island had failed.

Mr. CAMPBELL believed that the Niue islanders were unwilling to stay out their contractual term, and were perhaps generally disinclined to continuous labour.

Mr. WEAVER suggested that their disinclination might be overcome if their wives and families were also imported.

Mr. CAMPBELL agreed that this might be so.

Mr. WEAVER asked why the Chinese had not yet been repatriated. They had been in the territory now for five years, and there had been no newcomers since 1936.

Mr. CAMPBELL replied that the decision to send back the Chinese contemplated gradual repatriation. There had been no change in the execution of the policy in question.

FREEDOM OF CONSCIENCE : MISSIONS

Mlle. DANNEVIG referred to the wish expressed in the previous year¹ for further information regarding the activities of the missions as well as their relations with the native population and each other.

The present report pointed out (pages 21-22) that previous reports had outlined generally the number of missionary societies, the number of their adherents, the fact that each mission engaged in education and some medical work among its people, the fact that all Samoans professed Christianity, and that the relations between the missions and the Administration, between the missions and their adherents and between the missions themselves were satisfactory. The report went on to say that it was difficult to know what further details of the missions should be supplied. She had the impression that what was called mission affairs was what in European countries would be called church affairs, as it was stated that all Samoans had embraced the Christian religion.

She asked the accredited representative if he could make a statement as to the effects of the missions' work on the evolution of native social life and customs, and, in particular, say whether any problems in this respect were raised by the tendency of the natives, as frequently recorded, to cling to their own institutions. From debates in the political assemblies in Samoa she had read, she had been struck by the natives' courteous and considerate way of expressing their opinions when they disagreed with the Administration.

Mr. CAMPBELL said he had not much to add to the report. It was precisely the absence of difficulties and problems in connection with the missions which made it difficult to extend the information contained in the report; but the Administration would welcome any specific questions for reply in the following report.

Mlle. DANNEVIG asked if it was a fact that nearly all the so-called missionaries were Samoans, as were the teachers. She imagined that, if the missionaries were themselves Samoans, they would not contribute much to the modification of existing institutions and ideas. The important point would therefore be to get in the next report information as to the organisation of mission or church work in Samoa; as to whether the Church was still under foreign mission leadership or whether it was organised as a real native Church. It was interesting to see from the report how willing the natives were to give unpaid labour service to their Church.

Mr. CAMPBELL replied that the majority of the missionaries were, as Mlle. Dannevig had stated, Samoans.

M. VAN ASBECK asked whether the missionary societies had established indigenous churches.

Mr. CAMPBELL said that to a great extent this was the case. But the missions were still linked up with their central bodies — such, for instance, as the London Missionary Society.

Financially, the churches both in Western Samoa and in American Samoa were self-supporting, and even sent contributions to their parent bodies.

EDUCATION

Mlle. DANNEVIG thanked the mandatory Power for its inclusion in the chapter on education of much fuller information than before.

The great problem in Western Samoa, as elsewhere, was how to provide adequately for the training of teachers. In the previous year, the Commission expressed a hope that it would be "kept informed of the qualitative progress of this training, to which it attaches real importance".² It appeared from the present report (page 24) that the rapid development of education made a more comprehensive and effective system of teacher-training essential, and that for that reason a new system of training prospective Samoan teachers had been inaugurated. The report gave particulars of the new system. It consisted mainly of the establishment of a teachers' training-school under a European principal and of a model school attached to the training-school (page 24 of the report). It appeared, however, that there was only one teacher for fifty pupils in the training-school. Was that state of things likely to continue? How many years of general education and training would the teachers get?

¹ See Minutes of the Thirty-fifth Session of the Commission, page 168.

² *Ibid.*, page 210.

Mr. CAMPBELL replied that the problem of over-large classes was no doubt insistent both in the schools in the territory and in the teachers' training-college. But there were small classes as well as large classes; and arithmetical averages might be misleading.

Mlle. DANNEVIG asked whether it was a fact that a Barstow Foundation model school existed in Western Samoa.

Mr. CAMPBELL had no knowledge of such a school.

Mlle. DANNEVIG asked whether all prospective teachers passed through the post-primary school referred to on page 23 of the report.

Mr. CAMPBELL believed not.

Mlle. DANNEVIG would be glad to have in the next report information as to whether there were any women teachers in that school and as to how they were trained. She also referred to the German school opened at Apia in February 1938, as to which she had asked for information in the previous year.¹ It appeared from the present report (page 24) that the German national, a native of Hamburg, who came to the territory for the particular purpose of opening a German school, was not a permanent resident of the territory. Could the accredited representative give any further information on the matter?

Mr. CAMPBELL had no further information on the matter.

Mlle. DANNEVIG observed that the figures relating to the number of pupils attending the various mission and administrative schools (pages 22-23 of the report) showed a slight increase as compared with those given in the previous report.

It appeared from the report (page 23) that all Grade II schools (in which the Administration and the missions closely co-operated) were under the direction and supervision of the Superintendent of Schools, helped by native inspectors. At the conclusion of each school year, the teachers were brought to Apia for a refresher course.

Was there some kind of supervision over Grade I schools operated by the missions?

Mr. CAMPBELL understood that there was general supervision. Particulars of how it worked would be included in the next report.

PUBLIC HEALTH

COUNT DE PENHA GARCIA was grateful for the information supplied on page 27 of the report in regard to the women's committees; he would be glad of further information. How, in particular, were these committees financed? Did the villages pay, for them, or did the State?

Mr. CAMPBELL did not think there was any contribution by the State. But further particulars would be supplied in next year's report.

COUNT DE PENHA GARCIA imagined that, if these Committees had no resources, they were of little use. How were they welcomed by the village populations?

Mr. CAMPBELL believed that they were welcomed by the village populations with enthusiasm, but he had no specific information on the subject.

COUNT DE PENHA GARCIA said that the general impression derived from the section of the report dealing with public health was fairly encouraging. Infantile mortality was still high, but had again diminished as a result of the spread of elementary notions of hygiene amongst the natives by means of publications in English and Samoan, and the improvements which had been effected in hospitals and dispensaries in the territory.

He was glad to see (page 26 of the report) that certain treatments were now given free to the natives, particularly in cases of yaws. He thought that free drugs and dressings might with advantage be issued to the missions.

The mandatory Power devoted special attention in the report to the dental service in the territory, which had developed considerably during the past year. The photographs published at the end of the report gave an excellent impression of these services.

LAND TENURE

M. VAN ASBECK asked for further particulars in the next report in regard to the voluntary registration of native land. What was the nature of the machinery for registration, and what

¹ See Minutes of the Thirty-fifth Session of the Commission, page 169.

use was made by the natives of it? Further, what was the legal effect of such registration in connection with litigation?

Lord HAILEY suggested that it would be of the utmost importance to give particulars of any instructions issued to the recording authorities as to the manner in which native rights in land should be described in the record. The use of European terms by registering authorities was liable to involve great injury to the interests of the natives, and the same was true of the use of native terms, if there was not some clear understanding by the parties concerned of the precise significance of the terms adopted.

FORESTS AND MINES

Count DE PENHA GARCIA observed that the interior of the principal islands was stated on page 29 of the report to be "completely covered with virgin native forest". On the other hand, it was stated on page 30 that "there are no mines or any known mineral deposits of value in the territory". How could the latter statement be made, if the forests were unexplored?

Mr. CAMPBELL replied that, though the forest was virgin, that did not necessarily mean that it was altogether unexplored.

Count DE PENHA GARCIA observed that the reports as to the possibility of wood-pulp production were unfavourable; but other uses were made of the timber in the territory (page 29 of the report). Any further information in this connection would be welcome.

CLOSE OF THE HEARING

The CHAIRMAN thanked the accredited representative for the assistance he had given the Commission, and hoped to see him appear before the Commission on a subsequent occasion.

THIRD MEETING

Held on Wednesday, December 13th, 1939, at 10.15 a.m.

Tanganyika Territory: Examination of the Annual Report for 1938.

Mr. Lamb, Deputy Provincial Commissioner, Tanganyika, accredited representative of the mandatory Power, came to the table of the Commission.

WELCOME TO THE ACCREDITED REPRESENTATIVE

The CHAIRMAN, on behalf of the Commission, welcomed the accredited representative on the occasion of his first appearance in Geneva.

Mr. LAMB thanked the Commission and stated that, in view of the special circumstances of the occasion, he did not propose to make any general statement.

FUTURE OF THE MUSOMA DISTRICT

M. VAN ASBECK had noted in *The Times*, of August 16th, 1938, an article from Dar-es-Salaam stating that a petition had been presented by Tanganyika settlers to the mandatory Power asking for the transfer of the Musoma district to Kenya. Could the accredited representative give the Commission any information on the subject?

Mr. LAMB had no recent information. He said that the petition had emanated from a minority of the non-native inhabitants of Musoma and, as far as he was aware, nothing further had been heard regarding the transfer of Musoma to Kenya.

QUESTION OF "CLOSER UNION" IN EAST AFRICA

M. VAN ASBECK asked what significance should be attached to a resolution adopted in May 1938 by the Association of Chambers of Commerce of Eastern Africa (reported in the *East African Standard*, Nairobi, of June 3rd, 1938) urging the Imperial Government to constitute an administrative, Customs and fiscal union of Kenya, Uganda and Tanganyika,

subject to observance of the provisions of the Tanganyika mandate. The resolution seemed to be a verbal repetition of the same association's resolution adopted in 1934 towards which the mandatory Power had adopted a certain attitude. Was this recent resolution another attempt to re-open the question of "closer union"? Was there much agitation in the territory itself on this question?

Mr. LAMB said that a certain section of the non-native population of Tanganyika would always press for closer union with other East African countries under British rule. In 1938, the question of the possibility of the British Government's surrendering the mandate to Germany had been raised in certain quarters and it was naturally felt by some that closer union would give greater security. A certain amount of co-operation already existed, as the Commission was aware, in the form of a Customs and postal union and of collaboration between the railway systems.

M. VAN ASBECK assumed that the position remained much as before and that the proposals were combated by the Indian community and by Uganda, which was in a more favourable financial situation.

Mr. LAMB had been absent from the territory for six months past, but believed that the situation had not changed in the interval.

THE MANDATED TERRITORY AND THE WAR

M. VAN ASBECK proposed to put a question to the accredited representative which, though somewhat outside the scope of the report under examination, was of great general importance. What was the actual status of Tanganyika Territory in view of the state of war existing between the mandatory Power and Germany? Was the territory also supposed to be in the position of a belligerent country? He had no intention of opening a discussion on this point, but merely wished to ascertain the facts of the situation.

Mr. LAMB said that he could not give a very detailed reply. His Majesty's Government is naturally anxious that the progress made in the territory in recent years should be maintained as far as may be possible, but the Commission would appreciate that difficulties may arise as a result of the state of war existing between the United Kingdom and Germany. The affairs of the territory would, of course, continue to receive the careful consideration of His Majesty's Government. Most of the German settlers were interned.

M. VAN ASBECK reserved the right to raise this question when the next report on the Tanganyika Territory was examined.

M. DE HALLER reminded the Commission that the Secretariat received the Official Gazette of Tanganyika. The last issue published the measures recently introduced in the mandated territory. The copies of the gazette were, of course, at members' disposal.

INTERNATIONAL CONVENTIONS AND TREATIES

Lord HAILEY had, at the thirty-fourth session of the Mandates Commission,¹ asked the accredited representative whether the Government of the mandated territory was bound by the terms of a general treaty concluded by the mandatory Power in regard to its own territories but without special reference to the mandated territories. Would such a treaty extend automatically to the mandated territory? The reply now given on page 37 of the 1938 report dealt only with the case of Japan, with which there was shown to be a specific arrangement, whereas he would have preferred a general reply covering the countries listed in paragraph 8 on page 9.

Mr. LAMB said he thought it had perhaps not been realised that Lord Hailey's request had been for a reply in general terms.

In passing, he referred Lord Hailey to the concluding sentence of paragraph 5 on page 3, the wording of which might have been improved to read: "the instrument applied to the territory in the same year *in which it became effective in respect of the United Kingdom*". He stated, however, that the list was being re-examined by the Colonial Office in consultation with the Foreign Office, with a view to including all the particulars in the 1939 report.

COUNT DE PENHA GARCIA noted the reply to his request at last year's session² to add the date of the territory's accession to international conventions and treaties. Notwithstanding, however, the explanation given in the last sentence of paragraph 5 on page 3, he felt that it would be clearer if the date of application were specifically stated in every case, even when it corresponded with the date of the treaty itself.

¹ Minutes of the Thirty-fourth Session of the Commission, page 137.

² Ibid., page 136.

QUESTION OF THE SETTLEMENT OF REFUGEES

M. VAN ASBECK had noted in the *Parliamentary Debates* of December 22nd, 1938, a statement by the Government spokesman in the House of Commons that the Tanganyika authorities had ordered surveys to be carried out in the areas which offered the best possibility of refugee settlement and was awaiting the results of those surveys. Later, on February 8th, 1939, the Secretary of State for the Colonies had announced that the Tanganyika authorities had already submitted a preliminary report on the possibility of refugee settlement in Tanganyika, the information in which had been communicated to the Emigration Committee of the Co-ordinating Committee for Refugees.

What was the present position of the question of refugee settlement in Tanganyika? Had any area been selected for settlement? What would be the number of refugees to be settled and what were their countries of origin?

Mr. LAMB replied that the Governor had set up a committee to investigate the possibilities of refugee settlement. Reports had been submitted to the Secretary of State for the Colonies and had been passed on to the refugee organisations concerned and to the League High Commissioner for Refugees.

Lord HAILEY said that the recommendations made by the Tanganyika authorities would not have greatly contributed to a solution of the problem of settling German and Czechoslovak refugees. Two of the factors militating against a large-scale settlement of refugees in Tanganyika seemed to be the local fear that, as in South Africa, a "poor white" problem might be created and the fact that the estimated costs of settlement would exceed the financial resources of the private organisations.

Mr. LAMB added that only a limited area was available for settlement. In the Eastern Usambara mountains, for example, only 12% of a total area of 64,000 acres available for purchase was really suitable for agricultural settlement. In the Western Usambara, some twenty-five to thirty families could have been accommodated on the land available for acquisition. The total number of families would have been less than seventy.

GENERAL ADMINISTRATION : ADMINISTRATIVE STAFF : MUNICIPAL ORGANISATION : NATIVE AUTHORITIES

M. VAN ASBECK noted, in the Governor's address at the opening of the thirteenth session of the Legislative Council, a reference to devising methods to enable the unofficial community to make a greater contribution to the government of the territory (page 188 of the report). Could the accredited representative give the Commission any more information on this point?

Mr. LAMB said that the Secretary of State had approved a proposal by the Governor that the Royal Instruction should be amended so as to allow of the nomination of non-official members to the Executive as well as to the Legislative Council.

M. VAN ASBECK had gathered from a comparison of the total figures of officials provided for in the Tanganyika Territory Estimates for 1938, as shown in Appendix 1 of the report, with the same figures for 1937 that the increase in the number of Africans amounted to 432. Of these, however, 300 were accounted for by military and police establishments, so that the increase in the number of African administrative employees was only about a hundred, mostly in very subordinate positions. Would the new educational policy inaugurated be likely to increase the number of Africans holding more responsible administrative positions?

Mr. LAMB could not add much to the information contained on page 138 of the Minutes of the thirty-fourth session of the Mandates Commission. The mandatory Power was still anxious to employ Africans in any posts for which their capabilities might fit them and to increase as far as possible their employment in more responsible positions. Every effort would also be made to increase educational facilities, and great hopes were laid on such institutions as that at Makerere for the training of African officials.

Mlle. DANNEVIG gathered from the discussion that there had been a reversal of the former policy according to which there was no need to give Africans facilities for higher education, owing to the lack of suitable employment. It was most satisfactory, she thought, to hear that the Tanganyika authorities intended to educate as many Africans as possible under present circumstances for the holding of more responsible administrative posts and as technical assistants in various branches. She was particularly glad that interest was also taken in the education of girls.

M. VAN ASBECK asked whether the Africans enumerated in the list in Appendix 1 of the report were mainly natives of Tanganyika or of neighbouring territories ?

Mr. LAMB said that they were mainly natives of Tanganyika, but some were from neighbouring territories, particularly Nyasaland. It was the policy of the Government to give preference to Tanganyika natives whenever suitable men were available.

M. VAN ASBECK noted the replies given by the mandatory Power on page 36 (paragraph 47) of the report regarding organisation of municipalities. As the information given in paragraph 47 was rather meagre, and having in view the importance of urban agglomerations as regards the position and future of the more developed class of natives and of the so-called detribalised elements, he thought the Commission would welcome in future reports more detailed particulars regarding the progress of municipal and other urban organisation — *e.g.*, townships — from the political and social standpoints.

Mr. LAMB made a note of the request. He could meanwhile inform the Commission that, as a step in the progress of municipal government, separate expenditure estimates had been prepared for the Moshi and Arusha townships this year.

M. VAN ASBECK had gathered the impression from a perusal of the last five annual reports that there was a considerable amount of administrative reshuffling ; native districts were first merged and then split up again, thus giving an impression of instability. He would ask for an expression of the mandatory Power's policy on this subject to be given in the 1939 report.

The CHAIRMAN had also wondered whether the reorganisations of which the frequency had been noticed had always been preceded by a thorough investigation regarding their expediency. Had they not, in some cases, been decided upon too precipitately at the initiative of some local officer ? The drawback of such changes was that they undermined confidence in the permanency of the administrative decisions. It was common knowledge that one of the difficulties in colonial administration was the frequent changing of administrative officers and the tendency of the new arrival to put their own ideas into practice.

Mr. LAMB had no hesitation in saying that the mergers and changes made in Tanganyika by no means implied instability of general administrative policy. The Government was merely trying to adapt its working arrangements to changes in circumstances while steadily pursuing the general policy adopted. The mergers referred to were mergers of districts and not of different native tribes, as would be seen from a study of the information given in paragraph 13 (page 11) of the report. The motive in the case of some mergers was to effect an economic employment of the administrative staff available and to ensure uniformity in administrative direction of tribal affairs. In the case of mergers of native authorities, the object had sometimes been the pooling of financial resources.

Lord HAILEY recalled the principles laid down by Sir Donald Cameron on this subject of the development of this type of native administration. The first necessity was a thorough study of the social and political factors prevailing in areas in question in order to ascertain who were the real authorities recognised by native custom, often a problem of great complexity. The second aim to be achieved was the grouping of these authorities in larger units, in order to provide native administrations with adequate resources to operate as effective agencies of local government. He assumed that, as in the case of Nigeria and the Cameroons, such "intelligence reports" were always prepared in Tanganyika before any amalgamations were decided upon.

Mr. LAMB confirmed that no changes were ever made until a thorough study was completed by the local administrative officer and submitted through the Provincial Commissioner to the Central Government.

Count DE PENHA GARCIA realised that the Tanganyika authorities must sometimes find it difficult to cope with the multifarious systems of native administration. In that connection, he wondered whether the Government possessed a sufficient number of anthropological and ethnological experts qualified to make a thorough scientific study of native customs and organisation.

Mr. LAMB said that a certain number of administrative officers possessed these special qualifications and were used, when necessary, for special research work. Anthropological experts had also on occasion visited Tanganyika territory to give the Government the benefit of their advice.

M. VAN ASBECK drew the accredited representative's attention to the references on pages 17 and 18 of the report to constitutional changes in the Lindi and Masasi districts. Would it be true to say that the new system of organisation was an instance of the new organisation on a territorial instead of on a tribal basis, as discussed with the accredited representatives in 1936¹ and as shown in the 1937 report, page 13.

¹ Minutes of the Twenty-ninth Session of the Commission, page 43.

Mr. LAMB said that the description would not be entirely correct. In the Lindi district, the superior native authorities had previously consisted of councils of *wakulungwas* who were the heads of large numbers of small family groups and who individually held very limited power as native authorities. Under the new arrangement, several native authority areas had been constituted by grouping together the various *wakulungwas* in a particular area, dismissing those who were inefficient and placing each area under a *Liwali* (from the Arabic for "governor"), chosen, not necessarily, from the area itself (first paragraph, page 18, of the report). In the case of Masasi, the numerous clan heads, previously independent native authorities, had been grouped in councils on a territorial basis.

M. VAN ASBECK asked whether these *Liwali* were educated Africans.

Mr. LAMB replied that they had a certain modicum of education. They were each assisted by a council of *wakulungwas* and had a combined native treasury.

UNREST IN THE MOSHI DISTRICT

M. VAN ASBECK noted the references on pages 11 and 12 of the 1938 report to the persistence of unrest among the Chagga in the Moshi district. At last year's hearing,¹ the Commission was informed that thirteen natives had been removed to other districts and that 103 out of 120 persons charged in connection with disturbances had been convicted. Had the deported agitators been allowed to return to the territory and had there been any recurrence of the disturbances?

Mr. LAMB replied that nine of the deportees had been allowed to return in July and August last on giving assurances of future good behaviour. The cases of the remaining four agitators had called for special consideration, but he now learnt that they had also been permitted to return on the same terms. As far as he knew, there had been no further disturbances.

PLURAL WIVES TAX

Mlle. DANNEVIG asked what further progress had been made in connection with the abolition of the plural wives tax referred to on page 16 of the 1938 report. Were the natives interested in this reform?

Mr. LAMB said that, up to the end of 1938, arrangements for the abolition of the tax in question had been completed only in the Southern Highlands Province and the Western Province; the question was being considered by the authorities of the other provinces. The majority of the natives approved the abolition of the tax and its replacement by increases in the ordinary tax rates. These increases amounted in the case of the two provinces mentioned to one shilling on the basic rate of tax.

Mlle. DANNEVIG asked how the progress of the reform would react on polygamy generally.

Mr. LAMB doubted whether it would have any noticeable effect.

Lord HAILEY observed from the report of the Provincial Commissioner for the Western Province (Annual Reports of the Provincial Commissioners for 1938, page 92) that readjustments consequent on the abolition of the plural wives tax had actually resulted in a net increase of £2,700 in general revenue. Had this result been anticipated?

Mr. LAMB replied that, while an increase in revenue had resulted in this province, there had certainly been no intention of introducing this reform with a view to an increase of revenue.

NATIVE INITIATION CEREMONIES

Mlle. DANNEVIG noted from the report of the Provincial Commissioner for the Central Province (Annual Reports of the Provincial Commissioners for 1938, pages 10 and 11) that it had not yet been possible to introduce improvements in the initiation ceremonies for young girls complained of by native women when improvements had already been adopted for those of the boys. She stressed the necessity of giving the native women the training and instruments necessary to alleviate the sufferings of the girls until these initiation ceremonies, which evidently conflicted with European ideas of morality, could be entirely abolished as soon as possible.

¹ Minutes of the Thirty-fourth Session of the Commission, page 141.

Mr. LAMB pointed out that the ceremonies in question held an important place in native life and could not be changed immediately by a stroke of the pen. The speedy introduction of the reforms suggested would largely depend on the progress made in the education of women.

Mlle. DANNEVIG understood that education would lead to the abolishment of these ceremonies, but she found it difficult to understand that hygienic methods could not at once be introduced as for boys.

EFFECTS OF CROP FAILURE ON TAX COLLECTION

Lord HAILEY further observed in the reports of the Provincial Commissioners (page 92) that, owing to a severe crop failure, some 50,000 natives had been in receipt of Government relief. What form had this relief taken ?

Mr. LAMB explained that, in some cases, work had been given and paid for in cash or food ; in other cases, supplies of food had been issued, to be repaid later from the proceeds of a harvest.

Lord HAILEY asked whether the failure had occurred in an area where special emphasis was laid on the cultivation of an economic as opposed to a subsistence crop.

Mr. LAMB replied in the negative ; he added that the main cash crop in the districts in question was ground-nuts.

Lord HAILEY noted from page 93 of the same report that, in spite of the failure of rains, the provincial authorities had collected most of the native tax. The average revenue for the four years 1934-1937 was some £67,000 and the yield in 1938 had been practically £65,000. Did this achievement not indicate some rigidity in tax collection methods ?

Mr. LAMB explained that the present tendency in Tanganyika Territory was for the natives to pay taxes earlier in the year than was previously the custom. At one time, most natives paid their taxes after the harvest, but many taxes were now collected in the beginning of the year and paid out of the proceeds of the previous harvest or previous year's income. The fiscal effect of a crop shortage would, therefore, often be more apparent in the year after that in which it occurred.

Lord HAILEY had noticed from page 93 of the Provincial Commissioner's report referred to that the writer himself had anticipated that there might be a falling-off in the collection of native tax and had commented that " a determined effort was made by the people generally to pay what was demanded of them ". In view of the food shortage and the murrain on cattle, it was certainly a remarkable effort. Might it not have been advisable to suspend in some measure the payment of taxes in such circumstances ?

Mr. LAMB said that the Governor had power to remit or reduce taxation in any area, if it were thought desirable.

EFFICIENCY OF NATIVE CHIEFS

M. GIRAUD always found the annual reports of Provincial Commissioners extremely interesting. In view of the standing of their authors, who were in direct contact with the native populations, they provided the Commission with a body of highly valuable documentary material. It would appear from the report on the Central Province (page 5) that the work of the chiefs in that province was, with one or two exceptions, disappointing. They were " too inclined to remain at their headquarters and to leave the executive work of their chiefdoms to their subchiefs and subordinate native authorities . . . While they are invariably willing to carry out suggestions made to them by administrative officers, they lack initiative and driving force, and constant supervision is necessary". He wished to know whether this apathy of the chiefs did not greatly complicate matters for the Administration and whether it did not entail serious difficulties, especially in the management of the native treasuries.

Mr. LAMB said that the quality and calibre of the native chiefs naturally varied very considerably. In the Central Province, the chiefs were, on the whole, notoriously less efficient than in some other parts of the territory.

SITE OF THE CENTRAL ADMINISTRATION

The CHAIRMAN observed that, at the beginning of the European occupation of tropical Africa, the administrative centres of the growing colonies were usually located on the coast.

The main guiding consideration at that time was not so much to ensure contact with the interior through country that was frequently difficult to penetrate, or to control a still rudimentary administrative machine, as to secure facilities for communication with the home country. These arrangements had frequently outlived the circumstances which had originally made them necessary.

As a seat of local government, Dar-es-Salaam dated from that period. Being situated at the terminal point of the central railway and of a single first-class road, Dar-es-Salaam could only communicate with most of the inland districts by a roundabout route and with coastal areas by sea.

Could the accredited representative state whether the eccentric location of the principal city did not complicate administrative action? Had not the need been felt to change the seat of administrative government, despite the financial burden entailed by the writing off of the cost of providing the existing accommodation?

Mr. LAMB said that the Administration had at one time considered the possibility of moving headquarters to Tabora, but the expense of transfer was a serious difficulty. Nevertheless, several heads of Departments such as Agriculture, Forests, Game and Veterinary Matters had been moved inland. It should, moreover, be remembered that communication difficulties had been much lessened since the introduction of air transport. Tanganyika already had a number of aerodromes and landing grounds and these facilities were being improved and increased.

PUBLIC FINANCE : TAXATION

Lord HAILEY asked what decision had been taken regarding the funding of that portion of the Exchequer debt to the British Treasury, amounting to a little over £1,000,000, which bore no interest.

Mr. LAMB believed the question was still under consideration.

Lord HAILEY recalled the question put by M. Rappard at the thirty-fourth session¹ regarding the possibility of earlier repayment or conversion of the 4% and 4½% Guarantee Loans. The information now given showed that these loans must apparently run their term; but he noted, however, that the total debt charge of £139,000 on a debt of £8,500,000 was not really excessive.

At the same session² also, the hope had been expressed that it might be possible to introduce a special tax on the revenue of firms earning profits in the territory but having their head office for fiscal purposes outside it. Had any progress been made in this matter?

Mr. LAMB replied that income tax legislation was to be introduced at the December session of the Legislative Council this year. Particulars would be given in the next report.

Lord HAILEY recalled further the reference made by the accredited representative at the same session³ to schemes for the revision of the present system of native taxation. On that occasion, the accredited representative had admitted that there were many weak points in the present system; among other suggestions made, one referred to the possibility of introducing the "lump-sum" tax on villages, the repartition of which would be arranged by the natives themselves. Had the accredited representative any progress to report in this connection?

Mr. LAMB said that the proposal had not yet gone beyond the experimental stage. The question of a graduated communal tax was being examined and would possibly be introduced as an experiment in 1940 in a certain area.

Lord HAILEY inquired whether any further steps had been taken to graduate the poll tax between the various districts.

Mr. LAMB replied that the rates of assessment in 1939 remained much the same as in 1938. A list of these would be found on pages 51 and 52 of the report under consideration.

Lord HAILEY observed from this list that the additional house tax in respect of extra wives varied from 25% to 100% of the standard rate. Was there any principle underlying these variations?

Mr. LAMB explained that the rates depended entirely on local economic conditions.

¹ Minutes of the Thirty-fourth Session of the Commission, page 142.
² *Ibid.*, page 143.
³ *Ibid.*, page 144.

FOURTH MEETING

Held on Wednesday December 13th, 1939, at 3.15 p.m.

Tanganyika Territory: Examination of the Annual Report for 1938 (continuation).

Mr. Lamb came to the table of the Commission.

PUBLIC FINANCE : TAXATION (*continuation*)

Lord HAILEY had already referred to what seemed to be some rigidity in the collection of the native tax in Tanganyika. This criticism would appear to be borne out by the figures given on page 113 of the report regarding payment of taxes by labour in lieu of cash. During 1938, it would appear that as many as 12,475 persons had paid their taxes in this manner.

Mr. LAMB drew attention, in reply, to the figures given in paragraph 119 on page 109 showing that the number of men so employed had decreased from some 36,000 in 1935 to a little over 12,000 in 1938, notwithstanding the adverse economic conditions.

M. VAN ASBECK thought it hardly surprising that in a territory where a money economy did not yet prevail for the great mass of the agrarian population that population should prefer to pay taxes by labour.

Mr. LAMB said that the Government certainly preferred cash payment of taxes but, if this were impossible, accepted the personal services of the taxpayer. There was ample provision for exemption in the case of the old or infirm and these exemptions were liberally granted.

Lord HAILEY agreed that the figure of 12,475 showed an improvement over the period in question. Nevertheless, since 1935, some 80,000 or 90,000 natives had apparently been compelled to perform compulsory labour in order to pay their taxes. The inference seemed to be that the taxation system needed revision. Another point calling for comment was the operation of native treasuries. These would appear from the reports of Provincial Commissioners to have operated satisfactorily in rather difficult circumstances. He asked, however, why it should be thought necessary to keep balances of about £190,000 in reserve at the present time. Was there any intention of allowing native treasuries to finance local schemes out of these balances ?

Mr. LAMB pointed out that the amount in question was divided among a considerable number of native treasuries. The policy of the authorities was to use such reserves, where possible, for the development of social services. Native administrations at the same time were reminded that the margin between current expenditure and current revenue was often not very great, so that any scheme of capital expenditure on a hospital or school, for instance, which might involve large annual recurrent expenditure, would have to be very carefully considered.

Lord HAILEY pointed out that, out of the total native administration revenue of £207,000, some £118,000 went in payment of personal emoluments to chiefs or headmen. This was, of course, a result incidental to the system of indirect rule. Was it the intention of the mandatory Power to retain emoluments at this standard ?

Mr. LAMB said that the general policy was not to touch the emoluments of existing office-holders, but to reduce those emoluments when a new appointment was made in cases where they are considered to be excessive.

Count DE PENHA GARCIA noted from the table of revenue and expenditure, on page 41 of the report, that £22,450 had been earned on the "sale of ivory". What was the explanation of this rather substantial item ?

Mr. LAMB stated that the ivory in question was either ivory found and surrendered to the Government or ivory obtained by Government employed hunters from marauding elephants. Such ivory was sold by auction.

Count DE PENHA GARCIA asked how the interest earnings of £47,544 were obtained.

Mr. LAMB replied that the interest in question was earned on Government investments, bank balances, etc.

M. VAN ASBECK asked whether the revenue item "Colonial Development Fund : £78,000" shown on page 40 of the report represented an amount which had to be repaid or a free grant. How did it differ from the item "Grant from Imperial Fund — Empire Air Transport : £7,400" in the same table ?

Mr. LAMB said that the Colonial Development Fund represented the source from which the free grants and loans enumerated on page 50 were made. The other item was a capital grant made in connection with the development of imperial air transport.

M. VAN ASBECK noticed in the table of heads of expenditure on page 43 of the report that £25,621 was to be spent on "aviation" in 1939, while an amount of £1,400 was shown on page 40 as the estimated expenditure on "Empire air transport extraordinary" in 1938. What was the difference between these two items ?

Mr. LAMB explained that the latter item represented the estimate for local capital expenditure on behalf of the Air Ministry, while the item on page 43 represented recurrent expenditure on local aviation services and included such expenditure incurred in connection with Empire air transport.

M. VAN ASBECK noted further that the actual expenditure in 1937 on "Empire air transport extraordinary" had been £10,685 (page 44 of the report), against which the revenue had received a grant from imperial funds amounting to £4,900 (page 42). Thus, the territory seemed to have borne a charge of about £6,000 for imperial air traffic. Taking the budgets of 1937 and 1938 together, however, expenditure and revenue virtually balanced.

Mr. LAMB confirmed that the money was advanced, in the first place, by the British Air Ministry to the territory, partly in the form of a loan recoverable over a number of years.

Lord HAILEY interjected that the Secretary of State for the Colonies had stated in reply to a question in the House of Commons that Tanganyika Territory had subscribed £6,000 for financing imperial air communications.

Mr. LAMB pointed out that the territory, in return, benefited by reduced air-mail rates and rapid and increased air traffic facilities.

M. GIRAUD noted that, according to the report (paragraph 52, page 40), some improvement of the financial situation could be observed towards the end of the year 1938. Had that improvement continued (or become more marked) during the first three months of 1939 ? The deficit for 1938 was due essentially to the reduction of Customs revenue and to the loss on operation of the railways. What was the position in 1939 so far as these two factors were concerned ?

Mr. LAMB confirmed that the 1938 deficit, which had been estimated to amount to £132,000 (page 40), had, in fact, not exceeded some £110,000. He had no up-to-date information from the territory, but believed that it was experiencing a difficult time at present, owing to the import and export restrictions necessitated by the war and to additional special expenditure. He pointed out that the opening months of a year were not necessarily decisive, as the territory's economic situation depended mainly on the yield by the end of the year of its agricultural production.

ECONOMIC SITUATION : TRADE AGRICULTURE : STOCKBREEDING : MINING : SAVINGS BANKS

M. GIRAUD said that 1938 had not been a very favourable year for the territory from the economic standpoint. Agriculture had been adversely affected by the lateness and insufficiency of the rains ; the grain, ground-nut and cotton crops had suffered severely and, in certain areas, measures had even had to be taken to deal with a threat of famine. It was interesting to note, however, that the sisal crop — the main export item — had established a new record, and that the yield of sesame, cane sugar and tea had also improved. Agricultural production had, on the other hand, been hard hit by the price decline, of which the first signs had been observable in 1937, and the value of the exports of sisal, cotton, coffee, hides, wax and lower-grade sesame was thus £1,112,000 below what it would have been if the 1937 prices could have been maintained. In the north and south, the health of the native live-stock was still unsatisfactory, but the campaign against rinderpest that had been undertaken as a result of the Nairobi Veterinary Conference appeared to have produced good results in the Southern Highlands Province. Mining operations had continued with unabated vigour, and the production of gold had even risen by 20% in terms of weight. The unfavourable situation of the farming industry had been reflected in the foreign trade figures. The price decline had entailed a fall of about a quarter in the value of exports, and the consequent reduction

in the purchasing power of the population had brought imports down by 12%. The balance of trade was, nevertheless, still very favourable to the territory, despite the large diminution of the export figures. Whilst the volume of postal and telegraphic traffic had, generally speaking, increased, tonnage of goods carried by rail and ship showed a reduction of from 10% to 20%, due to the slowing down of commercial activity.

To sum up, the economic position of the territory had suffered, in 1938, from a drought which had affected the yield of certain crops in varying degrees, and from low prices, which had substantially reduced the consuming capacity of the population. These were, very fortunately, passing phenomena, which could not jeopardise the remarkable progress already made in the development of production.

He wished to thank the mandatory Power for the information it had kindly supplied in paragraph 80 (pages 73, 74 and 75) of the report, in answer to a number of questions which he had put last year.

He observed on page 33 of the report that, at the end of the year 1938, the Government had intensified its normal policy of stimulation of native agriculture and had launched a campaign for increased production in all the more promising areas. Did the measures in question aim at promoting the production of export crops, subsistence crops, or did they cover the whole range of agricultural production?

Mr. LAMB said that the effort to increase agricultural output extended to the whole territory, though primary consideration was given to increasing food supplies in districts subject to famine. In practice, this might mean either that larger areas were brought into cultivation or that the natives were encouraged to adopt better agricultural methods. Several new supernumerary agricultural instructors, for instance, had been appointed to help native farmers and the scheme also provided for the increased cultivation of cash crops where the food position would not be endangered. In addition, the Government had set up a Central Development Committee to examine and report on the best methods of promoting the development of the territory by both native and non-native enterprise and on the value, in this connection, of public works schemes. The Committee was to assess the cost of any plans recommended and submit financial proposals to the Government.

M. GIRAUD had noticed in the Provincial Commissioners' reports that, in some areas, famine had been averted by using reserves of food that had been accumulated and by prohibiting the export of foodstuffs. How were such food reserves built up? Was it merely a matter of emergency measures or was regular action taken year by year to provide against a possible deficiency of crops?

Mr. LAMB explained that it was the custom of the natives to put by reserve stores of food whenever possible.

M. GIRAUD asked whether the Government made certain that such reserves existed and that the food thus stored up was sufficient to meet the needs of the population should any emergency arise.

Mr. LAMB replied that, if a dearth were anticipated, the Government might, for instance, prohibit the brewing of native beer from cereals or the export of local supplies of foodstuffs. Generally, however, the initiative in regard to the conservation of their own food reserves was left with the natives. The Government was also trying to induce native farmers to increase the cultivation of reserve crops, such as manioc, which is resistant to drought and locusts.

M. GIRAUD pointed out in this connection that, in certain tropical territories in which millet was the staple food, the natives sometimes had difficulty in changing over to a manioc diet. Such difficulties had presumably not been encountered in Tanganyika.

Mr. LAMB had not heard of any serious difficulties having arisen in this respect.

M. GIRAUD noted from page 33 of the 1938 report that some anxiety had been caused by the appearance in the Lake Province of swarms of migratory locusts. It was stated that measures had been taken. Had they proved effective?

Mr. LAMB said that the danger anticipated had not materialised over any very wide area of the province.

M. GIRAUD said that, on page 85, the report referred to the "diminished activity in the sisal and mining industries". Now the export returns (page 67) showed that 12% more sisal and 20% more gold left the territory in 1938 than in 1937. Was the expression "sisal industry" to be understood to cover the production of articles manufactured from this raw material?

Mr. LAMB found it difficult to give a satisfactory reply to this query as exports of sisal, for instance, had certainly increased (page 160, paragraph 188, of the report). He suggested,

as a possible explanation, that efforts had been concentrated on production of fibre rather than on development, increased planting, etc.

M. GIRAUD had compared the tables for manufacturing industries on pages 71 of the 1937 and 72 of the 1938 reports. There were, in 1937, 24 sawmills employing 1,750 labourers. In 1938, the number of sawmills was reported to be 25, but the number of hands employed (574) had fallen to one-third of the previous figure. What was the explanation of this considerable reduction of staff?

Mr. LAMB believed that the reduction might be partly due to decreased felling at the largest sawmill and partly to difficulties in the seasoning and selection of timber for export.

M. GIRAUD said that, according to the report (page 164), a possible extension of rinderpest towards the south was feared. (Hitherto the disease had not been reported in any areas south of Tanganyika Territory.) It would appear that the disease had been brought under control by measures taken in pursuance of the Nairobi Conference. Was it to be inferred from this that the dreaded extension southwards had been effectively arrested?

Mr. LAMB confirmed that the spread of the infection had been arrested near Iringa in the Southern Highlands Province.

M. GIRAUD asked why Ufipa cattle could not be sold in the Lupa mining area, where there must be a considerable demand for meat (Report of the Commissioner for the Western Province for 1938, pages 94 and 95).

Mr. LAMB pointed out that, in order to reach the Lupa goldfields from Ufipa, cattle would have to descend from the plateau and cross fly country, so that Ufipa would hardly be a suitable source of supply. Moreover, the Lupa consumers probably drew their supplies from districts to the east and north of the goldfields.

M. GIRAUD said that there were in Tanganyika several native co-operatives which appeared to be doing most valuable work. This applied, in particular, to the Kilimanjaro co-operative, referred to in the Report of the Commissioner for the Northern Province (page 41) as being "likely to have very great influence on the future progress of the Chagga people". He asked the accredited representative whether it would not be possible in the annual report to devote a section to these co-operatives, giving a brief account of their activities and, in particular, some statistical data concerning their resources, their various financial transactions, the quantity of produce sold, membership, etc.

Mr. LAMB promised to see what could be done to comply with this request.

M. GIRAUD pointed out that the 1937 report included, in the chapter on "Posts and Telegraphs", a section giving information on the transactions of the savings banks. There was no reference to this matter in the 1938 report. Could not the special section to which he had referred be included once more in future reports?

Mr. LAMB was able to supply the following figures for 1937 and 1938:

| | 1937 | 1938 |
|--------------------------------------|----------|----------|
| Total number of depositors | 8,441 | 9,683 |
| African depositors | 4,733 | 5,608 |
| Deposits, plus interest | £119,721 | £120,784 |

He regretted that he could not state the proportion of deposits belonging to Africans.

TRANSPORT POLICY: ECONOMIC EQUALITY

M. VAN ASBECK asked whether the proposals for granting a monopoly of internal air traffic in East Africa to a single company (page 32 of the report) had materialised.

Mr. LAMB confirmed that a five-year agreement, terminable at six months' notice, had been concluded on January 1st, 1939, with the Wilson Airways Company. In return for a subvention by the Government, the company granted the latter special charter rates for the transport of Government officials; other provisions regulated the qualifications of pilots, the maintenance of Government aeroplanes, the submission of accounts and the returns to be made of the mileage flown.

M. VAN ASBECK wondered whether the extension of such a monopoly could be reconciled with the clause in the mandate regarding economic equality. Was the air traffic to be classified under essential public services?

Mr. LAMB could express no opinion on the point. At the Governors' Conference, it was suggested that, for air traffic purposes, East Africa should be regarded as a single unit, so as to

enable the authorities in the public interest to establish a uniform system of control and restrict the number of companies and individuals engaged in commercial aviation. The monopoly, of course, referred to normal internal air traffic only. Licences to operate and carry external traffic only on through routes could be issued to any company approved by His Majesty's Government in the United Kingdom.

M. VAN ASBECK requested that the question of economic equality involved be elucidated in the 1939 report.

JUDICIAL ORGANISATION : PRISONS

Mlle. DANNEVIG noted that the review *East Africa and Rhodesia*, dated September 21st 1939, had commented on the vagaries of criminal appeal court decisions in Tanganyika Territory. It appeared that two out of three self-confessed murderers of two young native girls killed by "spear bleeding" in 1937 had been acquitted on appeal. Judging from the tenor of the review, there would seem to be a certain laxity in the administration of justice in the territory. Had the accredited representative any comments to offer?

Mr. LAMB would prefer to ascertain the facts regarding the case in question before giving a reply.

Lord HAILEY referred, in a similar connection, to a letter which Sir Donald Cameron had written to *The Times* on August 18th last, in which he had pointed out that, in certain cases, African tribesmen had been tried by native tribunals under "native law and custom" instead of being brought up before the magistrates' courts. In Sir Donald's opinion, this procedure was a breach of certain safeguards which had been inserted in the law, and he added that this irregularity had not been detected by the Mandates Commission. He (Lord Hailey) assumed that certain cases of theft and assault or the like had often been intentionally referred to the native courts as better qualified to deal with such cases.

Could the accredited representative say whether magistrates were often in the habit of referring to the native courts the classes of offences specially reserved for statutory jurisdiction?

Mr. LAMB was not aware of such a practice, except in so far as that minor cases could be and sometimes were referred to native subordinate courts as provided by law. Minor criminal offences by natives in native areas normally went direct to the native courts and administrative officers would refer the cases to the same courts for the reason suggested by Lord Hailey.

Lord HAILEY observed from page 83 of the Annual Reports of Provincial Commissioners for 1938 that "the large number of appeals to (native) appellate courts is largely due to inadequate hearing and failure to call witnesses in the lower courts". At present, the remedy in such cases lay in the administrative officer's power to revise the sentences, but had the Tanganyika Administration ever contemplated laying down some simple rules of procedure to improve the operation of native courts?

Mr. LAMB admitted that there was no published code of procedure for native courts, which were conducted in accordance with the principles set out in the Government memorandum on native courts and on advice and instructions given by administrative officers. There were, of course, certain instructions regarding the keeping of records, the taking of evidence, etc.

Lord HAILEY noticed that, according to the report referred to, the native appeal courts seemed to have varying time-limits for the lodgment of appeals, varying by as much as ten or fifteen years.

Mr. LAMB said that there was a time-limit of thirty days for lodging appeals against the sentences of native courts.

Lord HAILEY gathered that the lack of uniformity between one district and another applied not only to time-limits for lodging appeals, but also to such matters as the acknowledgment of debts. He suggested that such lack of uniformity must make it difficult to adjust commercial and social relations and, consequently, tended to retard social progress generally.

COUNT DE PENHA GARCIA observed, from page 77 of the annual report, that an approved school under the Children and Young Persons' Ordinance of 1937 had been opened at Kazima, near Tabora, for the confinement of certain types of young offenders. What was the criterion adopted by magistrates regarding detention in this institution?

Mr. LAMB replied that the court's decision depended mainly on the age, and to some extent also on the character, of the young offender, and also on whether he was making his first appearance in court. The Kazima school was at present the only one of its kind in the territory and at the end of 1938 had thirty-two inmates, all natives.

COUNT DE PENHA GARCIA commented that justice was satisfactorily administered in Tanganyika Territory. Care was even taken to segregate mental defectives and lepers in special prisons and separate camps were established for good conduct prisoners. An endeavour was also made to rehabilitate offenders.

M. VAN ASBECK pointed out that the 1937 report (page 80) had supplied interesting information regarding the training in agriculture of long-sentence first offenders, and also concerning the option given between short-term imprisonment and supervision *extra muros*. Nothing was mentioned on these points in the 1938 report. He would appreciate if this information could continue to be supplied in future reports.

Mr. LAMB noted the request.

POLICE

Mlle. DANNEVIG noted a reference in *The Tanganyika Opinion* of October 14th, 1938, to the alleged inadequacy of police protection in certain parts of the territory; in the capital, school-children had been molested on their way from and to school, women and girls had been deprived of their personal ornaments by rough assault and houses had been broken open. Was it not possible to remedy such a state of affairs?

Mr. LAMB said that the description given by this organ of Indian opinion, which tended to be excessively critical of the Government, rather exaggerated the real situation.

Mlle. DANNEVIG noticed, from page 81 of the annual report, that the number of punishments awarded to police officials in 1938 was 703, considerably more than in 1937 or 1936.

Mr. LAMB explained that the punishments referred to were mainly punishments for minor disciplinary offences.

DEFENCE OF THE TERRITORY

Lord HAILEY observed that the defence budget now exceeded £24,000. Was the increase due to special precautions taken on account of the war?

Mr. LAMB replied that the increase was due to reorganisation and rearmament.

ARMS AND AMMUNITION

M. GIRAUD asked whether the accredited representative could give the Commission any information on the discovery (*Daily Telegraph* report reproduced in "The African World" of April 8th, 1939) in the Rufiji Delta of a large ammunition dump and on the reports that machine-gun parts had been smuggled into the country as motor-car spares.

Mr. LAMB was aware that a German hunter had reported the discovery, due to the collapse of a river bank, of a large dump of ammunition, which had evidently been abandoned by the German warship *Königsberg* in the last war. Allegations had frequently been made regarding the smuggling of machine-guns, but no confirmation was so far forthcoming.

SOCIAL CONDITION OF THE NATIVES

COUNT DE PENHA GARCIA believed that the Administration's studies of the social conditions of the natives were rendered difficult by the fact that in some areas the tribal, while in others the clan, system prevailed. It would appear, however, that the authorities did not hesitate to act resolutely if they found it necessary for any reason to reform the system of native administration. The results had been satisfactory and the changes had even been welcomed by the natives. He had therefore no comments to make, but would ask that an account of the changes thus made in the social system should be given in the next year's report.

Mlle. DANNEVIG asked what was the position in Tanganyika territory in such matters as dowries, age of marriage and the position of widows. In the French Cameroons, and this year in West Africa, legislation had been enacted to fix the minimum age of marriage for girls at 14 years, to regulate the amount of dowry paid and to forbid its being paid in instalments, to allow widows to decide for themselves their fate instead of being inherited. Was there any chance for legislative protection in such cases also in Tanganyika ?

Mr. LAMB thought that no special need was felt in Tanganyika territory for the enactment of such legislation. Any difficulties that existed would probably be overcome by means of education or propaganda. He was convinced that the education of women was making considerable strides.

Mlle. DANNEVIG wondered whether educated native women would really be in a position to defend their own interests without assistance from the Government. The question had recently been discussed by the Women's Committees. Did the accredited representative think that the Government should take special measures, especially in the more developed parts of the territory, in order that native women of Tanganyika were not left to their own resources ?

Mr. LAMB did not feel that there was any urgent need for legislation of this kind. He could assure Mlle. Dannevig of the sympathetic attitude of the Government and its desire to promote the interests of the native women.

Lord HAILEY wished, on behalf of M. van Asbeck and himself, to suggest to the accredited representative that a circumstantial account might be given in the next year's report of the situation of urbanised and educated natives, or of those who resided more or less permanently outside their own tribal jurisdictions. In particular, could information be furnished as to the system of law applied to natives who had abandoned their tribal connections and the part which they played in the judicial or administrative institutions of the areas in which they now resided ? Another problem on which information would be appreciated was how far the social habits of educated natives had changed. Had they dissociated themselves entirely from tribal custom ? What openings were available to them in trade and administration ? What was their political outlook and what form of expression had it assumed ?

Mr. LAMB promised to supply an answer to these questions, if possible, in the 1939 report. He pointed out, however, that owing to the late date of this session — he himself would not be back in the territory until early in 1940 — some difficulty might be experienced in supplying all the additional information asked for in the 1939 report.

LABOUR

M. GIRAUD noted from the figures given on page 92 that, as compared with 1937, the number of labour permits issued had decreased from 114 to eighty-nine and the number of labourers recruited from 21,704 to 13,956. This was consistent with the comment made on page 85, but appeared inconsistent with the record output figures achieved in sisal-growing and goldmining. Could the accredited representative give any information on the subject ?

Mr. LAMB was still at a loss to explain the reference to "diminished activity" in the sisal and mining industries. One factor, however, which might affect the returns of labour permits and number of labourers recruited was that native labourers often preferred not to enter into contracts with recruiting agents but to make their own way to centres of employment.

M. GIRAUD had compared the table showing current rates of wages on page 99 of the 1938 report with the same table on page 105 of the 1937 report and had been struck by the fairly considerable differences in the rates of pay for skilled labourers, especially in the Northern and in the Southern Highlands Provinces (Northern Province, 30 to 150 shillings in 1937 and 30 to 90 shillings in 1938; Southern Highlands Province, 25 to 200 shillings in 1937 and 30 to 90 shillings in 1938). Was this decline due to the excess of supply over demand ?

Mr. LAMB believed that the explanation was that suggested by M. Giraud.

M. GIRAUD noted from the section of the report dealing with labour offences (page 105) that the complaints made by native labourers regarding inadequate rations were usually found to be justified. What action had been taken by the Administration to remedy this situation ?

Mr. LAMB said that a Labour Inspectorate, under a Chief Inspector of Labour, had now been appointed to control the conditions of native employment and supervise the housing and rationing arrangements made by employers.

M. GIRAUD noted from the table on page 107 that, in the Southern Highlands Province, there had been 665 prosecutions of employers and 521 convictions for withholding wages as compared with only 187 prosecutions and 143 convictions in 1937. What was the explanation of this more than threefold increase ?

Mr. LAMB assumed that the official supervision now exercised gave labourers more opportunities for making complaints. The offence of withholding wages, it should be noted, would also cover delay in the payment of the wages due.

Mr. WEAVER had found this section of the 1938 report informative and encouraging. The Administration was pursuing an active and progressive policy towards labour which it was to be hoped would not be adversely affected by the present situation. He would be glad to see in the next report more ample information regarding the Labour Advisory Board, particularly as to whether it was maintaining its activities and whether the Manual Labourers (Employment) Bill, which was under consideration, had been finally adopted.

The Provincial Commissioners reports confirmed that there had been a general improvement throughout the territory in regard to the housing, feeding and medical attention of native labourers, particularly in the Morogoro and Lupa goldfields areas. Rationing and housing conditions were not, however, entirely satisfactory as yet, but he hoped that the next report would record further improvements in these directions.

Finally, he would ask whether the full establishment of the Labour Inspection Service had now been completed ; so far as he understood, one chief inspector, seven labour inspectors and one factory inspector had been provided for.

Mr. LAMB replied that the Manual Labourers (Employment) Bill had now been drafted and approved by the Executive Council for reference to the Labour Advisory Board, which had been enlarged for the special purpose of considering this measure. It had also been decided to publish the text of the bill with an explanatory memorandum with a view to eliciting public comment. The Board had also been asked to advise regarding legislation for the protection of artisans and domestic servants and non-manual workers.

The ordinance to provide for the creation of machinery for the fixing of minimum wages had been passed in May last.

When he left the territory, six months previously, there was still one or two unfilled vacancies for labour officers, but the rest of the establishment of the Labour Inspectorate was complete.

Mr. WEAVER observed from page 92 of the 1938 report that trouble had been caused by " whole-time agents recruiting for one employer ". What was the disadvantage of this form of labour recruiting ?

Mr. LAMB explained that the trouble arose only in the Southern Highlands Province, which was situated on the route followed by most alien native labourers in independent search of employment. He thought the particular reference was to attempts made by paid agents to induce labourers to accept transport by lorry to places of employment without first entering into contracts and so without any guarantee of repatriation.

Mr. WEAVER asked whether it was a fact that many of the labourers recruited in the Southern Highlands Province for work on the Tanga sisal plantations found that the cost of repatriating themselves swallowed up all their savings.

Mr. LAMB said that this was true only of the natives who were picked up by lorries, not of those recruited by licensed agents and whose travelling expenses to and from their place of employment were guaranteed in the labour contract. The cases referred to by Mr. Weaver were now becoming fewer, as employers tended more and more to use the services of licensed recruiting agents and the natives themselves realised the disadvantage of accepting fortuitous transport to an employment area without any guarantee of repatriation.

Mr. WEAVER asked if there was any special explanation of the considerable variation in the number of days worked in lieu of payment of taxes. The average for the whole territory was about thirty days per annum, but in the Northern Province it amounted to as much as forty and in Tanga to twenty only.

Mr. LAMB said that the normal period of employment was thirty days, but the number of days worked really depended on the local rate of wages. In cases where rations had to be issued, the tax defaulter would be required to work for an additional number of days to cover the cost of rations.

Lord HAILEY understood that, under the Masters' and Native Servants' Ordinance, a native accepting employment outside his own district could only contract for a maximum of twelve months. According to the Report of the Provincial Commissioner for the Western

Province, however (Annual Reports of the Provincial Commissioners for 1938, page 102), contracts might, in 1938, be entered upon up to a maximum of eighteen months. Was this not a change in procedure ?

Mr. LAMB pointed out that the period of eighteen months in question was the maximum period *within* which the contract must be completed. In any case, all the formal rules regarding recruiting and labour contracts would be revised when the Manual Workers (Employment) Bill became law.

Mlle. DANNEVIG noted that the figures given on page 85 for the total number of labourers employed on estates in the Tanga Province included men, women and children. It would be appreciated if, in future reports, separate figures could be given for women and children and also details regarding wages.

Mr. LAMB noted the request.

M. VAN ASBECK observed, from page 90 of the annual report, that the Factory Inspector recently appointed seemed to have advisory powers only. Did the accredited representative know whether a strengthening of these powers was contemplated and whether the inspector's recommendations had been carried out ?

Mr. LAMB explained that no Factories Ordinance had yet been passed, though a measure of this kind was contemplated. He believed the Factory Inspector's recommendations had actually been carried out in most cases.

MISSIONS

Mlle. DANNEVIG said that the list of missions given in the table on page 114 of the 1938 report revealed no change in the number of societies operating in the territory as compared with the 1937 report. The 1938 Blue Book gave detailed returns for the various societies, which showed that, in most cases, the numbers of adherents and of mission schools had increased. The Roman Catholic Mission at Iringa, however, was an exception, as the number of its followers had fallen from 33,000 in 1937 to 14,000 in 1938. Could the accredited representative explain this striking decrease ?

Mr. LAMB said he could not give an explanation but would make enquiries.

Mlle. DANNEVIG drew attention to the interesting comment on page 67 of the Annual Reports of Provincial Commissioners for 1938 on the attitude of the Moslems to the educational activities of the Government and missionary societies. It is said that nearly every child can get some sort of education, thanks to the missions. Did these societies receive adequate subsidies for their educational work ?

Mr. LAMB confirmed that missionary societies were paid Government subsidies on the basis of the number of schools of a certain grade which they maintained, the number of pupils at such schools and the number and qualifications of the staff employed.

Mlle. DANNEVIG noted further, on page 86 of the same volume of reports, that, at Kiwanda in the Muheza area, a European lady missionary had been murdered in circumstances of exceptional brutality. To which mission did this lady belong, who was the murderer and what were the motives for the murder ?

Mr. LAMB referred the Commission to the 1938 police report, according to which the European headmistress of a missionary school at Kiwanda had been attacked on September 23rd, 1938, by a native, who demanded the surrender of the keys of the school safe. The lady courageously grappled with her assailant who, however, renewed his attack and left his victim suffering from severe spear wounds, to which she subsequently succumbed. The missionary in question was a member of the Universities Mission to Central Africa.

Mlle. DANNEVIG noticed a reference on page 37 of the Annual Reports of the Provincial Commissioners for 1938 to efforts which were being made to establish an African church in Mwanza by a Nyasaland native reputed to be the leader of a society called "The Last Church of God and His Christ". This movement based itself on the Bible but was in favour of polygamy. Had this movement a large number of followers and had it been necessary to take any steps against its development ?

Mr. LAMB said that, when he left the territory six months previously, the movement had not yet assumed large proportions and no action was felt necessary. It was, he thought, similar to the "Watch Tower" movement which had some years ago made its appearance in the south-western part of Tanganyika Territory.

EDUCATION

Mlle. DANNEVIG noted that the annual report contained interesting information on pages 114-117 with regard to the new education policy in accordance with the report and the recommendations of various committees, such as (a) The Commission on Higher Education in East Africa (Chairman, Lord De La Warr), which stresses the need of developing both elementary and higher education; (b) the recommendations of the Conference of East African directors of education, held at Zanzibar, and (c) the examination of the same report at the Interterritorial Conference at Makerere. The Governor of Tanganyika, in his speech to the Legislative Council, mentions the measures which have been taken to give effect to these recommendations by (1) the contribution of £100,000 to Makerere College, (2) by studying the problem of relating education to the improvement of village life and by stressing the importance of the education of girls. A lady education officer was expected in the territory. Had she begun her work?

She also noted, from the table on page 119 of the 1938 report, that the expenditure on African education during 1938 amounted to £78,037, which represented 43.48 shillings per African pupil and 0.30 shilling per head of the total African population; in fact, less than in 1933; at the same time, the total income of the territory had increased by 25%. Was there any prospect of further funds being made available for expenditure on African education in the territory itself?

Mr. LAMB pointed out that, in addition to a special grant of £100,000 for the Makerere College, the educational vote for 1938 showed an increase of £10,000. The Government fully realised that the funds available were insufficient for requirements and was anxious to meet the social and educational needs of the native population by increasing expenditure whenever possible. The lady education officer referred to on page 124 of the 1938 report had already begun her work in the territory.

Mlle. DANNEVIG noticed, from paragraph 125 on page 117 of the report, that there had been some discussion as to whether instruction should be given chiefly in the vernacular or in a European language. Was there any intention of changing the Administration's policy in this connection?

Mr. LAMB declared that no immediate change in policy was contemplated. The vernacular would continue to be used for the primary education of natives.

Mlle. DANNEVIG asked what action the Administration proposed to take to help the Moslem community in meeting the educational difficulties described on pages 67 and 68 of the Annual Reports of Provincial Commissioners for 1938. It is said that funds are now available and it remains to be seen how they can profitably be employed for the benefit of Moslem children.

Mr. LAMB explained that most of the existing Moslem schools confined themselves to teaching the Koran. If they succeeded in introducing a system of secular education comparable with that given in Government or missionary schools, he thought they would undoubtedly be given Government grants. One school does receive a grant-in-aid (paragraph 132, page 124).

Mlle. DANNEVIG said that references to technical training would be found in paragraphs 170 (page 148) and 187 (page 159) of the annual report. She suggested the desirability of a cross-reference to this information being given in the section dealing with education proper. It was evidently an addition to the expense on education.

Mlle. Dannevig had been struck by the fact that, according to the table on page 123, there had been a very striking rise in the number of girls attending non-Government as compared with those attending Government schools. Figures for 1938 were 21,165 and 772 respectively. Did that mean that the natives placed more confidence in the private schools?

Mr. LAMB thought that an explanation of the phenomenon would be found in paragraph 127. Since the introduction in 1937 of an ordinance concerning school registration, more accurate statistics had been obtainable from officially recognised schools.

PUBLIC HEALTH

Count DE PENHA GARCIA was gratified to observe that, in spite of the economic depression, the Administration had been able to increase somewhat the 1938 estimates of the Medical Department. Larger grants had also been made to medical missions and the attendance of in- and out-patients at hospitals appeared to have increased during the past five years. Remarkable progress was also being made in the fields of maternity and child welfare, as shown by the table on page 136. It would be seen from the Governor's speech at

the opening of the thirteenth session of the Legislative Council that the reorganisation of medical services on a provincial basis was continuing and the table on page 138 showed that attendances at tribal dispensaries in 1938 were considerably higher than in any of the previous four years. It was also gratifying to note that great progress was being made in the training of African personnel (page 141 of the annual report). In the field of nutrition, he was aware of the valuable survey commissioned by the United Kingdom Government regarding nutrition in the colonies and mandated territories and of the appeal which had subsequently been made to Governors by the Secretary of State to see that the recommendations of the Nutrition Committee were applied to local conditions. As a result, a nutrition expert had been appointed in Tanganyika to help the Administration to work out a policy for raising the level of native nutrition. He hoped that information on this important point would be supplied in future reports.

Lord HAILEY asked whether the following summary of the nutrition report of 1939 tallied with the accredited representative's own observations in Tanganyika :

“ The majority of the population does not get enough meat and milk and there is an annual period of food shortage between harvests This periodic shortage of food is a question even more serious than the occasional outbreaks of famine that have occurred in nearly all provinces during the past ten years and which cost considerable sums in relief measures.”

Did Mr. Lamb's personal experience show that there was a real shortage of food or lack of nutrition in the territory or that the poor health of the natives was due really to an ill-balanced diet ?

Mr. LAMB agreed generally with the views expressed by the nutrition experts. In Tanganyika, shortage of meat and milk was to a certain extent a matter of distribution, as, in some parts of the territory, there were no herds of cattle. In areas where this does not apply, the question is largely an economic one.

LAND TENURE

M. VAN ASBECK asked whether the Chesham scheme referred to on page 148 of the 1937 report was still in operation or not.

Mr. LAMB replied that the scheme was still in operation but, as far as he was aware, very few applications had been received.

M. VAN ASBECK suggested that information on the subject might be supplied in future reports.

Could the Commission also be supplied with the revised instructions regarding alienation of land referred to on page 27 of the annual report ?

Mr. LAMB was surprised to hear that these instructions had not yet been received as they had been drafted before his departure from the territory. He would make enquiries on his return.

M. VAN ASBECK thanked the mandatory Power for the information regarding alienation of land contained in Appendix 3 of the report. He would appreciate it if the statistics on this subject given on page 145 of the 1938 report could be supplied annually and brought up to date. He noted the extremely interesting information given on pages 14 and 15 and in Appendix 6 on the problem of individualisation in native land tenure.

M. GIRAUD noticed, in the report of the Provincial Commissioner for Tanga, a reference to transfers of land between Arabs and natives. He wondered whether such transactions were in accordance with Article 6 of the mandate, which required the preliminary approval of the Administration before transfers of this kind could be effected.

Mr. LAMB pointed out that, under the land laws of Tanganyika, an Arab had the status of a native. The danger in regard to land transfers lay not so much in transfers from Arabs to natives as in transfers from Arabs to non-natives. If an Arab, for instance, wished to transfer freehold property to an Indian merchant, the Administration's approval of the transaction would be necessary.

FORESTRY

COUNT DE PENHA GARCIA observed from this section of the report that the authorities were continuing to survey the forest resources of the territory, that forest fires were being

successfully combated, that timber exports had, in the case of some varieties, declined, but, in the case of others, had increased. In that connection, it would be interesting to ascertain whether Tanganyika could supply timber for the manufacture of cellulose. He was gratified also to observe the success of the experiments made at Arusha in the training of African forest rangers. He noted that Tanganyika had received a grant from the Colonial Development Fund for long-term forestry operations and hoped that future reports would indicate what use had been made of this grant.

CLOSE OF THE HEARING

The CHAIRMAN, on behalf of the Commission, thanked the accredited representative for the assistance given to the Commission in the examination of the annual report. His replies had revealed the very close knowledge which he possessed of all the branches of administrative activity in Tanganyika Territory.

Mr. LAMB was glad to have been able to be of assistance to the Mandates Commission.

FIFTH MEETING

Held on Thursday, December 14th, 1939, at 10 a.m.

Ruanda-Urundi: Examination of the Annual Report for 1938.

M. Halewyck de Heusch, Permanent Secretary in charge of Recruiting, former Director-General at the Belgian Ministry for the Colonies, accredited representative of the mandatory Power, and Dr. van Hoof, Chief Medical Officer of the Belgian Congo Administration, came to the table of the Commission.

WELCOME TO THE ACCREDITED REPRESENTATIVE

The CHAIRMAN welcomed the accredited representative of the Belgian Government, who had already frequently given the Commission his valuable assistance. He wished to greet Dr. van Hoof, Chief Medical Officer of the Belgian Congo, whose jurisdiction also extended to the territory of Ruanda-Urundi and who could thus supplement the Commission's knowledge of the work of the highly important department under his control.

GENERAL STATEMENT BY THE ACCREDITED REPRESENTATIVE

M. HALEWYCK DE HEUSCH made the following statement :

The year 1938 has been, for the territory under Belgian mandate, a year of peace, security and progress.

Thanks to the general state of tranquillity, the European Administration has pursued without difficulty or incident the tasks which it had undertaken with a view to improving the moral and material conditions of existence of the populations entrusted to its care. It was able to count on the loyal assistance of the two Bami who, inspired by the highest motives, ruled the native society in a praiseworthy manner. Both were concerned to assist the work, at every stage, of the native courts, whose authority is becoming more and more firmly established.

The same goodwill is not forthcoming from all the chiefs and deputy chiefs. While some of them have adapted themselves readily to the new regime, with an intelligent understanding of what it implies, others are still dominated by traditional ideas; they are indifferent to the fundamental needs of those under them and either maintain a passive attitude or seek to abuse their powers. When exhortation and solemn warning prove powerless to correct the indifference or exactions of these great notables, the only remedy is to deprive them of their office and put others in their place, in order to give the populations a native administration which has their interests at heart and to enable the salutary influence of civilisation to make itself felt.

The Government has continued to devote large sums to the public health and education services. For the first, the expenditure was 6,133,000 francs, or over 15% of the total expenditure under the ordinary budget; for the second, it was 5,613,000 francs, or over 14% of that sum; the two services together thus accounted for close on 30% of the total expenditure.

Dr. van Hoof will make a special statement on the progress of medical activities, and I do not propose to deal with that subject.

Evangelisation has made further progress : including the catechumens, the native Christian population numbered 677,657 adepts in 1937 and 736,193 in 1938, representing, for 1937, 18.34% of the total population, and, for the year under review, 19.62%.

The number of elementary schools, including chapel schools, rose from 3,016 in 1937 to 3,192 in 1938. It appears, however, from the statistics received, that the total number of pupils has dropped — from 193,575 to 181,695. This decline is believed to be more apparent than real. In previous years, those in charge of the chapel schools in Ruanda sometimes included catechumens and pupils proper in the same total, so that the figures for school attendance were higher than they should have been. Then, when the figures were limited to school-children proper — in 1938 — they automatically dropped, notwithstanding the presence of the same number or possibly a larger number of pupils.

In the Astrida central schools, the special sections which still had to be organised were completed during the year under review. They, together with the others, were attended by fifty-two pupils; twenty-two followed the courses of the section for the training of native assistants for the medical service and twenty have passed the first examinations.

The statement submitted last year to the Mandates Commission described the Belgian Government's efforts to improve the material conditions of existence of the native communities; they included measures to defend the population against dearth and famine, pressure brought to bear on the chiefs and deputy chiefs in order to associate them with this work of public utility, campaigns launched with a view to extending the cultivation of paying products, veterinary measures for the protection of live-stock, encouragement of undertakings able to employ native paid labour, opening up of markets, under a system of Customs exemption, in Belgium and the Belgian Congo.

In 1938, in conformity with the recommendations of the European authority, a remarkable change occurred in the employment of labour. In terms of men-years, day-labourers had constituted in 1937 as much as 4.35% of the total figure for fit male adults included in the census, while workers in permanent employment constituted only 2.43% of that total. During the year under review, there has been a readjustment of these percentages — namely, 2.88% for day labourers and 3.27% for those permanently employed. Mining companies now prefer to engage workers belonging to this second category, as it economises time and labour and permits of training shifts of specialised workers. Day-labourers on the other hand are now released for work in the fields which they used to neglect when they were intermittently employed on the workings. This last-named consequence of the change of system is important from the point of view of the constitution of food stocks, and there is no need accordingly for concern as to the decline in the number of workers taken on within the country — the figures dropped from 54,638 to 51,162 — or from 6.78% to 6.26% — of the adult fit men. The figures for seasonal workers, on the other hand, employed beyond the frontier rose from 49,257 in 1937 to 56,430 in 1938, making the total figures for labour employed in 1937 106,653 and in 1938 109,894 or 13.16% and 13.45% respectively of the adult fit male population.

The traditional food crops suffered in 1938 from unfavourable climatic conditions : the rainfall was below normal, which resulted in a loss of 30% to 40% on the average crops in certain regions. Formerly, in such circumstances, the situation would have been critical, with the danger of famine. But the important progress made of recent years, in accordance with the instructions of the Administration, in the cultivation of non-seasonal crops, the ploughing of wet lands reclaimed from the marshes — 4,000 hectares were added during the year under review to the 41,000 hectares already reclaimed — not only averted the danger, but resulted in a surplus of foodstuffs : 2,395 tons more were offered for sale than in 1937.

The native plantations of export products produced magnificent crops. Even in 1937, the native cotton-fields had yielded the imposing quantity of 2,725 tons of raw cotton. This figure was considerably exceeded in 1938 : the yield was 3,673 tons, the sale of which provided a source of income for upwards of 15,700 planters. Again, the native coffee plantations, where the beans have improved in quality, produced 3,200 tons, or 1,200 tons more than the previous year.

True, the new economic depression has had repercussions in Ruanda-Urundi and the prices of cotton and coffee have dropped, that of coffee by 40%. But growers have found ample compensation in the abundance of the crops they have been able to place on the market and in the rise in the market value of foodstuffs; the same applies to stock-breeding, cattle transactions having yielded unexpectedly high profits.

Stock-breeding, indeed, has produced agreeable surprises for the natives, for the price of animals of the bovine race has increased sometimes as much as 50%, while that of goats or sheep has risen by 30% or 40%. Apart from local sales, 28,000 head of large live-stock were exported (1,000 more than in 1937) and 50,000 head of small live-stock (15,250 more than the previous year); receipts totalled 12,226,000 francs, exceeding the revenue for the previous year by 1,513,000 francs. Unfortunately, the export trade in cattle-hides has been hard hit by the drop in prices, and the figure of 288 tons falls very far short of the figure for exports in 1937 (655 tons).

Within the country, the various sales by natives to non-natives — amounting to 23,886,000 francs in 1937 — reached a total of 27,864,000 francs in 1938.

Taken as a whole, the resources of the natives have considerably increased as a result of the extension of their business and the increase in the number of wage-earners. It is not

surprising, therefore, that the non-native trading stores, whose imported goods sell chiefly among the native population, should not have suffered from the effects of the economic crisis, their sales having, on the contrary, risen from 81,943,000 to 85,513,000 francs. Again, instead of having dropped, the number of European and Asiatic firms at December 31st, 1938, exceeded those listed at the end of 1937 by thirty-six, while the number of establishments has risen by forty.

On the occasion of the last statement, it was explained that European agricultural concerns were tending to leave the cultivation of the principal export products to the natives, preferring to let the mills see to the decorticating and husking of the coffee produced by the natives and the ginning of the cotton obtained from their fields. These activities were continued in 1938. Nevertheless, the companies exported some 200 tons of coffee grown on their own plantations. The firm which had been growing and successfully treating sisal for some years was obliged, towards the end of 1938, to close down its mill owing to the drop in the price of fibre on the world markets.

Mining undertakings made substantial progress : their cassiterite exports rose from 1,232 to 1,383 tons and their exports of gold from 351 to 424 kg.

The new economic crisis, which was a worldwide phenomenon of 1938, affected the foreign trade of Ruanda-Urundi, but to a lesser degree than elsewhere. Notwithstanding the abundance of agricultural and mining products sent outside the country, the value of exports fell from 94,085,000 francs in 1937 to 90,813,000 francs in 1938, as a result of the drop in the prices of coffee, cotton and cassiterite. Again, owing to the fear of poor sales, imports declined, dropping in value from 84,126,000 to 76,000,000 francs. It will be noted that the trade balance, which has been favourable to Ruanda-Urundi since 1935, remained so in 1938 : the export surplus amounted to 14,107,000 francs.

The figures which have just been quoted must be considered in relation to more general results. But when, setting aside the relations of the mandated territory with other countries, its exchanges with the Belgian Congo are considered separately, the striking fact is that here, in spite of the crisis, all the figures show an improvement. In 1937, Ruanda-Urundi exported products to the Congo to the value of about 24 million francs, whereas, in 1938, the figure was close on 26 millions ; again, in 1937, the value of the goods imported from the Congo was 11,495,000 francs, while, in 1938, it amounted to 14,404,000 francs. The phenomenon is explained for exports alone by the increased value of live-stock and foodstuffs, which are among the principal items, and for exports and imports alike by a big lumber trade which has been established between the two countries.

The large export movement of products from Ruanda-Urundi to the Belgian Congo has proved once more that, when a Customs union exists between a large and a small country, the latter is the principal beneficiary. Ceasing to be limited by its own narrow frontiers, it sees opening up before it a vast market with many outlets, to which it will in future have absolutely unrestricted access.

Failing any big increase in taxation, the decline in the exports and imports of the mandated territory was bound to have an effect on its Customs receipts. These declined during the last six months of the year, when the economic crisis had reached Ruanda-Urundi. Bill-holding revenues also dropped, large sums having been deducted from companies' profits and used to pay off the cost of initial outlay and administrative expenditure.

On the other hand, there was an increase in the yield from the native tax, the rates of which were raised after a careful investigation of the natives' resources, together with an increase in the yield from the cattle tax, the personal tax and — as the result of belated payments — the income tax.

Taken as a whole, the revenue under the ordinary budget — 49,767,000 francs in 1938, compared with 46,699,000 francs in 1937 — shows an increase in 1938 of 3,068,000 francs. Setting aside, for both years, the financial contributions of Belgium and the Belgian Congo, the improvement has been considerable — namely, 5,419,000 francs.

The expenditure under ordinary budget appropriations — amounting to 39,736,000 francs — was 5,856,000 francs higher than in 1937. The increase is due to the rise in the cost of living, which has put up salaries and wages, to the exhaustion of the stocks held by the Administration, which had to be renewed at a greatly increased cost, to heavier commitments entered into by the public health and agricultural services, to more extensive building works, pipe-laying and road up keep.

Nevertheless, the expenditure was 10,031,000 francs below revenue, which enabled the Government to reduce the public debt by means of further repayments.

The Permanent Mandates Commission will recall that, in 1937, the debt had already been reduced from 165 to 150 million francs. At its session in the autumn of 1938, I had pleasure in informing it that there had just been a further repayment of 8 millions. Before that year was over, a supplementary repayment was effected to the amount of 2 millions. This was repeated in 1939, so that, reviewing the financial situation of Ruanda-Urundi during the past three years, one finds that, during that period, the public debt was reduced by 27 millions, or over 16%. Earlier, when the economic equipment and fitting out of the country had involved the latter in heavy expenditure, an assurance was given to the Mandates Commission that the financial strain would only be of a temporary character : future profits would make good the sacrifices of the past and wipe out debts. That is precisely what is happening now.

QUESTION OF THE SETTLEMENT OF REFUGEES

M. VAN ASBECK, referring to the table of the population of European origin on page 28 of the annual report, enquired whether the figures included any Stateless persons or refugees from European countries, and whether the question of the settlement of refugees in the mandated territory had arisen during 1938.

M. HALEWYCK DE HEUSCH replied that the suggestion that refugees should be established in Ruanda-Urundi had been dismissed, for the population of the territory was very dense and it was not so populous a country that should be thrown open to immigrant communities.

He could not say whether there were any Stateless persons in the territory. In any case, they could not exceed twelve in number, since the table of European population on page 28 of the report gave the nationality of all the persons concerned, save twelve, who appeared under the heading "Other".

Lord HAILEY recalled that various schemes for European colonisation had been discussed and asked whether those schemes had been proceeded with.

M. HALEWYCK DE HEUSCH explained that the possibility of sending groups of colonists to Ruanda-Urundi had been considered at one time; nothing had been done, however, for the reason he had just given — namely, the high density of the native population.

Lord HAILEY added that he had referred to certain discussions in the Colonial Council in Brussels, and asked whether he was now to understand that the schemes had been finally abandoned.

M. HALEWYCK DE HEUSCH thought it was always hard to say whether, when new circumstances arose, a decision which was thought to be final might not be changed. One thing was certain, there could be no question of any scheme for large-scale settlement. Individual cases might arise, however, and it would, in some cases, be to the interest of the authorities to assist in carrying them out.

PUBLIC HEALTH

At the invitation of the Chairman, Dr. VAN HOOF made the following statement on the general position :

As in recent years, the Ruanda-Urundi medical service has reported satisfactory results, the Commission would, I imagine, be interested in an account of its organisation and programme of action.

The whole medical organisation is under the authority of a chief medical officer directly responsible to the Governor of Ruanda-Urundi. The chief medical officer directs the work of all the members of the medical staff and the approved auxiliary staff. He may himself receive general instructions from the chief medical officer of the Belgian Congo, but only through the Governor-General and subject to his own responsibility to the Governor of the territory.

The medical service consists of five sections, among which the members of the staff are distributed according to their special qualifications :

- (1) The hospital service, hospitals in the principal towns and administrative centres.
- (2) The S.A.M.I. or natives' medical assistance service. This comprises :
 - (a) medical surveys by travelling units; (b) the management of rural dispensaries; (c) co-operation in the detection and treatment of disease by the medical staff or the approved auxiliary staff of religious missions and private undertakings.
- (3) Preventive hygiene and social medicine : urban sanitation, rural hygiene, sanitary inspection and control in the ports and on the frontiers, industrial hygiene, etc.
- (4) The analysis and scientific research laboratory.
- (5) Medical teaching; the training of native auxiliaries of the medical service.

I have not mentioned the pharmaceutical service and the general medical stores service. In point of fact, the problem of medical stores has been solved by placing a contract with a big pharmaceutical company which supplies drugs at rates fixed by agreement with the Government and subject to Government review. The company is further obliged to maintain a permanent reserve stock equivalent to six months' requirements. The medical service directly purchases and is responsible for certain specified articles only, which it can obtain on specially favourable terms — *e.g.*, scientific apparatus, instruments of precision and surgical instruments.

The annual reports have, from time to time, given particulars of the position and size of the various hospitals. The number of European residents, it need hardly be said, has not yet justified the erection of a big hospital for white people, though it has been necessary to set aside a hospital block for Asiatics at Usumbura. In the fairly near future, it will nevertheless be necessary to enlarge and improve the clinic for Europeans at Usumbura. The doctors in charge of these hospitals are selected for their knowledge and experience of local diseases and frequently also on account of specialisation in some branch of surgery or obstetrics. They are assisted by nurses from the religious orders or lay nurses.

The S.A.M.I., or natives' medical assistance service, comprises a travelling unit and a permanent centre. I shall come back later to the surveys carried out by the doctors of this service in the course of their rounds, though the matter has already been dealt with in the annual report for 1938, which describes the progress made in recent years.

If the causes of this progress are to be properly understood, it is moreover necessary to consider the improvements in treatment provided by rural hospitals, dispensaries and maternity clinics.

The rural dispensaries were formerly built at Government expense. Their success was not always equal to expectations, either because they were badly located or because the natives were unwilling to come forward for treatment, or because they did not possess a subordinate staff capable of continuing the treatment prescribed by the doctors. Fortunately, however, the position has been altered by two factors : in the first place, the results obtained by the travelling organisations for the assistance of the natives, which have collected more reliable information of the diseases prevalent in the country, thus making it possible to select the best sites for the erection of permanent centres ; and, in the second place, the creation of the native treasuries and welfare funds of the Sultans, part of the resources of which may be used for building dispensaries.

Of the various classes of expenditure borne by the native treasuries, the building of dispensaries is undoubtedly one of the most directly beneficial to the community. The prosperity of the treasuries is such that the extensive development of rural medical institutions may be confidently expected. Even in 1938, thirty-three dispensaries were already in being, four of which deserve the name of hospital. Each dispensary comprises at least a general consultation room, a laboratory-pharmacy, a gynaecological consultation room, a surgical dressing-room, a veranda waiting-room and quarters for a native nurse. As soon as a dispensary becomes really popular, hospital buildings must be provided for the accommodation of patients coming from a distance and of serious cases. A small maternity clinic is added as soon as the confidence of the women is obtained. This is done by opening an infant hygiene and welfare centre. A medical officer anxious to make use of his surgical experience will also apply for a small operating-theatre. In these ways, the more popular dispensaries come to be transformed into rural hospitals, as has happened, for example, at Kissenji, Gozi, Ruhengeri and Nyanza.

The dispensaries built by the native chieftainships out of their own treasuries are naturally their property, but this is also the case even when the treasury can only meet part of the cost and the balance must be provided by the Government. The running costs — that is, in the main, those in respect of staff, drugs and instruments — are borne entirely by the medical service.

The rural medical service has the co-operation of religious missions and private organisations whenever these possess a qualified staff and hospitals or dispensaries open to natives. Such co-operation is paid for by the Government in accordance with the following general rules : The costs of the maintenance in such private hospitals of natives entitled to Government assistance (*i.e.*, excluding those in the employment of private undertakings) are borne by the Government : the doctors of the Protestant missions are approved and recognised as " medical authorities " ; as such they are paid, undertake to treat free of charge all persons entitled to Government assistance and are invested with certain powers under the Orders governing health matters in Ruanda-Urundi ; the drugs necessary for the medical assistance of natives within their district are supplied to them without charge ; for this purpose, a credit account is opened in their name with the pharmaceutical company approved by the Government ; and they receive microscopes, instruments, etc., on loan : the doctors employed by private undertakings are approved in exactly the same way, except that they do not receive scientific equipment : the Catholic missions have no doctors of their own, but when they are established in a very densely populated area, such as Kabgaye, it is in the Government's interest to attach one of its own medical officers to the missionary centre ; in such cases, the mission sometimes builds the hospitals and dispensaries, together with the medical officer's residence, at its own expense ; European members of the missions other than doctors may also be approved as members of the volunteer medical assistance service ; they are paid an annual grant according to their services and are provided with the necessary drugs free of charge ; in addition, the whole of the approved staff is indemnified for travelling expenses occasioned by its co-operation in the work of assistance to natives and for the wages paid to its native nursing staff. In return for these privileges, the Government reserves its right to co-ordinate this staff's medical activities within the framework of the medical assistance service directed by its own medical officers. These activities are increasing every year : in 1938, there were fifteen dispensaries attached to Catholic missions, the hospital at Kabgaye and five hospitals and five dispensaries attached to Protestant missions. The hospitals and dispensaries of private undertakings are built, in theory, for their own employees, but they also treat large numbers of other patients.

I would also add that the Government encourages all missionary medical organisations to set up infant hygiene and welfare centres and makes substantial grants for the purpose. An organisation for the provision of native maternity clinics is now being formed. It will consist of a Foundation to aid all missionary or private medical organisations to set up and equip maternity clinics, ante-natal advisory centres and paediatric advisory centres.

At Usumbura, there is an urban sanitation service. A sanitary squad is responsible for the detection and destruction of the breeding-places of mosquitoes. Major sanitary works, such as the large-scale reclamation of marsh land, are carried out by the public works services. In other centres, it is the public health boards, whose members include the Government

medical officers, which are responsible for sanitation. A Government medical officer acts as medical officer to the aerodrome and to the port of Usumbura.

Sanitary control on the land frontiers sometimes requires the presence of medical officers or health officials to detect epidemic diseases or to take steps to prevent their introduction into the territory. In this connection, it should at once be pointed out that, in 1939, a Sanitary Convention was concluded between the Belgian Congo and Uganda with a view to joint action at the frontiers to prevent the propagation of transmissible diseases. The Convention will also apply to Ruanda-Urundi.

The medical officers also co-operate with the services of the Department of Economic Affairs in ensuring the application of the regulations governing industrial hygiene and safety.

The medical officers attached to the travelling medical assistance units are gradually organising rural hygiene. Hitherto their efforts have of necessity been confined to the provision of mechanical protection against the tsetse fly in the area where sleeping-sickness is endemic and against *Ornithodoros moubata* in the centres where relapsing fever is rife. Their instructions are to conduct propaganda in favour of proper methods of hygiene among the natives and to secure the co-operation of the native authorities.

Those responsible for medical teaching among the natives have realised the need for attaching native auxiliaries to the sanitation services, and sanitary guards have been trained for the purpose.

The preventive hygiene, sanitary control and inspection and social medicine services have only very small staffs of their own, the work being done by the resident or travelling medical officers in addition to their other duties. The Astrida Laboratory assists greatly by carrying out any necessary analyses or research work.

The duties of the Astrida laboratory are threefold : to carry out chemical or bacteriological analyses for the hospitals, the medical officers in charge of assistance to the natives, the private medical organisations and the preventive hygiene services ; to prepare vaccines and if necessary sera, the efficacy of which is increased if local strains of micro-organisms are used ; and to conduct scientific research in all matters connected with local diseases.

In the fourth place, it is the duty of the Astrida laboratory to co-operate in the training of the pupils at the Astrida school for native medical assistants. As the performance of these various duties entails a great deal of work, the staff was strengthened in 1939 by the addition of a second medical officer.

The fifth section of the medical service is responsible for training native auxiliaries. The last pupils of the Kitega school of nursing received their diplomas in 1938, so that there now remain in Ruanda-Urundi four schools for assistant male nurses, the Astrida advanced school for medical assistants and the beginnings of a school for native female nurses.

It was obviously desirable that the official school of the medical service should be transferred from Kitega to Astrida to which it had already been necessary to move the laboratory and its staff, which is responsible for a great deal of the teaching. The Astrida hospital is also more modern and better equipped, and receives a greater number of patients, while the doctors practising in the Astrida area and capable of assisting with the teaching are more numerous ; in addition, the transfer made it possible to obtain the co-operation of the school group and its staff. The result has been a marked rise in the standard reached by the pupils, and, in consequence, the candidates have had to be very carefully selected. Nevertheless, some thirty specially gifted pupils are now taking courses in the three theoretical training classes. It may be expected that, at the end of 1939, ten pupils will be passed for the two years' probation period of practical work. This period will be passed with the Government's permanent or travelling health units under the supervision of medical officers fully familiar with conditions in Ruanda-Urundi.

The annual report for 1938 states that the instruction of native women in health matters is meeting with serious difficulty (page 125). This is also true in the Belgian Congo, and for the same reasons. Only a few girls receive, in the primary schools, an education which prepares them for even very elementary medical studies. Of those who would possess an aptitude for such training, some are prevented from taking it up by the opposition of their families, while others marry and leave the school before the completion of their studies. The very few who complete the course are employed in the hospitals under the direct supervision of the European staff. When they marry, their husbands frequently object to their continuing such work, or their careers are cut short by removal to other districts, by maternity or by other such reasons. Another difficulty is that many native tribes are not accustomed to the idea that medical treatment can be given by women, and the latter are unable to gain the confidence either of their own or of the other sex.

Such being the case, it will be readily understood that the results of various experiments carried out in Ruanda-Urundi have not been encouraging. There is no reason to give up hope, however. The development of schools for girls will mean a higher standard among the pupils of the schools of midwifery and nursing. The attitude of the inhabitants to native "handy women" will change, as it has done in French West Africa. In the meanwhile, the women who receive the rudiments of medical training will at least carry back the first principles of hygiene to their villages and make them known to the inhabitants.

The annual report for 1938 (page 92) describes the progress of the organisation of the service for medical assistance to natives. Perhaps I might add a few words of explanation.

The first rural medical organisation in Ruanda-Urundi consisted of a few dispensaries. Their radius of action was very limited, however, and as the road system was largely undeveloped, large sections of the population received no medical attention whatever. As a result, yaws became so widespread that it was decided to organise a kind of medical crusade to deal with it.

Such was the origin of the first travelling assistance organisation, set up in 1930. Ten doctors travelled round the areas most seriously affected, accompanied by their staff and equipment, and set up temporary medical camps, which were as big as hospitals and to which the natives flocked for treatment. For the purpose of follow-up work and to ensure that the therapeutic treatment was in all cases complete, it was found necessary to keep a careful record of all those treated. Then, in order to get in touch with all those suffering from the disease and to prevent the spread of contagion, a complete census of the population was attempted. Finally, as it is impossible for the only medical organisation in a district to concentrate its attention on a single disease to the exclusion of all others, the organisation set up for the treatment of yaws came naturally to be transformed into a medical assistance service dealing with all diseases and complaints.

It is natural that this organisation should have aroused some scepticism. The task of examining such an enormous number of natives looks a crushing one for only ten doctors. It was, in fact, a very ambitious enterprise. But, in 1932 and 1933, Ruanda-Urundi already had the benefit of the experience acquired by the F.O.R.E.A.M.I. (Queen Elisabeth Fund for Medical Assistance to Natives), which also gave financial assistance with a view to the application of this very method in the endemic sleeping-sickness area of Lake Tanganyika and the valley of the Ruzizi. Moreover, the road system has been rapidly developed, and the doctors have been reinforced by health assistants and native medical orderlies, clerks and assistants. Another factor is the method of work employed, which enables a medical unit to examine the maximum number of natives in record time. The health assistant first of all picks out, in the batch of natives summoned, the suspects for whom a medical examination is necessary. Meanwhile, the clerks and recorders make entries in a family census register. On an average, 20% of the natives summoned have to be examined — *i.e.*, sixty out of a group of 300, for example. But of these sixty, generally over half can be diagnosed at first glance, even by a health assistant, if he is well trained. This applies to persons suffering from yaws, tropical ulcer, common mycoses and other illnesses which are frequent in the district. In other cases, microscopic examinations, blood analyses, examinations for helminth infestation or the bacteriological examination of secretions are done in advance by the native microscopists, whose skill is well known. This leaves only twenty to thirty patients a day to whom the doctor really requires to give considerable personal attention, say for ten to twenty minutes. The doctor also prescribes the treatment to be followed, but — apart from minor surgical procedures — this is applied by the health assistant and the native attendants. At regular intervals, and at least once a year, the medical unit undertakes a revision of the population previously inspected, and, in this case, the registers provide information as to who should be summoned and as to patients previously treated, and, in this way, operations can be conducted more expeditiously. In the interval, patients are treated by the rural dispensaries.

This system of medical census is, of course, easier to apply in a densely populated region, as, in this case, the medical unit wastes less time in moving from place to place. It also works better when the prevalence of disease among the natives is not too great. On the other hand, it is slow when certain diseases such as trypanosomiasis, leprosy or tuberculosis require longer and more minute examinations, sometimes of a very difficult nature.

The difficulties and drawbacks of this comprehensive method of mobile assistance only cannot be ignored, however. In spite of every care, a certain number of patients still escape notice. Natives have to be summoned in judiciously selected batches, in order not to disturb the normal life of the community, especially in pastoral areas. The doctors complain of the monotony of the work which they have to do in the bush in comparative isolation and often in conditions which make family life impossible. They add that this superficial survey work is not likely to improve their professional skill, and, after a few years, they ask for a permanent post at a hospital.

At the same time, the method of mobile assistance has given very valuable results. Thanks to it, the nosology of each chieftainship of Ruanda-Urundi is now known. It is possible to choose the best sites for the dispensaries, which are continually growing in number. The natives have acquired the habit of going to these dispensaries. The incidence of certain diseases, such as yaws, has greatly declined, and, in consequence, our medical service has gained the confidence of the natives.

As stated in the annual report for 1938 (page 93), the mobile medical assistance service has prepared the way for the permanent organisation consisting of dispensaries and rural hospitals. We are now in the transition stage between the two systems. This process is facilitated by the assistance of the native treasuries, but, at the same time, it will sooner or later involve a reinforcement of the European medical staff and of the auxiliary native staff.

In the new organisation which is already taking shape, each medical officer in charge of a sub-sector will have at his place of residence a rural hospital of which the dispensaries scattered through the district will form branches. These dispensaries will be so situated that the natives will not have to travel more than one day on foot to obtain attention there. Their proximity to the main routes of communication will make the inspections of the responsible doctors as easy as possible.

As stated in the annual report for 1938, the method of mobile assistance will have to be maintained in the endemic sleeping-sickness area until this scourge is completely under control. It is estimated that this result will have been achieved when the index of new infections has been lowered to not more than 0.1%. It is even possible to achieve a complete eradication of sleeping-sickness, despite the persistence of the vector insect — the tsetse

fly — as has been done at Lake Albert, where the bionomic conditions of the endemic prevalence of the disease were remarkably similar to those of Lake Tanganyika.

The endemic sleeping-sickness area in Ruanda-Urundi forms an extension of that of Uganda and the Belgian Congo. The virus in circulation is the *Trypanosoma gambiense* and not the *T. rhodesiense*, which is abundant in Tanganyika Territory. This means that the game which is fairly abundant in the Ruzizi valley and on the shores of the lake plays no part in maintaining the endemic by constituting a reservoir of virus. It also follows that the chemical prophylaxis which is tending to reduce the human reservoir of virus should be crowned with success.

Other districts of Ruanda-Urundi, such as the valley of the Kagera and the Lumpungu-Malagarasi, are quite near the fly-belts, infected with *T. rhodesiense*, of Tanganyika Territory. The *Glossina morsitans*, which transmits this serious form of human trypanosomiasis, is found there. But, hitherto, this infection has not been imported. I have been able to satisfy myself personally that, near the Lumpungu, from which numerous seasonal workers go to the Uganda plantations, the disease is totally unknown.

In the infected Tanganyika-Ruzizi sector, the index of new infections has declined in the past ten years from 4.1% to 0.14%. The first few years were spent in the study of the endemic area, in a partial census of the population and the detection of patients, in the treatment of the latter and in the isolation of serious cases in hospitals. The first reports showed increasing rates of trypanosomic infection, but these figures reflect, not only an extension of the endemic, but also a better knowledge of the facts. It was not until 1930 that the full censuses gave an exact but, at the same time, alarming idea of the situation. In view of the urgency of the position, the most threatened populations were sent above the 1,000-metre level, since it would have been impossible to carry out the necessary forest clearance work in time. The infection index nevertheless rose again in 1932, but, this time, this was due to an aggravation of the endemic in the Ruzizi valley, an aggravation which also occurred in the Congo. In the meanwhile, however, the campaign against sleeping-sickness had been reorganised. It had been given the form of a mobile unit providing full medical assistance, making a complete family census of the population and giving treatment to all those who were sick. From 1933 onwards, the F.O.R.E.A.M.I. gave extensive financial assistance. Therapeutic and diagnostic methods were improved, thanks to the experience acquired in the Belgian Congo and to the presence of a specialist doctor.

And so, from 1933 onwards, the index of infection showed a regular decline. Fertile land which had been momentarily evacuated was reoccupied, but the occupants were subjected to preventive Bayerisation. Large bush clearances were carried out and are being kept up along the rivers providing favourable breeding-places for the tsetse fly. The glossinæ are caught by means of Harris traps. The percentage of cures obtained rose from 70% (in 1934) to 80%; the dispensaries have been multiplied in the endemic area, but, like the Rumonge hospital, they now receive but very few sleeping-sickness patients.

The Mandates Commission has remarked on the increase in the percentage of deaths among sleeping-sickness patients receiving treatment. The annual reports explain that this percentage is calculated on too narrow a basis to be of any significance, and that sleeping-sickness cases are exposed more than others to intercurrent diseases. This is a phenomenon which may be observed in any endemic region where the situation is improving. The considerable decline in the number of new patients diagnosed each year means that advanced chronic or incurable cases form the great majority of the patients treated. But cases of this type are those which have the highest death rate. In 1928, these serious cases only amounted to 90% of the number of recently infected cases, and the mortality was 6%. In 1937, they represented 350% of the number of new cases, and the general mortality naturally rose to 13.8%. Supposing that, in the year 1940, a recrudescence of sleeping-sickness were to bring a thousand new patients against the three hundred old ones left over from the previous years, we should find the general mortality falling below 5%.

There are scientific considerations justifying confidence for the future. The strains of trypanosomes in the Ruzizi valley and on the shores of Lake Tanganyika have been studied at the laboratory of the Princess Astrid Institute at Leopoldville. It is certain that the trypanosomes in question do not belong to the virulent *rhodesiense* species. There is nothing to show that they possess any other reservoir than the human reservoir, and this guarantees the success of the chemical campaign which has been conducted in recent years. In the Belgian Congo, the resistance of trypanosomes to arsenical drugs has caused us much anxiety, as being a serious obstacle to drug prophylaxis. In Ruanda-Urundi, this arseno-resistance exists, but it is rare. The transmissibility of trypanosomes by the tsetse fly is no higher than it is, on the average, in other endemic regions. Lastly, the protection of the natives has been enhanced by periodical preventive injections of Bayer 205.

COUNT DE PENHA GARCIA congratulated Dr. van Hoof on his very clear statement, which called for no comments. He would merely like to ask him a few questions.

From the general standpoint of the organisation of public health in so far as it related more particularly to the native population — for the white population was not numerous — he was glad to note that the mandatory Administration had adopted very interesting methods well suited to the special situation of the country. He had in mind more particularly the method — which he had often had occasion to recommend himself — of mobile missions, which answered well to the case of a fairly numerous population spread over a wide territory. This system made full allowance for the necessity of establishing co-operation between the administrative staff and the medical staff, and he would like to know whether that co-operation

had not met with any obstacles and whether it had been possible to gain the confidence of the natives and their chiefs through the administrative staff, in order to obtain a maximum of cohesion.

Dr. VAN HOOF answered that it could not be denied that, at the outset, the native chiefs had been the cause of great difficulties. On the other hand, unstinted assistance had been given by the officials and by the religious missions. It was fortunate that a beginning had been made with yaws, the cure of which was so spectacular that the patients could not but be impressed by the results obtained, as the lesions could be seen to disappear after one or two injections. Some difficulty was still experienced with some patients suffering from tuberculosis or leprosy, who were unwilling to own their state.

COUNT DE PENHA GARCIA said that in such matters the doctor must be not merely a technician conversant with tropical diseases but also a psychologist capable of winning the confidence of the natives. Did not the medical staff of the territory suffer at times from the competition of witch-doctors ?

Dr. VAN HOOF admitted that witch-doctors still existed and sometimes caused difficulties ; but, generally speaking, their influence was not considerable, and some of them had even on occasion been treated by his services.

M. VAN ASBECK enquired whether the medical officers spoke the language of the natives.

Dr. VAN HOOF replied that, with the exception of those recently arrived in the country, most of the medical officers spoke the vernacular. They were required to learn it during the early period of their appointment, and knowledge of the vernacular was a factor in promotion.

COUNT DE PENHA GARCIA inferred from Dr. van Hoof's remarks that experience had shown the value of the simple system of travelling units, whereby thousands of natives over a vast area could be examined and treated. The system had also another advantage. It made it possible to draw up a chart of the prevalence of diseases in each district, and data were thus available from which it could be decided whether the travelling service should be replaced by permanent dispensaries, hospitals, etc. Experience showed that it was very difficult in that second phase to induce the African native to come to fixed establishments for the treatment of the sick. It was not merely distance that was the obstacle, but the native's ingrained habit of taking his wife and even his whole family with him everywhere. Certain authorities in other African territories had thus been led to provide huts in the vicinity of the dispensaries for patients' families. Had anything of the kind been done in Ruanda-Urundi ?

Dr. VAN HOOF agreed that it was necessary to provide accommodation for patients' families in the neighbourhood of dispensaries and hospitals. This had been done for a long time past — *e.g.*, at the Ngozi hospital, where, as early as 1929, there was a camp for 300 persons, as against accommodation for forty patients. The presence of their families, and sometimes of friends, was a great comfort to the patients, both materially and morally. The camps were called *caravanserais*.

COUNT DE PENHA GARCIA thought it gratifying to note the practical outlook which, in this as in other respects, characterised the Ruanda-Urundi health organisation. It was now, he understood, proposed to build several fixed dispensaries for the entire colony ; of what materials were they to be constructed ?

Dr. VAN HOOF referred to the necessity of care in these matters, as such buildings laid a heavy financial burden both on the Government and on the native budget : the first consideration was whether the dispensary would be really permanent. If it was certain that there would be no need to move it for ten or twenty years, it would be built of such durable materials as brick, stone or concrete.

COUNT DE PENHA GARCIA observed that the chart of the prevalence of diseases would be of great value in this respect. Referring to the vital question of the training of native health staff, he alluded to the rather widespread but mistaken belief that, for its services to be of real value, the native staff must receive a very advanced training in health matters. In fact, however, it was quite easy to give such auxiliary staff sufficient training for it to do good service. That was the case in the Belgian Congo, where native auxiliary staff was employed in dealing with sleeping-sickness and performed its duties (blood-tests, microscopic examinations, etc.) most satisfactorily, as was shown by a film, which he himself had seen. It would probably be somewhat difficult to train female staff, as native women did not take easily to the training which would enable them to become assistant nurses or midwives. The only practical course was to take girls from native families of a certain social standing and train them for nursing work. In Samoa, for example, there was a village in which a kind of women's association had been formed for the care of new-born infants. In Ruanda-Urundi native conditions were different, but might it not be possible to train female staff by the same method there also ?

Dr. VAN HOOFF replied that his services had succeeded in training a few midwives in the Belgian Congo, particularly in the larger centres, where native society was more progressive and where it was easier to find girls with the character and aptitudes required for good auxiliary staff.

Mlle. DANNEVIG was surprised to learn that it was more difficult to train girls as nurses and midwives in Ruanda-Urundi than in other territories. It had always been said that the position of women in that country was better than it was among the other African populations. It might be that it was difficult to keep girls in the service after marriage, but in that case their training would be valuable in the home, and they might spread the knowledge they had acquired in their own villages.

Dr. VAN HOOFF replied that his service was continuing its efforts to induce girls to attend courses in nursing and midwifery, so that their villages might benefit by their experience. The difficulty was not to induce them to attend the courses, but to take their studies seriously.

Mlle. DANNEVIG asked what was the attitude of women towards the work of the medical officers and dispensaries. Were they easily persuaded to attend the consultations, and did gynaecological cases come forward ?

Dr. VAN HOOFF said that great progress had been made in that respect. Originally, it had been very difficult to win the confidence of the native women, but, as was shown by the particulars in the report, the number of women attending consultation centres for advice of all kinds was now much more considerable. The difficulties would nevertheless continue, as the women were all too often influenced by certain ancestral customs of which they could not rid themselves.

Mlle. DANNEVIG, referring to infant mortality, remarked that it had been described as very high and that the probable cause was said to be that the women did not know how to take care of their children. Were they taught to do so in the dispensaries ?

Dr. VAN HOOFF replied that provision had been made in the dispensaries for advice on the care of children. Such advice was also to be had in the Catholic and Protestant missions. It was given at weekly consultations, which in reality more closely resembled simple lectures for mothers and expectant mothers ; in other words, advice was given on both ante-natal care and mothercraft.

Infant mortality was not really very high, as it fluctuated between 9% and 20%. Such a rate was not very considerable in comparison with that of other tropical countries. Infant mortality was due, not only to lack of hygiene, but also largely to malaria. The malaria death rate was being reduced, however, by the distribution of quinine. Other important factors were intestinal diseases, lung diseases and lack of general care. The child hygiene and welfare advisory centre therefore did not confine itself to giving advice on the treatment of children's diseases — *e.g.*, the worm infestation — but also gave advice on nutrition, clothing, etc.

Mlle. DANNEVIG referred to the matter of breast-feeding. It was frequently said that native mothers were under-nourished and were therefore not sufficiently robust to breast-feed their children, and that they also tended to continue breast-feeding too long, until the child was 1 or 2 years old. Was there any truth in that ?

Dr. VAN HOOFF considered that, in Ruanda-Urundi, mothers were sufficiently well nourished to be as capable of breast-feeding their children as European women. But it was true that they continued to do so too long, until the child was 18 months or 2 years old. It must be borne in mind, however, that children were also given other foods, such as flour and butter, from a very early age. The native population had supplies of cows' milk, which was not the case in other tropical countries, and was a very great advantage.

Mlle. DANNEVIG enquired as to the truth of the report that when native mothers began to feed their children with flour they chewed it themselves before putting it in the children's mouths, a practice which was obviously dangerous to health.

Dr. VAN HOOFF replied in the affirmative.

Mlle. DANNEVIG asked whether initiation ceremonies prejudicial to the health of youths and girls were practised.

Dr. VAN HOOFF had no knowledge of any such ceremonies ; he was certain that there were none in the case of girls.

COUNT DE PENHA GARCIA was glad to find that the various aspects of the health problem — personal hygiene, housing and nutrition — were discussed in the report for the current year. Such matters must obviously be dealt with differently in different districts : in some territories, for example, buildings should be given a cement foundation to guard against relapsing fever,

and, in other places, such foundations were not desirable on account of the cold. Methods must therefore be everywhere adapted to local conditions. In this respect, twofold action must be taken — *i.e.*, by the administrative and by the medical authorities — as the medical officers were bound to take measures of health organisation through the administrative channel. He would like to know, therefore, how, in practice, the villagers were taught the elementary rules of cleanliness and personal hygiene, and the rules of health as they applied to housing, nutrition, etc.

Dr. VAN HOOF replied that, in his statement, he had merely spoken of the existence of a rural hygiene section. But, in practice, such work was done by all the medical officers and nursing staff of the travelling units, which visited all the villages. Later on, the administration proposed to train advisers to be attached to the local chiefs. In those matters, it was able to draw on the experience of what had already been done in the Belgian Congo; for such purposes, the co-operation of the administrative services was necessary, as they had executive powers which the medical service lacked.

COUNT DE PENHA GARCIA noted, with reference to the question of morbidity and mortality, that, according to the report, typhus fever had disappeared in 1935. The disease was carried by an insect; was, therefore, the disappearance of the disease due to the disappearance of the insect? He presumed that it was not.

Dr. VAN HOOF replied that there was no question of the insect having disappeared; the results obtained were nevertheless due to the fact that it had been found possible to isolate the region and carry out the complete delousing of the population, consisting of some 200,000 inhabitants, an operation facilitated by the scanty nature of the garments worn by the natives.

COUNT DE PENHA GARCIA was glad to find that the medical service had had recourse to segregation, which was, in his view, the only effective method. He would be interested to know whether there were special measures for the segregation of lepers.

Dr. VAN HOOF said that there were two categories of lepers: very contagious and less contagious. The first were generally infirm and incapable of attending to their own needs. It was thus both a moral and a hygienic duty to isolate them; isolation was carried out in annexes to the ordinary hospitals, not in leper hospitals.

Caution was required in isolating the sick, particularly in cases of tuberculosis, when the disease could be expressed by a very simple equation: cough, plus loss of weight equals deprivation of liberty, plus early death. It was essential, therefore, to provide a sufficient degree of comfort and apparent liberty, in order to prevent the patients from arriving at such a demoralising conclusion, since otherwise they would not disclose the fact that they were ill.

COUNT DE PENHA GARCIA commented on the gratifying results obtained in the campaign against sleeping-sickness, showing, as they did, what might be expected of a service which was properly organised and took due account of the native mentality.

The table on page 88 of the report concerning the serious diseases most frequently found was another example of the successful results obtained: there was a drop in the percentage of deaths from syphilis, ankylostomiasis and amœbic dysentery, and the situation was practically stationary for relapsing fever, malaria alone showing an increase.

The report gave the impression of the various medical services acting like one army, under the very competent orders of the high command. It was common knowledge that the best hope of victory lay in the virtues and qualities of the higher command.

The CHAIRMAN spoke of a tour he had made in 1928 in the part of the territory then affected by the sleeping-sickness, in particular the Rumongi area. The impression was that of a country whose population was letting itself go, whilst the medical and administrative officers were in despair at an apparently hopeless situation. He would like to know what was the present moral and material condition of this population, which had suffered so severely.

Dr. VAN HOOF said that he had been in the same region in 1929. He too had seen the despair felt by the administrative and medical authorities. It was then that the Administration had decided to transfer the population to a region remote from the tsetse fly, where the natives would find land suitable for agriculture. Naturally, it had encountered difficulties in picking sheltered spots, and the transfer had not been feasible for all the inhabitants, but only for those most seriously affected. Immediately after that operation the mortality index had dropped, but, unfortunately, the disease was spreading northwards, in the Ruzizi valley. Gradually, the natives thus transferred had been able to return to their own country, where the tsetse fly had been got rid of by clearing the bush. Those populations, physically and morally, would now bear comparison with the others; farms had even been established in the country and good labour was obtainable.

M. GIRAUD spoke in appreciative terms of the achievements of the Administration of the territory in the field of health. Interesting results had already been obtained, and this was highly encouraging, since the incidence of several diseases was decreasing. He wished to put a question on the subject of malaria. Page 91 of the report stated that malarial infection did

not appear to be contracted in areas above the 1,800-metre level, where, up till recently, the presence of anopheles had not been observed. He noticed, however, that, according to the report, the population of the Lake Luhondo area, which was at an altitude of about 1,800 metres, was fairly seriously infected. Whence did the infection come in that area? Might it not have been introduced by natives coming in from areas situated at lower levels — e.g., the labourers employed in the mines?

Dr. VAN HOOF said that that was perhaps the true explanation, but added also that, to avoid famine, it had been necessary to make the population work in the marshy valleys.

Lord HAILEY wished to go more fully into one point relating to the tsetse fly. Dr. van Hoof had expressed his conviction that control was now effective so far as concerned the variety of *Glossina*, which was regarded as the vector of sleeping-sickness for human beings. He would be interested to know what was the position as regards the tsetse considered as the vector for animals, and, in particular, what was the extent of the area where it was impossible to rear domestic live-stock.

Dr. VAN HOOF replied that it was the banks of the Tanganyika and the Ruzizi valley that were infested with the *Glossina palpalis*. Again, in the valleys of the Kagera and Lumpungu Malagarasi was found the *Glossina morsitans*, which had the power of conveying human trypanosomiasis and cattle trypanosomiasis, though epidemiological data showed that, in point of fact, the disease was transmitted only to live-stock.

Lord HAILEY explained that what he had wanted was to obtain some idea of the extent of the zones in which measures must be taken in order to ensure the nutritional life of the territory. He realised now that they were not very extensive.

Dr. VAN HOOF said that the depth of the areas in question was barely four hours' march in certain places, such as the Musso valley.

Lord HAILEY, turning to the problem of nutrition, mentioned a survey which had been carried out in the British colonies. He knew that the Ruanda-Urundi Administration had been dealing with the question, but would be interested to learn whether a study had been made, from a quantitative and qualitative point of view, in order to obtain a balanced diet, with the object of preventing deficiency diseases.

Dr. VAN HOOF replied that, in 1938, the Colonial Health Council of the Ministry of the Colonies had set up a Commission for the purposes of investigation and study to examine questions relating to nutrition and diet in the Belgian Congo and Ruanda-Urundi, with the help of a staff of experts and doctors. It certainly had in mind a study on qualitative and quantitative lines, and the enquiry was now proceeding.

Lord HAILEY said that he was glad to know that the survey, which he regarded as being of the greatest importance, had been undertaken. He desired now to draw attention to an administrative problem of a more general character which caused him some concern. He noted that, in the present state of affairs, when travelling inspection units and missions detected diseases, the Administration could enforce regulations obliging the natives to undergo examination and the subsequent treatment. But when, at a later stage, the system of fixed establishments or hospitals had been substituted, would it be as easy to treat patients satisfactorily without employing coercive measures?

Dr. VAN HOOF said that there were regulations requiring the native to submit to medical inspection, on instructions from the officials of the Administration of the territory. Those regulations were still in force and would be equally effective under the new regime.

Lord HAILEY said he quite realised the powers conferred in the matter by the Ordinance of October 10th, 1931, and by that of October 21st, 1933, concerning the powers of district officers, but what concerned him was how the medical officer stationed at his hospital could know what cases were in need of treatment and make such natives come for treatment.

Dr. VAN HOOF explained that it would be necessary to retain the intelligence system, which worked through the medium of little dispensaries scattered through the region and situated in such a way that the natives were within a day's journey of them. The dispensaries were in touch with the native chiefs and with the officials.

Lord HAILEY suggested that, in actual practice, when a census of the population was taken, for tax or administrative purposes, the administrative official would be accompanied by a medical officer, who would be on the look out for cases of sickness.

The CHAIRMAN observed that, when examining the reports on the African territories, the Commission had frequently had before it what were very impressive statistics of natives who

had been medically inspected, compared with the relatively small number of doctors employed in such work. In his statement, Dr. van Hoof had made it clear how, by dividing up the work among a small unit consisting of the doctor, assisted by nurses and native microscopists, it was possible to obtain results which sometimes met with a certain amount of incredulity when quoted.

There was a reference on page 93 of the annual report to the travelling medical survey mentioned by Dr. van Hoof. The result of the survey must be to supply a picture of the physical condition, at a given moment, of all the individuals who composed the population under census.

That represented a very considerable piece of work. When it was completed, the results obtained could, it would seem, only be regarded as still valid if the statistics were kept up to date. Was that feasible in practice?

Dr. VAN HOOF replied that it would not be materially possible to keep the statistics of the medical census up to date after the establishment of the system of dispensaries and hospitals for all natives was complete. The very arduous work of taking the medical census would not, however, have been in vain, as it would be the first step in making a nosological survey of the country and in setting up rural dispensaries. It would not be entirely lost: there would still be, in the first place, lists of patients whose treatment would have to be continued and, if the health situation of the natives proved defective at any given point, resort could then be had to the same method again.

SIXTH MEETING

Held on Thursday, December 14th, 1939, at 3.30 p.m.

Ruanda-Urundi: Examination of the Annual Report for 1938 (continuation).

M. Halewyck de Heusch and Dr. van Hoof came to the table of the Commission.

PUBLIC HEALTH (continuation)

M. VAN ASBECK asked whether any attention had been given in Ruanda-Urundi to the idea of health propaganda by cinema films with the object of familiarising the natives with the value of the public health services. In Java, the natives had been shown films dealing with rat control, the treatment of eye diseases, the treatment of wounds and household cleanliness, etc. Thousands of natives had watched those films with great interest. Was anything of the kind being done in the mandated territory?

Dr. VAN HOOF replied that, so far, the Administration had only bought health propaganda films abroad. Though excellent in themselves, the films were perhaps not altogether suited to local conditions. The Belgian Colonial Propaganda Office had now decided to send a cinema operator to the Congo and Ruanda-Urundi to make a film dealing with certain particular aspects of public health, such as the work done to combat leprosy, tuberculosis, sleeping-sickness, etc.

ADMINISTRATIVE ORGANISATION : EDUCATION DEPARTMENT : TRAINING, POWERS AND ACTIVITIES OF THE CHIEFS : QUESTION OF THE DEVELOPMENT OF INDIRECT ADMINISTRATION

M. VAN ASBECK remarked that, in the table on page 25 of the report, mention was made of an Economic Affairs Department separate from the Customs Department, to which it had formerly been attached. He welcomed that reform, but thought it might also be desirable to emancipate the public education service, which was still part of the Legal Department. He thought that education was an essential department, to which particular attention should be devoted.

M. HALEWYCK DE HEUSCH pointed out that, in a country in which colonisation was only in its early stages, the educational machinery was not yet as elaborate as it was in more advanced countries. This was especially the case where the Administration entrusted the educational work to third parties which it subsidised. In Ruanda-Urundi, a special educational department would have little to do, for the curriculum of the subsidised schools being already laid down, and the duties of the inspection service being already defined, there remained, for all practical purposes, but to pay over the grants, and this was done by the

Financial Department. Care should be taken not to compare public education in Ruanda-Urundi with that in the Netherlands Indies, which was an old standing colony in which the educational system had been widely developed for some considerable time, and in which the Administration had the direct management of numerous official schools, and had to provide for all of their needs.

Mlle. DANNEVIG observed that, in the table on page 25 of the report, mention was made of a temporary woman teacher at Usumbura, and asked what she did.

M. HALEWYCK DE HEUSCH said that she was doing teaching work in a small school for white children.

M. VAN ASBECK said that the annual report referred to the school for the sons of chiefs; he hoped further details about that school might be given in future reports.

M. HALEWYCK DE HEUSCH said that there was not much to say; the school having only been opened in 1938. In future, the reports would deal with the matter in greater detail.

M. VAN ASBECK observed that, on page 72, the report gave some very interesting information about the administrative organisation of the territory. It appeared that the two Bamis were the heads of the native administration and were supported, advised and assisted by white officials. It might be put that, so far as native administration was concerned, the two Bamis had certain legislative functions, but were primarily administrative and judicial authorities. The two sultans were the highest authorities of the native administration — a system resembling that in operation in Uganda, for example.

M. HALEWYCK DE HEUSCH said that it could not really be asserted that the Bamis exercised legislative powers for, under Article 7 of the Fundamental Law on the Government of the Belgian Congo, which also applied to the mandated territory, legislative powers were the sole prerogative of the King, or, in exceptional cases, of the Governor-General and of the Governor, and their delegation was prohibited. But the authority of the Bamis was exercised in dealing with questions connected with native administration, the latter falling within the scope of the executive authority.

M. VAN ASBECK said that, on pages 74 *et seq.* of the report, there was a schedule of the changes that had taken place through the deposition, resignation or death of chiefs or sub-chiefs. This showed that the process of administrative reorganisation was continuing. So far as the chiefs were concerned, the table was satisfactory, but, in the case of the sub-chiefs, it was less so. He would like to know whether the chiefs and sub-chiefs were appointed by the sultans (assisted, of course, by the Administration), with due regard to popular preferences and ancestral rights, or whether they were merely administrative agents of the sultans.

M. HALEWYCK DE HEUSCH explained that weight was attached primarily to customs and ancestral rights. It would be remembered that, some years ago,¹ Governor-General Ryckmans had told the Commission that the most brilliant scholar of the Astrida School would have to give way to a candidate having ancestral rights recognised by custom. Only where there were no such candidates or where the only candidates of this kind were admittedly incapable was recourse had to others possessing educational qualifications and special abilities which might be expected to make them efficient administrators.

The CHAIRMAN referred to the following passage from M. Halewyck de Heusch's statement: "The same goodwill is not forthcoming from all the chiefs and sub-chiefs. While some of them have readily adapted themselves to the new regime, with an intelligent understanding of what it implies, others are still dominated by traditional ideas; they are indifferent to the fundamental needs of those under them and either maintain a passive attitude or seek to abuse their powers". This had given him the impression that the chiefs and sub-chiefs had given rise to some disappointment.

M. HALEWYCK DE HEUSCH thought that the chiefs and sub-chiefs might be divided into three classes: (1) those who understood European thought, appreciated the advantages of the new policy, were ready to serve it loyally and were in every way satisfactory; (2) those who were content to accept the situation as one imposed by a superior force, who did just enough for their administration to pass muster and who were neither good nor bad; and (3) those, generally old chiefs or sub-chiefs, who held that the people existed to serve the interests of those who were in authority over them, who did nothing for their people and were guilty on occasion of exactions.

In his statement, the accredited representative had not been trying to paint a sombre picture of the tendencies and outlook of the great notables; he had merely been anxious, in order to prevent unduly optimistic generalisations, to show that a certain number of them had not yet reached a level where an extension of their powers could be contemplated. He wished to add at once, however, that, on the whole, progress among the great notables was satisfactory. In spite of the resistance and failures mentioned in the report, there was a general advance. There could be no doubt that a certain number of chiefs were already good intermediaries between the European Administration and the native communities.

¹ See Minutes of the Thirtieth Session of the Commission, page 138.

Lord HAILEY, referring to the use of the word "intermediaries", asked what the future native policy was to be. At present, the chiefs had no right to give any order that had not previously been sanctioned by the Administration. They had no criminal jurisdiction; their treasuries were under the direct control of the Administrator. The present system did not seem to allow of any personal responsibility for the chief. Another point was that the system of customary services to the chiefs and sub-chiefs was still maintained. Those services amounted to compulsory labour for thirteen days. Could they not suitably be replaced by the payment of certain emoluments to the chiefs? The present system was a combination of two systems: on one side, there was hesitation to increase the chiefs' responsibilities, while, on another side, a form of personal privilege, which elsewhere had been regarded as undesirable, was maintained.

M. HALEWYCK DE HEUSCH, replying to the last question first, explained that labour service was the foundation of the feudal system, which formed the structure of the whole of native society in Ruanda-Urundi. If it were abolished, there was some risk that the authority of the chiefs, which it was proposed to strengthen, would be completely ruined.

As for the powers vested in the chiefs, the exercise of these was no doubt very carefully watched by the European Administration. The latter was confronted by a hierarchy comprising, in addition to a certain number of excellent chiefs, some bad ones and others who only reached a mediocre or indifferent standard. If an attempt were made immediately to organise all-round indirect administration on the strength of the experience gained with a few very good chiefs, serious disappointments would be in store. Before the reform was carried out, they must wait until the great majority of the chiefs had attained a satisfactory standard.

M. Halewyck de Heusch added that, in the eyes of the people, the chiefs' authority was very real, for the European Administration gave its instructions and carried out its supervision in a manner which was not outwardly apparent. In appearance, therefore, the decisions were made by the chiefs, and they kept all their prestige in the eyes of the natives.

Lord HAILEY said he did not wish to make a fetish of the expressions "direct" and "indirect" rule, but, if he understood rightly, the Administration did not see its way at present to entrust any personal responsibility to efficient chiefs because there were also bad chiefs.

M. HALEWYCK DE HEUSCH said that it was impossible to legislate for individual cases; they could not create as many systems of administrations as there were groups of chiefs of different quality. The rules of a system of government must be general. Thus, in a colony divided into provinces having each its Governor, the fundamental rules of organisation could not be adjusted to each individual case; they would not confer more powers upon one Governor than upon another, because one of these officers was expected to show greater capacity or skill than another.

Lord HAILEY thought that the logical conclusion to be drawn from the explanations given by the accredited representative was that the grant of wider powers might be delayed indefinitely.

M. HALEWYCK DE HEUSCH said that a distinction must be drawn between law and facts. In law, the chiefs must necessarily all have the same powers; in practice, the supervision exercised over them would be closer or remoter, according to the degree of confidence that might be placed in them.

M. VAN ASBECK asked for explanations in connection with a practical instance — the case of the medical dispensaries of the chefferies to which the Director of the Medical Service had alluded. Had they been established at the request of the chiefs or suggested to them or forced upon them?

Dr. VAN HOOFF said that, during the typhus epidemic in 1934, a hospital block had been built at Ngozi, on the initiative of the local chief. Forty patients were admitted, including a few suspected cases of typhus. That was a practical instance of initiative and efficiency.

The CHAIRMAN recalled that the question raised by Lord Hailey had been discussed at the Commission's thirty-fifth session.¹ The Commission's opinion was expressed in its recommendation to the Council, which was as follows:

"The Commission notes that, notwithstanding the adoption of the system of indirect rule, it was deemed advisable to continue to keep the traditional native authorities under close supervision and, in particular, to reserve to the European authority the administration of the native Treasury, which is one of the characteristic features of the system.

"It hopes that the evolution of the native mentality and the process of selection applied to the chiefs and sub-chiefs will make it possible to invest them gradually with the real authority required by their functions."²

The Chairman requested the accredited representative to bear in mind the particular interest that the Commission took in this problem. From the very outset, the mandatory

¹ See Minutes of the Thirty-fifth Session of the Commission, pages 50-53.

² *Ibid.*, page 206.

Power had pronounced in favour of indirect administration. This was applauded by the Commission, for it, too, felt that the essential conditions for the success of this method were satisfied in the territory, in view of the survival of the traditional organisation of native society. The system had generally proved the most effective in promoting the progress among the natives. The Commission hoped that, despite the difficulties it entailed, its policy would be persevered in and that, as the education of the chiefs and their general outlook improved, indirect administration would gradually become a reality.

EXTRA CUSTOMARY CENTRES

M. VAN ASBECK observed that, in previous reports, details had been given about the extra customary centres. Little information, however, was given in the reports for 1937 and 1938. He hoped that, in future, there would be particulars of the number of extra customary centres and their population.

M. HALEWYCK DE HEUSCH said he would note the point.

M. VAN ASBECK mentioned that the report referred on page 35 to the planning and sanitation of urban centres. Did that expression include the extra customary centres ?

M. HALEWYCK DE HEUSCH said that it did not if the extra customary centre was not adjacent to a European type of locality. The expression "urban centre" had reference to European centres with adjacent native quarters.

Lord HAILEY remarked that, on pages 278 and 279 of the report, reference was made to the extra customary centres, including Usumbura.

M. GIRAUD, referring to the table on page 29 of the report, showing the negro population not under chiefs' rule, asked whether that meant the population of the extra customary centres.

M. HALEWYCK DE HEUSCH replied that this was so, but that the table also included the clerks, boys, cooks, etc., who were working for Europeans, the Christians settled on the estates of the religious missions, and others. In the river plains of Lake Tanganyika, there were groups of Waswahili who had come from the outside, and natives from other parts of the country itself, who were not under the jurisdiction of the traditional chefferies.

He would ask that the report should give fuller information on these extra customary centres.

SITUATION OF THE KIBUNGU AREA. THE NATIONAL PARK

M. GIRAUD observed that the whole chapter dealing with native policy was full of very interesting information and that the table as a whole was very satisfactory. He would like, however, to mention one point : on page 78, it was stated that the Kibungu Territory "had made no progress on the economic side. Indeed, its outlets had been reduced by the closing of certain mine workings. The district was stagnant and had no prospects. Even in the best part of it, Buganza, which comprised three provinces occupied by a pastoral population, there was no sign of initiative or spontaneity". Did the somewhat pessimistic account in the report mean that nothing could be done to improve the position ? Did the Administration contemplate no administrative, financial or economic action that would remedy this state of affairs ? Could not stock-breeding, for instance, be developed ?

M. HALEWYCK DE HEUSCH replied that the territory in question consisted mainly of marsh and brush ; it was very sparsely populated and very considerable effort might be needed to improve its economic position.

M. GIRAUD asked whether there was not a national park in the territory.

M. HALEWYCK DE HEUSCH replied in the affirmative. He pointed out that the very reason why the national park had been created was, on the one hand, the low density of population and, on the other, the abundance of game and the very many natural curiosities. He would draw the attention of the authorities to M. Giraud's remarks, but wished to point out that any improvement in the economic situation would entail a considerable effort for a sparse population.

QUESTION OF THE CONTROL OF THE MOVEMENTS OF NATIVES

Lord HAILEY observed that it appeared from a passage on page 30 of the report that natives had to have a travel permit before they could leave their particular area, and

Table C.II, on page 32, showed that there had been thirty-nine convictions for offences connected with travel permits. He would like to know what exactly was meant by "travel permits". Did they cover such measures of public health as the prevention of movement between sleeping-sickness areas and health areas, or was the object to keep the population in a certain area in order to maintain the labour supply? Or was there some other object?

M. HALEWYCK DE HEUSCH explained that the travel permits were a survival of the 1914-1918 war. At that time, it was necessary to keep a watch on the enemy and his agents, and so compulsory travel permits were instituted. After the war, it was thought that this obligation would still have certain advantages, and it was maintained for the natives passing from one Residency to another or crossing the frontier. Since 1938, the Administration had taken the view that the ordinance instituting travel permits, which was merely in the nature of an emergency order, need no longer apply to travel within the territory. Travel permits were now required only for passing the frontier.

Lord HAILEY said that, in that case, he would have thought that all the offences would have been shown in the table on page 32 under the head of "Exit passports"; but, in addition to 463 convictions for offences connected with exit passports, there were also thirty-nine convictions for offences connected with travel permits.

M. HALEWYCK DE HEUSCH said that the report confirmed what he had just said; it was stated on page 30 that travel permits were no longer needed for journeys within the territory.

In reply to a question by the Chairman, M. Halewyck de Heusch said that he could give no answer to Lord Hailey's remark about the classification of cases in the table on page 32. He was unable to say why the compiler of the statistics quoted had thought it necessary to divide these offences into two groups.

INTERNATIONAL RELATIONS : JURISDICTION OF THE NATIVE COURTS

Count DE PENHA GARCIA expressed the hope that the annual report would in future contain a table showing all the international Conventions in force in the territory. Tables of that kind were given in the annual reports for other territories, for instance, Tanganyika. He noted that the relations between the mandated territory and neighbouring territories were excellent. Offences committed by natives of one of the two Residencies were punished without difficulty in the territory of the other. It was known on both sides of the common frontier, as the report (page 24) stated, that the competent court was the one within whose jurisdiction the defendant came, and action was taken accordingly. That procedure extended even to disputes between natives of the neighbouring territories of Tanganyika and Uganda. Civil suits between the natives of the three countries had been tried by the native courts of the territory of the defendants.

ECONOMIC SITUATION : IMPORTS AND EXPORTS : PRODUCTION OF, AND TRADE IN, COTTON AND COFFEE : MONOPOLIES : STOCK-BREEDING AND TRADE IN HIDES AND SKINS

The CHAIRMAN thanked the accredited representative for the very full reply given on page 272 of the report to the questions raised during the thirty-fifth session of the Commission.

M. GIRAUD remarked that the economic situation of Ruanda-Urundi which, taken as a whole, had remained very satisfactory during 1938, offered different aspects from the standpoint of different branches of the general activity.

The growth of foodstuffs had suffered somewhat from the scarcity of rain, the crops being some 30% to 40% less than in normal years in certain regions. It had, however, fortunately been possible to offset this decrease in the yield of seasonal crops by developing non-seasonal crops and by sowing land reclaimed from the marshes.

Industrial crops, on the other hand, had shown very marked progress. Exports of cotton and coffee had reached record figures, being 18% greater than in 1937 in the case of the former product and 58% greater in the case of the latter.

The situation in regard to live-stock had remained fairly good. Cattle plague was shown to be decreasing, thanks to the vigilance of the veterinary service.

Mining undertakings had been active and tin exports were 12% greater than in 1937, whilst gold exports had increased by 20%.

The prices obtained for live-stock and foodstuffs had been favourable to the producers, but coffee, cotton and tin prices had unfortunately suffered as the result of a serious fall in prices on the world market.

Foreign trade movements had been influenced by those various economic conditions. Exports and imports had been greater in weight but less in value than those of the previous year. Considering weight alone, it was found that live-stock and skins and hides had been the only principal exports the figures for which were below those for 1937. In regard to

imports, motor vehicles and allied commodities (petrol, spare parts, tyres) showed an increase, and imports of foodstuffs, hoes and matchets had also increased, whilst most of the other chief articles (cotton fabrics, blankets, metals and articles of metal, machines and machinery, lime and cement, haberdashery and hardware, etc.) had shown more or less appreciable decreases.

It was not without interest to emphasise the increasing share of the Belgian Congo in the foreign trade of the territory. In three years, from 1935 to 1938, the relative importance of that share had doubled, having increased from 12% to 24%. It was worthy of note that the Belgian Congo bought much more from the territory than it sold to it (exports amounting to nearly 26 million francs in 1938 as against imports to the value of 14 million francs only), thus constituting an excellent market for the disposal of many local products.

In short, taking account of the different factors in the situation and considering, furthermore, that the financial position, with a large surplus of revenue, had once more shown an appreciable improvement, it might be said that, notwithstanding certain fluctuations inherent in the very nature of economic life, the year 1938 had, with the striking results it revealed in regard to the continuous progress in the development of Ruanda-Urundi, confirmed the excellent impression derived from reading the reports for previous years.

M. Giraud then referred to page 202 of the report, where information was given in regard to questions raised during the thirty-fifth session concerning the prolongation of a contract concluded with the Ruzizi Company.¹ The report stated that the former agreement had been prolonged until 1946. At the Commission's thirtieth session, the accredited representative had said² that 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. He had added, however, that the natives were free to sell their products outside their zone.

M. Giraud said he would like to know whether, in the view of the mandatory Power, the arrangement made with the company was in conformity with the clause in the mandate (Article 7) concerning monopolies.

M. HALEWYCK DE HEUSCH pointed out that, legally speaking, there was no monopoly. He gave two reasons for saying this : (1) the natives were not compelled to sell to the company ; they could go to the boundary of the zone in which the company was established and, there, freely sell their cotton on the market ; (2) though the Ruzizi Company was at that time the only one with a cotton zone, other companies could, in future, obtain zones in other parts of the territory ; such zones would be obtained on terms of strict equality, the Administration merely verifying whether the applicant possessed the technical and financial qualifications necessary to ensure that no defective industrial undertaking should destroy the reputation of the cotton produced in the territory.

M. GIRAUD remarked that there was, nevertheless, a *de facto* monopoly in one part of the territory. If other companies obtained concessions for other zones similar to that of the Ruzizi Company, that would simply mean that there were several monopolies instead of one.

M. HALEWYCK DE HEUSCH did not deny this, but observed that, in any case, the natives were free to go and sell their goods on the boundary of the zone.

M. GIRAUD said that this might mean that, in fact, the natives would have to travel so far that, in practice, they would be obliged to sell their cotton to the concession-holding company.

The CHAIRMAN recalled that the question had been raised more than once. He would like to find in the next report a perfectly clear explanation of the system of cotton zones, as introduced into the mandated territory. He would be glad to have a statement of the reasons which appeared to justify the adoption of the system, and an indication of its advantages from the point of view both of the native and of the economic development of the territory.

M. GIRAUD said that, in the French Congo, somewhat similar concessions formerly existed for rubber. The natives were free, in principle, to sell their produce to other purchasers than the concession-holders if they went outside the concession zone. In fact, however, they did not do so, owing to the long journeys that would have been necessary.

M. VAN ASBECK said he would like the Mandates Commission to be given the text of the agreement concluded with the Ruzizi Company, so that it would be in a position to consider whether the agreement was consistent with the provisions of the mandate. Could not the text of that agreement be included in the next annual report ?

M. HALEWYCK DE HEUSCH said that there was nothing in the convention that need be hidden and that all its clauses, whatever they might be, could be known. The object of the last agreement had, moreover, been stated in the report (page 202). M. van Asbeck's contention, however, raised a question of principle. Was the fact that the Mandates Commission was interested in a particular question sufficient to justify its asking the Administration of the mandatory Power to throw open its records ? If such a precedent was accepted, it might take them very far ; it might be the beginning of a practice which would lead the Commission to ask on any specific point for the production of documents, nay, even Minutes and correspondence between two administrative departments.

¹ See Minutes of the Thirty-fifth Session of the Commission, page 56.
² See Minutes of the Thirtieth Session of the Commission, page 154.

M. VAN ASBECK said that a fundamental distinction should be drawn between correspondence exchanged between the various departments of an administration and an agreement concluded between the authority and a private company. He was unable to see how the communication of the text for which he asked could in any way constitute a dangerous precedent.

The CHAIRMAN said that M. Giraud had been led to compare the cotton-zone system in the mandated territory with the system of big concession-holding companies, which had never existed in Ruanda-Urundi, and which had long since disappeared in the Belgian Congo, where it had left unpleasant memories behind it. This showed how desirable it would be to have the explanation which he hoped to find in the next report.

With reference to M. van Asbeck's request, the Chairman quoted Article 11 of the mandate, which said that the "report shall contain full information concerning the measures taken to apply the provisions of the present mandate". If the Commission took the view that it had not been supplied with full information on the point under discussion, it would place that fact on record.

If the mandatory Power held that it was not called upon to defer to the specific request advanced by M. van Asbeck and that, on principle, it was unwilling to communicate the actual clauses of the agreement made with the Ruzizi Company, the report would mention the fact and the Commission would record its view as to the value of such a contention.

M. VAN ASBECK said that the reason why he had pressed the question somewhat was that what was involved was not merely an internal administrative act but a matter relating to the application of Article 7 of the mandate.

M. GIRAUD, referring to the table on page 163 of the report, noted that coffee production had increased from 256 tons in 1934 to approximately 3,396 tons in 1938. This was a commodity in which the Administration appeared, very rightly, to be taking an interest. In these circumstances, he wondered what was the purpose of the Decree of July 22nd, 1938 (page 237 of the report), which provided for the temporary limitation of coffee plantations.

M. HALEWYCK DE HEUSCH explained that the decree did not restrict the area of the older plantations, it merely prohibited the laying-out of any new ones. Existing plantations had not been affected. It was feared that there might be difficulty in selling coffee and that prices might fall as a result of the depression and of particularly abundant production. The authorities therefore took the view that it would be wise to limit plantations; they had done so without jeopardising the position of established undertakings.

M. GIRAUD enquired whether one of the objects of the decree was not the improvement of the quality of the coffee — for instance, by developing the *arabica* variety.

M. HALEWYCK DE HEUSCH said that, in Ruanda-Urundi, this was not likely to be the object in view, for the only coffee produced in the mandated territory was of the *arabica* variety. This coffee had greatly improved already before the publication of the decree. The prices, which had fallen, had now reverted to their 1937 level and, since the Ruanda-Urundi harvest was selling much better, the repeal of the decree was contemplated.

Referring to page 162 of the report, M. GIRAUD noted that Ruanda-Urundi coffee had found a new market in Kenya.

M. HALEWYCK DE HEUSCH declared that the Kenya market had only recently been opened to it.

The CHAIRMAN thought that it was a case of re-export trade.

M. HALEWYCK DE HEUSCH agreed that Kenya firms bought Ruanda-Urundi coffee and then exported it mixed with their own produce. The mandated territory's *arabica* coffee, which had become excellent, was now beginning to be sought after in East Africa.

M. GIRAUD drew attention to the very considerable falling off in the trade in hides that appeared from the figures in the table on page 163 of the report. The 1938 figure was the lowest, by far, that had been recorded since 1922. The peak figures had sometimes exceeded 1,400 tons, but the lowest figures had never been less than 600. The exports for 1938 (288 tons) were less than half the latter figure. M. Giraud asked whether the fluctuations in the trade in hides were not, as in other areas of tropical Africa, affected by the varying prevalence of epizootic diseases.

M. HALEWYCK DE HEUSCH confirmed the fact that animal diseases had led to a decrease in the number of animals slaughtered. The natives were endeavouring to build up their herds again. Accordingly, less cattle had been slaughtered and less meat had been eaten and there were, therefore, less skins and hides available for sale. On page 162, however, the report adduced other reasons for the decline of exports under this head.

M. GIRAUD said that it was stated on page 158 of the report that the census of horned cattle by breeds was almost completed. Would tables based on this census be embodied in the next reports? Had a census of the smaller live-stock also been taken?

M. HALEWYCK DE HEUSCH explained that, while it was easy enough to take a census of horned cattle, it might not be so easy in the case of sheep and goats. He would, however, consult the authorities of the territory, and, if possible, M. Giraud's request would be met.

M. GIRAUD observed that the following footnote was appended to the table on page 60 of the report : " These figures do not include the prohibitive duties on the export of cattle . . . ". What was meant by " prohibitive " ?

M. HALEWYCK DE HEUSCH explained that these were duties sufficiently high to stop export trade towards other territories than those of the Customs Union. If such duties had been levied on the cattle and native beer for which there was a demand in the Belgian Congo, they would not have crossed the frontier of that territory. That is why it would not have been reasonable to record them in the table showing the revenue that would have been collected by Ruanda-Urundi had there been a Customs barrier between that territory and the Belgian Congo.

M. GIRAUD referred to the table on page 177 of the report, dealing with exports to Uganda. The value of those exports had amounted to 194,000 francs in 1936, 143,000 francs in 1937, and 2,205,000 francs in 1938. This trade therefore showed a sudden and very considerable increase. The exports consisted in the main of coffee and tin. He imagined that the tin only passed through Uganda in transit. It seemed improbable, indeed, that it should be subjected to any process in that territory.

M. HALEWYCK DE HEUSCH agreed with M. Giraud's assumption that the tin exported from Ruanda-Urundi did not stay in Uganda. After being stored by Uganda firms, it was re-exported to other countries. The statistics of the Customs Department could, however, only record the countries to which goods were despatched in the first instance, these being, indeed, the only countries reported to them. They could quite obviously not follow the peregrinations of these goods until they reached their final destination — the country of consumption.

TOURIST TRAFFIC : THE NATIONAL PARK (*continuation*)

M. GIRAUD pointed out that the report contained, on page 254, the text of a Royal Order of November 14th, 1938, laying down regulations for tourist traffic in the national parks. This order provided for a special compulsory permit and the payment of certain dues. Was it not to be feared that these provisions might discourage the tourist traffic rather than promote it ?

M. HALEWYCK DE HEUSCH replied that the object was to make tourists pay a share of the expenditure of all kinds entailed by the maintenance of the national parks. This expenditure, which included the cost of administering and policing the parks, was fairly considerable, and, as most of the tourists visiting the parks were very well-to-do, it had seemed fair that they should contribute towards expenditure which redounded to their benefit. In any case, the dues levied were moderate, amounting only to 100 or even 50 francs per person per day according to the area. When converted into gold francs, they were very low. They might, moreover, be reduced in the circumstances laid down in Article 3 of the order.

M. GIRAUD observed that, apart from the taxes, the order imposed certain restrictions, such as the prohibition to sleep elsewhere than in the shelters provided by the Institute of National Parks, to light fires, to move about at night, to leave the roads, etc. Why, for instance, was it forbidden to camp out ?

M. HALEWYCK DE HEUSCH said that the authorities must be enabled to supervise visitors by bringing them to certain specified places, and that the measures had been taken for the general purpose of safeguarding the natural wealth of the parks.

The CHAIRMAN explained that the prohibitions had also been instituted for the purpose of preserving the peace of nature and ensuring the tranquillity of the animals in the parks.

Lord HAILEY said there were similar regulations in the Kruger Park in South Africa.

In reply to other questions by M. Giraud, M. HALEWYCK DE HEUSCH said that the number of tourists in 1938 had been about 140. More were expected in future. Although tourists were not yet coming in parties, nevertheless they frequently come with the assistance of tourist agencies.

MAP OF THE TERRITORY

M. GIRAUD wished to thank the accredited representative for the very clear and intelligible map attached to the report.

PUBLIC FINANCE : TAXATION

Lord HAILEY said that the system of taxes on the income of certain companies operating in Belgium and Ruanda-Urundi, which had been discussed at great length in the Commission in the previous year¹, was now very clearly explained on page 272 of the report. It was clear from that explanation that the territory received its due share of revenue. The only drawback of the system was that the territory had no means of legislating for varying the share allotted to it. He would like to know whereabouts in the budget the result of that arrangement was to be found.

M. HALEWYCK DE HEUSCH referred to page 37 of the report. Item 4 (d) of the ordinary revenue budget was as follows : " Share due to Ruanda-Urundi of the revenue collected by the Special Taxation Office for the years 1926 to 1936 : 1,801,618 francs ".

He explained why arrears of revenue recoverable as from 1926 appeared under this item. For more than ten years, there had been a dispute between the Administration of the Belgian Congo and the mandated territory in regard to the allocation, as between them, of the portion payable to the African territories out of taxes paid in Belgium by companies operating both in the Congo and in Ruanda-Urundi. An agreement had now been reached. The difficulty was due to the fact that the Law of June 21st, 1927, gave no indication of the manner in which this allocation should be made. Finally, it had been found fair and equitable to take into consideration the profits made by such concerns in each of the two territories and to distribute the money in proportion to these profits.

Lord HAILEY observed that the item covered ten years. Moreover, it was incomplete, because there were still the years 1937 and 1938 to come. The system might be convenient for the companies, but it was not so convenient for the Administration, which had not received the tax until ten years afterwards.

M. HALEWYCK DE HEUSCH agreed, but added that, as the dispute was now settled, all necessary adjustments would be made.

Lord HAILEY referred to page 40 of the report. Article 34 of the budget showed 921,000 francs under " Net Income from Securities held ". That income seemed to him small, seeing that the securities held, which were mainly mining shares, were valued at 80 millions. An income of much more than 2 millions seems to have been expected, instead of which it was less than one million, although the report made it clear that the operations of the mining companies had been satisfactory.

M. HALEWYCK DE HEUSCH replied that the Administration itself had been disappointed at this result. Lord Hailey would find, if he examined the budget estimates, that it had put the expected revenue from securities held at 3,650,000 francs. The mining companies, however, reduced their 1938 dividends. They did this for two reasons : first, they had carried out large amortisations in regard to their plant and equipment and, secondly, they had to meet new social obligations due to the new labour regulations.

Lord HAILEY said that the Government was represented in the directorate of the companies and, consequently, the Government must have agreed to the amortisations.

M. HALEWYCK DE HEUSCH said that, in principle, the Government did not intervene in the management of the companies unless it had some motive of overriding importance or other serious reasons for so doing ; otherwise, it did not interfere with the action of the managers, who skilfully safeguarded and defended the private interests with which they were entrusted.

In the case in point, the Administration considered that the proposed amortisations were reasonable, and it was also satisfied that some allowance must be made for the new social charges imposed on the companies.

Lord HAILEY observed that there seemed to have been a rather unproductive investment of 80 millions of public assets.

M. HALEWYCK DE HEUSCH replied that no money had been laid out on this investment and that the securities cost the Treasury nothing. They had been given to the Government by the mining companies in return for the concession granted to them. The variations in the rate of dividend distributed reflected the vicissitudes to which all business management was liable ; and, however efficiently a business concern was run, there were bound to be miscalculations.

Lord HAILEY said that an explanation had already been given of the change in the distribution of expenditure between the ordinary and the extraordinary budget, whereby unproductive expenditure previously shown in the extraordinary budget now appeared in the ordinary budget under the title of exceptional expenditure. He would like to know whence the extraordinary budget derived its funds.

¹ See Minutes of the Thirty-fifth Session of the Commission, pages 45-48, 207.

M. HALEWYCK DE HEUSCH said that the main sources of revenue for the extraordinary budgets of 1936, 1937 and 1938 were the sale of Government property and the sale of supplies previously bought out of extraordinary credits.

Lord HAILEY noted that, though the financial position allowed for a progressive redemption of the public debt, one item in the budget was steadily increasing — namely, the yield of the native tax. In recent years, it had risen from 12 millions, and it was now 20 millions. It appeared from the re-assessment of the tax that, in certain areas, its rate had doubled or even more than doubled. Remembering that, in 1938, the territory had suffered severely from shortage of rain, and that to the figure for the poll-tax, as shown on page 58 of the report, there had to be added the figures of the taxes paid in some areas to the native treasuries, he wondered whether the increase in the rate of poll-tax was really justified.

M. HALEWYCK DE HEUSCH said that the increase in the rate of poll-tax had been carefully considered and, if the Administration carried it into effect, it did so with a full understanding of the position. And so there had been no difficulty in collection. As the report showed, by the middle of 1938 more than 80% of the taxpayers had already discharged their obligation. The accredited representative added that the increase had been decided upon in 1937, before the depression, and not in 1938. But even had this been done in 1938, it would still have been very reasonable. It should be borne in mind that the price of foodstuffs and live-stock had risen, so that horned cattle, for instance, fetched twice as much as the year before. Nor must it be forgotten that, even in the case of the commodities affected by the depression, such as cotton and coffee, whilst the price had fallen, there had been very abundant production. Taking everything together, the slight loss of income had been more than offset.

M. VAN ASBECK asked whether, when the rate of the contributions to the native treasuries was fixed, consultations took place.

M. HALEWYCK DE HEUSCH said that that was so.

Mlle. DANNEVIG, referring to page 48 of the report, noted that the taxes paid by natives in 1938 amounted to about 25 million francs. On page 57 of the report, on the other hand, it was stated that the ordinary expenditure incurred in 1938 in the direct interest of the natives was 11,750,000 francs. Could not more be spent on social services, since the budget was mainly supplied by taxes levied on the natives?

M. HALEWYCK DE HEUSCH explained that, in 1938, expenditure on social services represented about 30% of total outlay. Now it must be remembered that the Administration had not to consider the social services alone. The mandatory Power was responsible for maintaining order and security throughout the territory, whilst, at the same time, endeavouring to promote progress. None of this could be achieved without efficient administration, and expenditure on administration was therefore incurred in the interests of the natives.

Mlle. DANNEVIG said that, all the same, there was a budget surplus, which she thought would justify an increase in the expenditure on social services.

M. HALEWYCK DE HEUSCH said that new items of heavy recurring expenditure could not be introduced on the strength of a budget surplus that might only be exceptional.

M. GIRAUD, referring to the table on page 58 of the report, pointed out that, in certain territories, such as that of Astrida, the number of taxpayers who had paid their taxes was greater than the number of taxpayers registered.

M. HALEWYCK DE HEUSCH said that this was due to the movements of the natives. A number of them, after being registered under the census in their native districts, went and worked elsewhere, paid tax, and therefore increased the number of taxpayers recorded in that locality as having discharged their obligations.

JUDICIAL ORGANISATION : PRISONS

M. VAN ASBECK proposed that consideration of this section of the report should be postponed to the following year.

In view of the presence of the Director of the Medical Services, he would like, however, with reference to page 95 of the report, to ask a question about prison hygiene. The report contained this sentence: ". . . moreover, for natives still in a primitive stage of culture, imprisonment is often extremely depressing".

He wondered whether the European system of imprisonment was really suited to native conditions of living and hygiene.

Dr. VAN HOOF said it had been noticed that morbidity and mortality were higher in the big central prisons than in the small prisons.

The same thing happened to an imprisoned native as to a native who took work in a mining concern, for example. Uprooted from his normal environment, he had to adapt

himself to new conditions of life. In a business concern, it was possible to get rid of individuals who could not so adapt themselves, but that was not the case in prisons, and, to a certain extent, this explained the difficulties encountered by the prison administration. It had been thought that these difficulties might to some extent be overcome by introducing labour camps, and an experimental camp had been established in the neighbourhood of Usumbura. The organisation of further camps was contemplated. The drawback of the labour-camp system was that supervision was more difficult.

He concluded by saying that he himself was in favour of the labour-camp system.

In reply to a question from Mlle. Dannevig, Dr. van Hoof said that no imprisoned native was made to wear chains.

M. VAN ASBECK said that what it all amounted to was that the European system of big central prisons was unsatisfactory.

Dr. VAN HOOFF replied that he himself preferred labour camps and small prisons. He added, however, that a labour camp had been established near Usumbura three or four years before, but the experiment had not proved very satisfactory because there had been numerous desertions, and the morbidity had been high because the camp was in a somewhat unhealthy neighbourhood.

MATERIAL, MORAL AND SOCIAL CONDITION OF THE NATIVES

COUNT DE PENHA GARCIA observed that the report gave very detailed information about the social condition of the natives. It could be seen that the original policy in that field continued to be pursued, broadly speaking, with the ultimate object of establishing indirect administration.

In Urundi, the Bami's council had lately begun its work.

There was one thing he would like to say about the administrative funds of chefferies.

On page 74 of the report, it was stated that, in Ruanda, at December 31st, 1937, the funds in hand amounted to 721,000 francs, and that the financial year 1938 had left a balance of 940,000 francs, which had again been carried forward. He would like to know what was to be done with that balance, which ought to be expended in the interests of the natives.

M. HALEWYCK DE HEUSCH said that he would ask that the next report should contain information on that point.

Mlle. DANNEVIG wished to thank the mandatory Power for the interesting information given in the report in answer to the desire expressed last year by the Mandates Commission.¹ It appeared that there had been comparatively little change in the native social and moral outlook, but that their material well-being had become considerably improved.

The women's morals were said to have become looser, which was much to be regretted, because the situation of the women in Ruanda-Urundi had formerly been described as particularly satisfactory and respected. Although it was asserted that polygamy was on the decline, the tax on polygamy still produced a million francs.

Lord HAILEY agreed that the information supplied on the social condition of natives was very interesting.

M. HALEWICK DE HEUSCH explained that the rates of the tax on polygamy had been increased. Its increased yield was hence not an index of the development of polygamy, which he personally believed had declined.

Mlle. DANNEVIG said that she was not basing her view on a comparison of the tax yield in recent years; what she wished to point out was that the tax on polygamy, at the rate of from 7 to 12 francs per wife, yielded 1 million francs.

M. HALEWYCK DE HEUSCH said that the rates had been considerably increased. Thus, for 1939 — he had not before him the figures for 1938 — the rate was increased in various districts from 12.50 to 20 francs, and amounted to as much as 60 francs in the extra customary centres. The Administration's ultimate aim was the abolition of polygamy.

Mlle. DANNEVIG called attention to Article 22 of the Ordinance of April 26th, 1938, establishing the status of native officials (page 220 of the report). Article 22 said:

"The family allowance for the wife shall not be payable when there is evidence that the husband is not responsible for his wife's maintenance nor in any way compelled to maintain her."

What was the meaning of that paragraph? Did that provision enable the Administration to refuse the family allowance, inasmuch as native women as a rule could provide for themselves?

¹ See Minutes of the Thirty-fifth Session of the Commission, page 207.

M. HALEWYCK DE HEUSCH said that there were some cases in which the wife maintained herself of her own work. There were also cases in which she was maintained by others — *e.g.*, when she was in prison or when, by the custom of the country, an uncle was responsible for her maintenance. The maintenance allowance was obviously not payable where there was no need for it.

Mlle. DANNEVIG noted from the report that girls were usually consulted before being married. Another point worthy of mention was that, in Ruanda, widows were not inherited, but could decide their own future. On the other hand, it appeared that the property of a deceased person was shared among his sons. Had not the position of women evolved far enough to enable a widow to become the owner of part of her late husband's estate?

Dr. VAN HOOFF explained that, in these days, widows sometimes inherited side by side with their sons and their share might amount to as much as half the estate.

SEVENTH MEETING

Held on Friday, December 15th, 1939, at 9.15 a.m.

Ruanda-Urundi : Examination of the Annual Report for 1938 (continuation).

M. Halewyck de Heusch and Dr. van Hoof came to the table of the Commission.

LABOUR : INSPECTION OF LABOUR : WORKMEN'S COMPENSATION FOR ACCIDENTS : MEDICAL ASSISTANCE TO WORKMEN

M. GIRAUD said that a transformation of conditions of labour was now taking place in Ruanda-Urundi. As the accredited representative had pointed out in his preliminary statement, the Administration had been continuing its efforts to substitute fairly long-term contracts, covering at least one year, for daily labour. The table at the top of page 130 of the report clearly indicated a steady and substantial increase of permanent labour and a proportional decrease in non-permanent labour. He was certain that this stabilisation of labour would eliminate unnecessary waste of time and man power and facilitate the training of workers, whose output would be increased. He drew the accredited representative's attention to the rates of current wages, as given on page 132 of the report, for labourers engaged on contracts of a certain duration (26 francs per month during the first year, 29 francs during the second and 31 francs during the third). This rate appeared at first sight to be somewhat low. The report added, it was true, that output premiums were given and these no doubt formed a kind of supplement to the wage proper. Could the accredited representative indicate what was the average amount of these premiums and the proportion of workers in receipt of them?

M. HALEWYCK DE HEUSCH said that the figures just quoted referred to wages paid in cash. To these there should be added the weekly ration. If the value of the latter were taken into account, the figures quoted by M. Giraud should, as a matter of fact, be more than doubled, for the value of the ration was 8 francs a week.

As for the output premium, he could not say what the amount would be; in any case, it would vary. It was a kind of gratuity paid by the company to its staff as a mark of appreciation.

Mr. WEAVER said that the measures for the stabilisation of labour mentioned in the report had much to recommend them. He noted, however, that the increased employment of labour under contract had been accompanied by a disproportionately large increase in the number of convictions for breaches of contract. There had been 486 convictions for breaches of contracts in 1938, of which 140 were for desertion. The report explained that this was due to the fact that the workers had not yet formed the habit of working under contract. He wondered, however, whether there might not be something in the working conditions which was a contributory factor.

M. HALEWYCK DE HEUSCH showed that the increase in the number of offences was due to the change of system — *i.e.*, the substitution of permanent labour for daily labour. Under the latter system, which the natives had followed for a long time, a man might leave his work whenever he wished. The natives frequently forgot that they could no longer do this when they had accepted a permanent contract. They signed the undertaking, but, after some time, they would feel inclined to down tools as they had done before. If they followed their inclination and refused to remain at work, the punitive procedure had to be brought into operation and the native was sentenced. A large number of offences were thus due to the state of mind of many of the natives who were thoughtless and improvident.

M. Halewyck de Heusch did not think that defective working conditions were the cause of these offences. Such conditions had been much improved through the coming into force of stricter regulations designed to give the workers more security and a higher standard of well-being. The only effect these improvements could have had would have been to reduce the number of offences rather than increase it.

Lord HAILEY wished to know what exactly was meant by the expression " permanent contract ".

M. HALEWYCK DE HEUSCH said that these were contracts concluded for a substantial period of time — generally several months and sometimes a whole year. The alternative system was to give employment day by day.

Lord HAILEY asked what was the maximum duration of engagements.

A discussion between M. HALEWYCK DE HEUSCH and the CHAIRMAN elicited the fact that the maximum duration of engagements was three years.

Mr. WEAVER suggested that an enquiry should be made to ascertain whether there was any relation between the increase in the number of convictions for breaches of contract and the increase in the number of permanent workers in the mines.

M. HALEWYCK DE HEUSCH said that he would bring this point to the attention of the authorities.

Mr. WEAVER noted with satisfaction that a department for economic affairs, one of whose principal tasks was the inspection of labour, had been set up in March 1938. He hoped that the next report would contain particulars of the activities of the labour inspector.

Referring to the passage on page 131 of the report which said : " Thus intelligent and well-to-do natives are becoming more and more accustomed to engage numerous assistants to work on their coffee-, cotton- or rice-plantations. During the cotton-sowing season, for example, 5,000 to 6,000 natives were engaged by their fellows for a period of six months." Mr. Weaver would like to know under what conditions this employment of native labour by natives took place.

M. HALEWYCK DE HEUSCH said that there were no special regulations governing this employment. He thought that the attention of the authorities might be usefully drawn to this question. It was a new issue, the natives having only recently begun to use native wage labour themselves.

Mr. WEAVER hoped that the authorities would continue to study carefully the question of compensation for labour accidents. He noted with satisfaction that measures had been taken to facilitate the movement of migrant workers.

M. HALEWYCK DE HEUSCH said that, in the matter of labour accidents, the African authorities were studying the problem of compensation and were preparing the preliminary draft of a decree on the subject ; they were very anxious to achieve results in this direction.

Lord HAILEY was glad to see, from the Ordinance of December 30th, 1938, concerning various obligations in regard to the recruiting, engagement, equipment, supervision, care and maintenance of workers, that an effort had been made to establish a scientific system of nutrition for the workers (page 264 of the report). On page 32 of the report, there was a list giving figures in regard to breaches of labour contracts. Had there been any cases of the violation of labour contracts by employers ? He would like cases of breach of contract by employees and by employers to be shown separately.

M. HALEWYCK DE HEUSCH explained that the law provided for the imposition of penalties both on employers and on employees infringing the provisions of the decree on labour contracts. As for Lord Hailey's wish, this had already been met : Table A on page 32 of the report showed three convictions of employers for breach of labour contracts. The 140 + 346 convictions mentioned in Table C on the same page referred to employed labourers.

M. VAN ASBECK referred to the statement, on page 75 of the report, to the effect that rich Batutsi, who owned at least ten head of horned cattle, were exempted from the customary labour services and asked why they were granted that exception.

M. HALEWYCK DE HEUSCH recalled the discussion which had taken place at the previous meeting¹. It was essential that, in a feudal society such as existed in the territory, the authority of the chiefs should be safeguarded by the maintenance of the labour service, which was at the basis of the traditional organisation. The chief notables must, however, be allowed to purchase exemption from this obligation, for the prestige of the class from which the headmen were normally recruited must be maintained. If they had taken the number of head of cattle owned by the notables as the criterion of the right to purchase exemption, it was because this was a visible sign of wealth, such, for instance, as horses or motor-cars would be in Europe.

¹ See page 54.

M. VAN ASBECK enquired whether it would not be possible to extend the categories of exemptions, so that labour services might gradually be abolished.

M. HALEWYCK DE HEUSCH took the view that labour service could not be abolished with undue rapidity; the chiefs were very anxious to preserve this outward sign of their authority, which they regarded as being of the utmost importance.

M. VAN ASBECK, speaking of health in industry, pointed out that, according to page 95 of the report, "the Ruanda-Urundi Mining Company (Mirudi), which employs 500 workers, has no European medical staff of its own". Could not that company be compelled to employ a European medical officer?

M. HALEWYCK DE HEUSCH said that the law did not compel companies to have a doctor if they did not employ a large number of workers. The other two mining companies in Ruanda-Urundi, which were older and more highly developed than the Mirudi Company, had conformed to the provisions of the law. The Mirudi Company had only recently been formed and did not as yet employ sufficient labour to bring into operation the legal provisions calling for the appointment of a doctor. This did not mean that there was any lack of medical assistance, for the medical officers of the Administration gave their attention to its labourers as they did to the other natives. When the company had increased its staff, it would be required to have its own doctor.

In reply to a question by the Chairman, M. Halewyck de Heusch stated that the large companies were bound, both in their own interests and by law, to employ doctors.

The appointment of a doctor was compulsory when the company employed more than 1,000 labourers; and that of a medical assistant (*agent sanitaire*) was required when it had more than 500 labourers.

FREEDOM OF CONSCIENCE : MISSIONS : QUESTION OF GRANTS.

Mlle. DANNEVIG noted that, for the year under review as for previous years, the chapter on missions consisted chiefly of statistical tables giving the numbers of missionary establishments, their staff and their adherents. The report also showed that the missions of the various denominations had continued their work successfully.

On page 108, there was a summary table which showed that the number of Christians in the population had not increased very much, although the majority of the chiefs were Christians. Did not that state of affairs give rise to any difficulties?

On page 62, there was a statement to the effect that the missions had concluded six contracts with natives in regard to the transfer of 71 hectares of land and that the number of chapel schools had increased by 162 to a total of 2,561, whilst the area of the land they occupied had increased to about 2,265 hectares.

Mlle. Dannevig would like to know which missions had increased their landed property and whether the land had been sold or ceded by the native chiefs who, as she understood, were the owners of the native lands.

Furthermore, on page 51 of the report, it was stated that the grants made to missions had increased from some 480,000 francs to approximately 520,000 francs. Were those grants in respect of the medical work done by the missions? For their educational work, the missions received grants to a total amount of about 1,500,000 francs.

Mlle. Dannevig asked whether it would, in future, be possible to show separately the sums allocated to the different missions. She understood that the missions reported on their work to the Administration. She would like the report to give, as was done for other mandated territories, some information concerning the work of the missions. Such information should not consist merely of figures and might be extracted from the reports made by the missions to the Administration.

M. HALEWYCK DE HEUSCH, replying to Mlle. Dannevig's questions, said that transfers of land to the missions had been carried out according to two different systems. Those referred to on page 62 of the report as having been effected by means of six notarial contracts, and relating to 71 hectares, were definitive. The others, which were intended to provide for the establishment of chapel schools, were for tenure during pleasure; they related only to small areas of 40 to 50 ares.

Turning to the question of the allocation of grants as between the various missions, M. Halewyck de Heusch said that he had no details.

Lord HAILEY said that, from reading pages 110 to 119 of the report, he had the impression that it was difficult for any missionary society other than a national society to obtain a grant from the authorities of the mandated territory.

M. HALEWYCK DE HEUSCH said he thought that Lord Hailey's impression was incorrect, for the report stated, on page 110, the conditions on which any mission could obtain a grant. The passage read as follows:

"Missions which direct their activities towards teaching work are entitled to apply for the recognition of their schools as subsidised schools. Each of their schools will be approved individually, after a visit by the Inspector of Education, who must find that the organisation complies with the requirements of the school regulations, more

particularly in regard to equipment, teaching material and class supplies. The school must have brought its instruction into conformity with the prescribed programme and must furnish proof of the results achieved. The missionary who is to direct the school must prove that he has received training in teaching or has completed studies of a university standard."

These rules, which were defined for the first time in the report, enabled any mission that satisfied the necessary conditions to receive a grant.

Lord HAILEY remarked that it was for that reason he had said it was difficult, but not impossible, for a mission other than a national mission to obtain a grant. But he would like to know whether the accredited representative could mention any case in which a mission other than a national mission had actually obtained a grant from public funds ?

M. HALEWYCK DE HEUSCH said that he would like to counter that question with another that would make the facts of the situation clearer. Had a single case occurred of a non-national mission submitting an application for an official grant, supported by evidence that the teaching provided was in accordance with the curriculum laid down by the Administration and satisfied the general conditions established by the latter ? For his part, he knew of no such case. Now, if no formal application had been made, how could any question of a grant arise ? The reason why regular applications had not been received was most probably that no non-national mission was providing educational facilities of the standard required by the authorities. Articles had certainly appeared in journals and reviews recommending the grant of a subsidy to this or that group of missions, but this, obviously, was not enough.

Lord HAILEY observed that it was difficult to believe that no non-national mission could fulfil the educational conditions laid down by the authorities of the territory. The tables reproduced on pages 120 and 121 of the report showed that, for instance, the Church Missionary Society had had eight European teachers in 1938. The Danish Baptist Mission had had two. It was hard to believe that no missions but the Belgian missions were able to comply with the authorities' requirements.

M. HALEWYCK DE HEUSCH said that the non-national missions, after acquainting themselves with the curriculum and the conditions laid down by the authorities, probably came to the conclusion that the organisation of their schools did not satisfy these requirements.

Lord HAILEY could not help wondering why the Belgian Protestant Mission was alone capable of carrying out the curriculum drawn up by the authorities.

M. HALEWYCK DE HEUSCH said that the authorities had shown some leniency towards the Belgian Protestant Mission. In the course of an inspection, it was found that the schools of this mission did not altogether comply with the prescribed rules.

The CHAIRMAN thought it would be useful, if no non-national mission had applied for a grant, to mention that fact in the report for next year.

M. HALEWYCK DE HEUSCH said that his last information related to the year 1937. He would ask that account be taken of the Chairman's suggestion in the report for 1939.

Mlle. DANNEVIG, reverting to her previous questions, asked for the amount of the grants made to each mission to be specified in detail. At the present time, only the aggregate sum was mentioned in the report. She would also like the amounts granted to each mission for educational and health work respectively to be specified.

M. HALEWYCK DE HEUSCH explained that, for educational purposes, the grants were paid to the missions in proportion to the number of pupils. Rural schools, for instance, received a grant for every twenty-five pupils under the tuition of a teacher holding a proficiency certificate.

Mlle. DANNEVIG asked how those aggregate amounts were distributed among the various denominations.

M. HALEWYCK DE HEUSCH replied that a sum of 75,000 francs was granted to the Belgian Protestant Missions' Society and the balance of the credit to the Catholic missions.

Mlle. DANNEVIG would like to have figures for each mission separately.

M. HALEWYCK DE HEUSCH said he would convey this request to his Government.

Mlle. DANNEVIG referred to her previous question concerning the work of the missions. She supposed they sent reports to the Administration.

M. HALEWYCK DE HEUSCH thought that it would be difficult to give fuller information than that furnished in the statistical tables published in the report. The missions were not required to send, and did not send, the Administration detailed reports and general comments

on their work. The education inspector, on the other hand, visited all the subsidised schools, and carefully scrutinised the whole of their proceedings. So careful was this scrutiny that, as a result of his findings, several Catholic schools of Ruanda-Urundi had had their grants withdrawn during 1938 because attendance was too irregular.

Mlle. DANNEVIG would like those questions to be dealt with in the chapter on education, where perhaps a summary might be made of the reports of the inspectors.

EDUCATION

Mlle. DANNEVIG said that the report contained, on page 110, information with regard to the various schools in the territory. That information had been supplied in response to a request made at the Commission's thirty-fifth session,¹ and she was very glad to have it. As the Commission was aware, all the official schools and most of the other schools, subsidised or non-subsidised, were in the hands of the Catholic missions. The only information given about the work of the official schools was that they worked regularly, but that the pupils had difficulty in pronouncing French. Linguaphones had accordingly been provided. It was also stated that a number of girls had been dismissed because they did not attend the schools regularly enough. Dr. van Hoof had informed the Commission on the previous day² that the great difficulty in training nurses and midwives was due to the fact that their school preparation was inadequate. Could that be changed? The report referred to women teachers. Were they trained to teach literary or only domestic subjects? The figures given in the report were very interesting, but there were still a number of questions which she hoped would be answered in future reports.

How, for instance, did children usually react to the teaching given them? Were they intelligent? Did they work well? Were the parents eager to send their children to the urban or rural schools? Did the children stay on at school until they had passed through all the classes? Did they keep up their literacy after leaving school? In the rural schools, were the girls taught with the boys, and how many of the pupils were girls, and so on?

It appeared from the figures given on pages 271 and 51 of the report that, in 1938, expenditure on education was slightly lower than in 1937.

At the Commission's thirty-fifth session,³ a question had been asked as to what had been done with the sum of 10,000 francs spent on public libraries, and the accredited representative had promised to refer the matter to the local authorities. Was he now in a position to reply to that question?

Lastly, could he say what proportion of the native population was able to read, and whether there were any periodicals or books available for the natives, who were all taught in their native tongue? Had any evening classes been established for the benefit of natives in Ruanda-Urundi, as had been done in Togoland under French mandate?

M. HALEWYCK DE HEUSCH said that the European women teachers had been specially trained for their work by the institutions that had sent them to Africa; this work was mainly educational. The training of a native female staff was a much more difficult matter. Whilst it was comparatively easy to train male monitors, schemes for the constitution of groups of native monitresses conflicted with the ideas and general outlook of the population. Native women wanted to stay at home. They refused to enter domestic service and likewise objected to undertaking educational work. Up till now, it had been possible to train just a few nurses. Time and patience would be needed for further progress.

As regards the utilisation of the credits for public libraries, M. Halewyck de Heusch acknowledged that this year's report did not answer Mlle. Dannevig's question. He would ask that information be embodied in the next report.

So far as school attendance was concerned, parents might be said to be sending their children of their own free will, since there was no obligation, and children were coming forward in large numbers. Generally speaking — though there were a few exceptions — the educational inspector was satisfied with the pupils' work. He had been asked what happened to the knowledge which the children had acquired, once they left school. It was difficult for the accredited representative to answer that question. Before any reliable information could be given, a very thoroughgoing and extensive enquiry would have to be made, and this would be difficult to organise in a new country.

Mlle. DANNEVIG wished to put a question concerning the *ouvroirs*, referred to on page 109 of the report. Were they schools or workshops and who benefited by the work done there?

¹ See Minutes of the Thirty-fifth Session of the Commission, page 68.

² See page 49.

³ See Minutes of the Thirty-fifth Session of the Commission, page 67.

M. HALEWYCK DE HEUSCH explained that they were workshops which gave vocational training.

FORESTRY

Count DE PENHA GARCIA noted that the report contained, on page 158, interesting information concerning re-forestation. He understood that this was carried out by the native communities, and would like to know whether the latter were allowed to plant trees wherever they wanted to, or whether there were certain rules on the subject laid down by law.

M. HALEWYCK DE HEUSCH explained that some plantations were compulsory and others optional. The compulsory plantations formed part of a general plan for the re-forestation of the country, which the Administration was carrying into effect in accordance with pre-determined rules. The natives were not allowed to interfere with these plantations. The optional plantations, as their name indicated, were matters for the natives' own decision; they laid them out for their own private profit of their own free will and cut the wood either for their own use or for sale.

Count DE PENHA GARCIA said that this latter category of plantations was an interesting example of individual ownership.

MINES: LABOUR (*continuation*)

Count DE PENHA GARCIA said that, according to the information given on page 200 of the report, the considerable falling-off in the revenue from mines was due to the fact that the mining companies in Ruanda-Urundi had allocated large sums in 1938 to social expenditure, and particularly to the amortisation of their plant. He would like to have particulars of that social expenditure.

M. HALEWYCK DE HEUSCH replied that very strict obligations had been laid upon the companies in regard to the equipment, housing, maintenance and medical care of the labourers. So far as food was concerned, they were henceforth required to provide a complete ration for labourers living more than five kilometres from their place of employment. In principle, the companies were obliged to supply a similar ration for those living closer in, but might provide part of it in cash.

M. GIRAUD recalled the somewhat discouraging statement that the accredited representative had made last year in regard to the prospects of mining operations in Ruanda-Urundi.¹ The results recorded in the report for 1938 showed a substantial increase in the production of gold, caneterite and wolfram as compared with 1937. Did this mean that the prospects of mining production were now brighter?

M. HALEWYCK DE HEUSCH replied that no assurance could be given on this point; although the work of exploitation was being carried forward with increased vigour, it had not yielded results which were really commensurate with the hopes originally entertained. The reasons were that the deposits were not as rich as had been thought and that the labour, although abundant, was too scattered, whilst working costs were influenced by the rough nature of the country and were fairly high.

CLOSE OF THE HEARING

The CHAIRMAN thanked M. Halewyck de Heusch for the assistance which he had rendered the Commission with his unflinching competence.

He felt sure that he would be speaking for the whole Commission if he requested M. Halewyck de Heusch to convey to his Government the Commission's thanks for the attention it had shown it in arranging for the attendance of Dr. van Hoof, thereby enabling it to undertake a particularly thorough review of the public health position in the territory.

M. HALEWYCK DE HEUSCH said that he would certainly convey the Chairman's message.

He thanked the Commission for the kind way in which it had received both Dr. van Hoof and himself.

Cameroons under British Mandate : Examination of the Annual Report for 1938.

Major L. Sealy-King, District Officer, Nigeria, accredited representative of the mandatory Power, came to the table of the Commission.

¹ See Minutes of the Thirty-fifth Session of the Commission, page 69.

WELCOME TO THE ACCREDITED REPRESENTATIVE

The CHAIRMAN welcomed the accredited representative.

FRONTIERS OF THE TERRITORY : QUESTION OF THE EMIRATE OF ADAMAWA

M. VAN ASBECK noted the full and lucid information, given on pages 8-12 of the report, regarding the frontiers of the Cameroons. He asked whether, before the introduction of European rule in that part of the world — that is, before 1880 — Adamawa had constituted a single emirate, a single indigenous community.

Major SEALY-KING said that he was not very conversant with the history of the northern part of the territory. He thought that the reply was in the negative, but would prefer to leave the question to be answered in next year's report.

THE MANDATED TERRITORY AND THE WAR

M. VAN ASBECK asked, for purposes of information — not of debate — whether the Cameroons under British mandate was to be considered as involved in the present state of belligerency of the mandatory Power.

The CHAIRMAN observed in this connection that matters subsequent to the period covered by the report under review had frequently been raised either by members of the Commission or, spontaneously, by the accredited representatives. The latter were, however, always entitled to refrain from answering questions on events subsequent to the period under review.

Major SEALY-KING said that he would prefer to keep to the report under consideration.

CONFERENCE BETWEEN WEST AFRICAN GOVERNORS

Lord HAILEY observed that the first of a series of annual Conferences between West African Governors had recently been held. He asked whether it had dealt with the affairs of the mandated as well as the British territories, whether the decisions of the Conference were published — if so, the Commission would be glad to have a copy — and whether the Conference was on the lines of the Conference of East African Governors.

Major SEALY-KING said in reply that he understood that the Conference dealt with the affairs of the mandated territory as well as British territories and that he thought the proceedings were published, in which case he would ask for a copy to be forwarded to the Commission. He regretted he could not reply to Lord Hailey's third question.

DEMARCATIION OF LANDS IN THE TERRITORY : QUESTION OF NATIVE RESERVES

Lord HAILEY commented on the Cameroons under British Mandate Administration (Amendment) Ordinance — No. 9, of 1938 — directed towards correcting difficulties arising out of the boundaries of lands in the mandated territory (page 6 of the report). He noted the reference to native reserves : the Germans, he knew, had proposed to classify a number of areas as native reserves, but the accredited representative had informed the Commission in 1938¹ that there were no native reserves proper in the Cameroons under British Mandate, and there had been no previous mention of any such reserves having been constituted.

Major SEALY-KING said that there were no native reserves actually constituted.

INTERNATIONAL CONVENTIONS : REFUGEES

COUNT DE PENHA GARCIA noted the measures taken to give effect, in the mandated territory, to the International Convention for the Amelioration of the Conditions of the Wounded and Sick in Armies in the Field (Geneva, 1929), the Extradition Convention with Ecuador (signed in 1934) and the Conventions relating to the International Status of Refugees (Geneva, 1933) and to the Status of Refugees coming from Germany (Geneva, 1938). Reverting to a question asked the previous year², he was happy to note that the local legislation was being brought into line with the provisions of the International Convention for the Protection of Flora and Fauna.

¹ See Minutes of the Thirty-fifth Session of the Commission, page 135.

² *Ibid.*, pages 134-135.

Lord HAILEY asked whether any refugees had been received in the territory. He also enquired what was the period of residence — three or five years — for people applying for British citizenship.

Major SEALY-KING said that no refugees had been received. He could not state the period of residence required, but would make a note of the question.

M. RAPPARD asked whether domicile or residence in the mandated territory was assimilated to residence in Nigeria.

Major SEALY-KING replied in the affirmative.

ADMINISTRATIVE STAFF

M. VAN ASBECK, comparing the table in the 1938 report (page 89) with that in the 1937 report (page 94) regarding European and African staff employed in the medical and sanitary services, said that gratifying progress had been made. He asked whether the one African medical officer referred to (page 89) was a native of the mandated territory and whether the travelling demonstrator employed by the Native Administration to advise on methods of preparing gum and shea nuts for export (page 102) was also an African.

Major SEALY-KING said that the medical officer referred to was a Nigerian and that the travelling demonstrator was also an African.

M. VAN ASBECK, referring to the table concerning the Government staff (page 129 of the report), noted that only fifteen of the clerical and twenty-two of the non-clerical staff of the Cameroons Province were natives of the territory. He asked how many of the 1,256 officials of the Native Administrations staff (page 130) were natives of the mandated territory.

Major SEALY-KING said that the majority of those officials were natives of the mandated territory; he could not give the exact proportion, but in the Cameroons Province all but twelve were natives of the mandated territory.

M. VAN ASBECK noted a slight decrease in the number of Europeans employed solely within the mandated territory, and asked whether this was explained by absence on leave.

Major SEALY-KING replied in the affirmative.

Major Sealy-King, in reply to a question concerning the continued shortage of staff in the Kentu area, said that he could not give any information on that point. The administrative staff depended on the number of officers available in the whole of Nigeria, and the mandated territory, which got its fair share.

M. GIRAUD asked under what district officers of Nigeria the districts of the Adamawa in British mandated territory were placed.

Major SEALY-KING was unable to say definitely, but would arrange for the information to be included in the next report.

NATIVE ADMINISTRATION : QUESTIONS OF DECENTRALISATION AND FEDERATION : VILLAGE COUNCILS AND CENTRAL NATIVE AUTHORITIES : "STRANGER NATIVES" : NATIVE TREASURIES : DEVELOPMENT OF INDIRECT ADMINISTRATION

M. VAN ASBECK said that, in 1938, the Commission had drawn attention to the development of the system adopted in order to adjust native administration to the great variety of social organisations existing in the southern part of the territory¹.

On pages 12 to 22, the annual report gave new and interesting information concerning the development of native administration in the various districts of the southern section. A striking feature of that information was the tendency towards decentralisation and federation. Thus, according to paragraph 37, a certain chief in the Victoria Division had "come to share the opinion of the elders of the local groups that the time was ripe for further decentralisation". Referring to the Bakweri tribe, the report said (paragraph 38) that it had been proposed that "decentralisation should be extended by creating village group councils". In paragraph 40, the report referred to the establishment of new, separate native authorities and courts in different sections of a district in the Kumba Division. In the Bamenda Division, the report stated: "the number of native authorities has been increased during the year" (paragraph 49) and there was further question of a "decentralisation of authority in the chiefdoms" (paragraph 50).

¹ See Minutes of the Thirty-fifth Session of the Commission, page 205.

At the same time, it seemed as if the mandatory Administration, at least in some districts, favoured the voluntary federation of neighbouring clans (paragraph 41) and a process of grouping smaller communities (paragraph 44). In certain districts, the growth of individualism, due partly to the influence of the numerous "stranger natives", might, said the report (paragraph 43), "help to promote such federations, for the younger men tend to be less imbued with the militant parochialism of their elders and more alive to the advantages of a wider co-operation".

It was interesting to note the conclusion that the native organisation appeared to have been reinforced in the Victoria and Kumba Divisions both by decentralisation and by recourse to federation, which might lead to the creation of stronger units to meet the needs of native society. A tendency seemed to be indicated in the direction of more or less territorial, rather than tribal, organisation, and it seemed reasonable to hope that, in time, there would be an assimilation of stranger elements into the autochthonous society and that "stranger natives" might find their place in the administration of the territory.

Major SEALY-KING said it was likely that strangers would eventually take their place on the "rural district councils". In the past, the sole native authority in the Victoria District had been the chief, Johannes Manga Williams, a man of personality, but he, too, had felt that there should be a more representative council; a council had now been constituted consisting of representatives from all the clans and village groups in the district under the presidency of chief Manga Williams; it was possible that strangers would eventually find their place on this council.

Replying to a question concerning Manga Williams's age, the accredited representative said that he must be 68 or 70, which was old for an African.

M. VAN ASBECK said that, as he understood the position, natives did not yet take part in the administration of the territory itself. Was he right in thinking that most of their councils were on a clan or tribal basis?

Major SEALY-KING replied in the affirmative and added that there were village councils as well, that is, councils constituted on a narrower basis. Replying to a further question, he said that the village councils consisted of natives of the territory, not strangers.

M. VAN ASBECK, commenting on the reference to individualist tendencies in the southern part of the Cameroons Province, noted the statement in the report (page 64) that "the development of representative native administrations in this region should help to redress the balance before it is too late". He expressed his appreciation of the very full information given concerning the Bamenda Division, and said that he followed with interest the evolution of native society in the mandated territory (pages 17-22 of the report). Referring to the growth of individualism in the Kumba Division, he asked whether the phenomenon was peculiar to that division or whether it was part of a more general phase.

Major SEALY-KING said that the Kumba Division was probably more concerned than any other native division in the province, partly owing to the fact that there were considerably more "stranger natives" there, who had entered the territory from the French mandated Cameroons and elsewhere for trading and other purposes.

M. VAN ASBECK asked what was the attitude of the younger men *vis-à-vis* the traditional authorities. Were there clashes between them? He would be interested to know whether the younger men had their progressive societies, as in other parts of Africa.

Major SEALY-KING said that they got on well with the older men and were often of considerable assistance to them, some of them being slightly educated. In the more enlightened areas they had their progressive societies, in which they discussed matters concerning the better management of their own villages.

M. VAN ASBECK noted that there was thus a progressive young society, parallel, as it were, with the village council.

Major SEALY-KING said that the young men met and discussed matters which, as often as not, they submitted afterwards to the councils.

M. VAN ASBECK said that there were three directly administered areas in the Bamenda Division; he asked how native co-operation was secured, whether there were councils and what methods of consultation were employed.

Major SEALY-KING said that the district officer toured the areas in question and consulted the village councils there. The people had their village headmen and councils.

M. VAN ASBECK asked what was meant by the "district headmen" (pages 26 and 27 of the report). Were they appointed by the European Administration or were they native chiefs?

Major SEALY-KING thought they were native chiefs, but was unable to say definitely; he would arrange for the information to be included in the next report.

M. RAPPARD noted the statement in the report (page 13) that "financial responsibility is an important feature of the training of native authorities for the fuller exercise of the functions of local administration". Native treasuries and common treasuries were found side by side. Were the native treasuries meant to stimulate the natives' interest in financial questions, while the common treasuries remained under the administration of the European authorities?

Lord HAILEY suggested that the "common" treasuries simply represented an agglomeration of native treasuries.

Major SEALY-KING said that the native authorities, if sufficiently capable, were made responsible for the administration of their own treasuries, subject to supervision by the European authorities. If, however, they were not considered capable, the treasuries were kept under European administration.

Lord HAILEY, referring more particularly to pages 12 to 22 of the report, noted the constant efforts of the mandatory Power to apply the principles of indirect rule as followed in Nigeria. He suggested that, in certain areas described in the report, it must be an almost hopeless task to find native authorities capable of being used as agencies of local government. He would be interested to have the individual opinion of the accredited representative, more particularly regarding the southern part of the territory.

Major SEALY-KING said that his own experience was that indirect rule answered well; there seemed to be an improvement all round once the system was applied. He knew of two areas where the inhabitants had requested that they should be made the subject of a report with a view to reorganisation. This, he thought, showed that the people understood the principles of indirect rule.

M. RAPPARD asked if that observation applied even in the more chaotic districts.

Major SEALY-KING said that, in such areas, indirect rule was not so readily understood.

Lord HAILEY observed that there were many varieties of direct and indirect rule. Did the accredited representative think out of those scattered elements something could be formed which would not only be agreeable to the people concerned but would constitute an effective and efficient means of government? For what was ultimately aimed at was a government without too much supervision. Was that practicable in the more or less chaotic social organisation of part of the territory?

Major SEALY-KING said that indirect rule was not likely to be practicable in such areas for some time to come. There was little use in imposing indirect rule if it was not agreeable to the people concerned.

M. RAPPARD noted that the hill pagans had had a name for shyness and truculence (page 24 of the report), two qualities not generally found in conjunction, and that, according to the report, "the people, particularly the elders, derive real enjoyment from the panorama spread before them". That passage perhaps reflected the literary talent of the author of the report rather than the feelings of the natives. What was the accredited representative's opinion.

Major SEALY-KING said that he was not familiar with the northern part of the territory, to which the description applied.

SITUATION OF WOMEN

Mlle. DANNEVIG referred to the legislation recently enacted in the Cameroons under French mandate and French West Africa governing the position of women in those territories. Most women, she said, led a hard life in the Cameroons. They did all the work on the fields as well as in the house. Their dowry was often paid for in instalments and was sometimes so high that the young men could not pay it. Widows had difficulty in maintaining their independence. In the territories under French administration, according to the new legislation, a widow might refuse to be taken over by her husband's heir and herself assume

the responsibility of supporting her children, and dowry paid for a girl before the minimum marriage age of 14 could not be legally reclaimed if the girl refused her assent.

Had not the time come to enact similar provisions in the Cameroons under British mandate? According to the report (page 64), there were the beginnings of a feminist movement in the territory; it was said that fathers were asking heavier dowries to cement orthodox marriages and were raising the penalties payable by youths who eloped with their daughters, which latter fact was increasing. In certain areas, women were said to be prominent in political matters. Did not the British Government feel that the moment had come to enact laws which would help women who had reached that advanced stage? Such action, with the help of the missions, should do much to improve the lot of girls and widows. The question had aroused interest and been debated in European feminist circles.

Major SEALY-KING said that it was not the intention of the Government to enact laws in such matters. The Administration held the view that customs should be allowed to evolve of their own accord.

Mlle. DANNEVIG said that, even if laws were enacted, that would not change the situation very quickly. It would, however, strengthen the position of women who were suffering because their interests were not sufficiently protected. She trusted that the Administration would take those matters into consideration, and asked the accredited representative to note her request.

Major SEALY-KING said that the native women themselves would probably object strongly to any interference on the lines suggested, adding — in response to a further question — that that applied to the younger women also. Child marriage was not so prevalent as it used to be and it was not uncommon for a woman to refuse a husband who was not of her own choosing.

Mlle. DANNEVIG said she had thought, notwithstanding, that the time might be ripe for more progressive legislation, especially in the southern part of the territory, where mission work and contact with Europeans had caused changes in native mentality.

PUBLIC FINANCE : NATIVE TREASURIES (*continuation*) : TAXATION

M. RAPPARD observed that there was not much to be said on the subject of public finance. Even if there were an increase in expenditure and a reduction in revenue, it made no difference to the interests of the territory, as any deficit would be covered by the neighbouring territory. Details of Government finances were given in Appendix II (A) of the report.

Local finances, on the other hand, called for comment arising out of a consideration of the revenue and expenditure of native treasuries for 1937 and 1938, as shown in Appendix II (B). It was noticeable that the financial results of these treasuries were very unequal. Some had substantial surpluses of revenue, others considerable deficits. One of the most striking aspects of the situation lay in this contrast. How was this diversity of results within one and the same territory to be explained? Could it be attributed to climatic variations between its various parts or were there different standards of efficiency in the management of these treasuries?

Major SEALY-KING replied that nearly all treasuries showed a considerable increase in expenditure, which had been made possible by the increased rates of tax they had received. The short fall in tax in Bamenda Division was due to the fact that tax had been started late, but little difficulty had been found in completing it. Tax in Mamfe Division had not reached expectations, due to local epidemics and temporary migration of young men to Kumba and Victoria Division seeking work on the plantations. The short fall of tax shown under the Victoria Native Treasury was due to the fact that, in 1938, Bakweri's and Balong's share of plantation tax was paid directly to these treasuries. In previous years, all plantation tax in Victoria Division had been paid to the Victoria Native Treasury. In the Kentu area, a fall in the price of benniseed made money somewhat less easy.

M. RAPPARD suggested that, apart from the variety in the economic conditions found in the territory, efficiency in the financial administration of the funds might also vary.

Major SEALY-KING said that expenditure was supervised by the district officer. Extra expenditure required the approval of the Resident and, in some cases, of the Chief Commissioner.

M. RAPPARD, referring to the general system of tax assessment, said that he had been puzzled by the reference in the report (page 31) to a "flat rate, 2½% of the average peasant income". How was such income estimated, even approximately?

Major SEALY-KING said that the District Officer travelled the area and wrote an assessment report after questioning the inhabitants as to the prices they obtained for their crops, fish, etc. If later trade became depressed and the area found difficulty in paying the tax, the District Officer made enquiries into the matter and recommended a reduction.

M. RAPPARD suggested that the flat rate of 2½% must be in the nature of an approximate assessment, ranging probably between 1 and 5.

Major SEALY-KING said that 2½% would probably not be an exact estimate. It was, however, a fair estimate; in times of prosperity, the tax might be raised, and, in times of depression, it was reduced.

M. RAPPARD said that he could not himself suggest any better system. He recalled that, in 1938, a question had been asked concerning the allocation of the fiscal burden of districts which were situated half within and half outside the mandated territory. The Commission was anxious for an assurance that the mandated areas were not being asked to bear more than their share of the burden. Had the accredited representative any comment to make on that point?

Major SEALY-KING said that he had nothing further to add to the information given, which stated the correct position.

Lord HAILEY noted that the "jangali" (cattle tax) had been raised to 2s. a beast, having been increased from 1s. 6d. during the year under report (pages 30-31). No explanation was given as to why that had been done.

Major SEALY-KING said it was thought that the native owners could pay more.

Lord HAILEY asked how the new tax compared with the tax paid on the other side of the border. Movements of cattle — of great importance from the veterinary point of view — were influenced by questions of taxation.

Major SEALY-KING said that the tax was 2s. in the northern part of the territory; the tax had been raised from 1s. 6d. to 2s. in the southern part, in order to prevent migration or movement.

M. GIRAUD noticed that, in the Adamawa Province, the cattle tax had been raised by one-third and that the report mentioned (page 33) a considerable amount of tax evasion in the district of Gashaka, which formed part of the province. The report also referred (page 33) to the fact that there had been a temporary wave of emigration in the Emirate of Dikwa, owing to the new rate of tax. Was it not a fair inference that the increase in the rate of the cattle tax had perhaps been excessive, considering the results that had ensued?

Major SEALY-KING did not think that 2s. was unduly high.

M. GIRAUD said that, nevertheless, the report definitely referred to the emigration of cattle due to the rate of tax.

Lord HAILEY raised the question of a companies income tax, which had been introduced in Nigeria, and said that he would be interested to have information as to whether it was to be extended to the Cameroons.

ECONOMIC SITUATION : IMPORTS AND EXPORTS

M. GIRAUD said that the year 1938 marked a pause in the continuous progress characteristic of the economic development of the territory in previous years. Generally speaking, the rains had been favourable to crops, the yield of which had been satisfactory in the Cameroons Province and excellent in the northern area, despite damage by locusts. The ruling prices for export products had been adequate in the case of bananas and rubber, whereas the price of cocoa, palm oil and palm nuts had fallen heavily; this was also true of ground nuts, the main item of export from Adamawa. The health condition of the live-stock, which was growing in numbers, was gradually improving as a result of the preventive measures taken by the veterinary service; prompt action had been taken to deal with outbreaks of rinderpest, which were, however, becoming less and less frequent.

The commercial statistics given in the report referred only to imports and exports for the Cameroons Province, no returns being given for the movement of trade in the northern part (Adamawa and the Dikwa Emirate). Exports were only 4% down in weight compared with the previous year, but there had been a reduction in value of 19% due chiefly to the drop in the figures for cocoa and oil. It was well to note, however, that these figures were not really indicative of a regression, but rather of a pause, as the results for 1938 nevertheless showed substantial progress — about 30% as compared with the average for the five years before.

The import trade, necessarily influenced by the reduction of exports, was also down as compared with 1937, but to a lesser extent, the figures recorded in terms of value being only 11% below those for the export trade of the preceding year, and the figures in terms of weight being indeed above them.

Germany was still the principal supplier and buyer but, although her flag was still in the front rank, so far as shipping movements were concerned, her share, in terms of the tonnage of incoming and outgoing vessels, had fallen from 70% to 59% in favour of the British flag.

To sum up, the commercial activity of the territory had declined to some extent during the year 1938, owing to the decline of the price-level of a large number of products. The economic situation of the territory nevertheless remained satisfactory, and there were grounds for confidence, having regard to its productive capacity.

There was a statement in the report (page 102) that the mandated districts of the Adamawa contained large numbers of shea and gum-bearing trees, which it had been difficult to exploit so far, but which, if their products were exported, would contribute greatly to the prosperity of the country. How was it, if these products were such a valuable source of wealth as the report suggested, that no effort had been made to overcome the difficulties of exploitation referred to? The Benue would be an excellent outlet for the export of these products.

Major SEALY-KING said that the immense size of the area was one of the chief difficulties. Companies which might be interested were unable to handle the crops through lack of communications. The expense of making new roads would be prohibitive.

M. GIRAUD said that, nevertheless, at Garua in the French mandated territories, there was a substantial trade in products that were carried down the Benue.

Lord HAILEY said that transport was possible on the river during six months of the year.

M. GIRAUD was well aware of this, but the products of this area could be stored.

Major SEALY-KING said that he was sure no possibility would be neglected by the Administration of developing the crops in question.

M. GIRAUD thought that the solution of the problem depended more on commercial firms than on the Government, though Government support would, of course, be useful.

Major SEALY-KING said that the cost of transport from the interior to the river would be very heavy and that it was doubtful if any firm would be prepared to incur the expenditure.

M. RAPPARD noted (page 43 of the report) that 52% of the imports (in value) were from Germany and that 82% of the exports went to Germany. He wondered what repercussions the present war would have on the mandated territory.

Take bananas, for instance; the German market, which had so far taken practically the whole output, would disappear. Germany had been, in fact, the most important buyer and supplier in the territory. It would be interesting to know how the mandatory Power intended to deal with the disturbance in the trade exchanges of the territory.

Lord HAILEY said that the Germans had run their own line of steamers to the Cameroons.

Major SEALY-KING said that the banana plantations were being maintained. He could not say what arrangements had been made as regards shipping at the present time.

Lord HAILEY said that the British Government had agreed to buy up all the cocoa of the West African territories at a fixed price.

EIGHTH MEETING

Held on Friday, December 15th, 1939, at 3.30 p.m.

Cameroons under British Mandate : Examination of the Annual Report for 1938 (continuation).

M. Rappard, Vice-Chairman, took the chair in place of M. Orts.
Major Sealy-King came to the table of the Commission.

ECONOMIC SITUATION : EXPORTS (continuation) : SAVINGS BANKS

M. GIRAUD said that the discussion which took place in the previous meeting had elucidated certain points. Lord Hailey had informed the Commission that the British Government had agreed to purchase the whole of the cocoa production of the territory. Both cocoa and bananas had, up to the present, been carried mainly by German boats. He would be interested to know what the prospects were of the necessary shipping facilities being available in the future.

Major SEALY-KING repeated that, as the banana plantations were being kept open, he presumed that the necessary facilities for shipping would be arranged.

M. GIRAUD said that, strictly speaking, the question he had raised concerned the year 1939.

He had been interested to note the information given in the report (page 67) regarding the number of depositors in the Post Office savings banks and the amount of the deposits. The Commission would, he thought, be glad to have similar information in future annual reports.

Major SEALY-KING said that he would arrange for the information to be included in future reports.

Lord HAILEY referred to the shipment of ground-nuts from the upper Benue ports, particularly Yola and Garua. The latter port was situated in the Cameroons under French mandate, and the report stated (page 44) that, by reason of a Government subsidy, the firms could offer better prices there than at their buying stations on the Nigerian side of the frontier. Did this mean that the French were prepared to give a subsidy for exports via British territory ?

Major SEALY-KING said that that appeared to be the case.

M. GIRAUD said that the transaction might be profitable if ground-nuts were despatched from French colonial or mandated territories, as firms knew that they would obtain privileged treatment in France, where Customs exemption was granted in the case of ground-nuts from those territories.

Lord HAILEY found it hard to understand why the French Government should tax ground-nuts, which constituted the raw material for a number of French industries.

M. GIRAUD explained that the slump of prices in 1931/32 had obliged the French Government to assist its own colonial producers by raising the duties on foreign-grown ground-nuts imported into France and organising a system of preferential sales of French colonial produce on the French market. The extra revenue yielded by the increased import duty was returned to the colonies to enable them to assist production by lowering their export duties, reducing their railway transport rates and taking various other measures.

JUDICIAL ORGANISATION

M. VAN ASBECK thought that the enormous difference between the number of civil cases (101) brought before the high court and magistrates' courts (page 46 of the report) and the number of similar cases (10,388) brought before the native courts (page 50) amply proved the "popular confidence" enjoyed by the latter.

Was it possible for a criminal case brought by the police before a magistrate's court to be referred to a native court, which, as a report by the Togoland authorities had once stated, gave such cases more sympathetic treatment ?

Major SEALY-KING said that minor cases might be referred to the native courts, which could, within the limits of their warrant, apply statute law. Practically all criminal cases, except those of a very serious nature, were tried in the native courts, which usually imposed more lenient penalties, but natives had sometimes been known to prefer the strictly impartial judgment of a magistrate's court.

Lord HAILEY suggested that the preference for native courts might also be based on the greater familiarity of the procedure and the fact that the native court might award compensation rather than punishment for an offence.

M. VAN ASBECK asked what was the advantage of the machinery of "administrative review" as compared with that of a "formal appeal" (page 51, paragraph 134 of the report).

Major SEALY-KING explained that, in the former case, no court fees were payable and justice was equally assured.

M. VAN ASBECK asked for an explanation of the rather large number (108) of convictions in protectorate courts for breaches of the Nigerian Forestry Ordinance (page 48 of the report).

Major SEALY-KING replied that the convictions in question were mostly due to the poaching of saccoglottis trees in Mamfe Division by natives from the Calabar Province. There was no doubt that the villagers in whose land the saccoglottis was found aided and abetted the marauders, who made it worth their while to do so.

Lord HAILEY observed (page 56, paragraph 138 of the report) that in the Kentu Area appeals from native courts lay to the District Officer at Wakuri, a considerable distance away. He scrutinised the court records once a month; he also saw prisoners on their arrival at divisional headquarters and could consult the copy of the record attached to the warrant of commitment. Did the accredited representative consider that these arrangements afforded really adequate facilities for the review of native court sentences? Did such copies of records give a fair account of all the evidence or only a summary of it?

Major SEALY-KING said that records varied in fullness, but the District Officer usually had sufficient data to be able to judge whether the prisoner was or was not guilty, and in case of doubt could return the case for further evidence.

Lord HAILEY asked what offences came under the new head of indictment in the table on page 52 (Offences against the Forced Labour Ordinance — Refusal of Labour for Communal Services).

Major SEALY-KING replied that the heading in question covered offences such as neglect to repair village fences or the clearing of native communal paths.

POLICE

M. GIRAUD asked what was the approximate strength of the corps of "yan-doka" in the Adamawa and of the "harisin" corps in the Dikwa Areas.

Major SEALY-KING had no information regarding the "yan-doka" or "harisin" corps. He stated that in the Bamenda Division there were fifty-six native administration police known as "dogari". They lived in or near the chief's compound and carried his messages and also assisted the court messengers in the work of the native court.

MORAL, MATERIAL AND SOCIAL DEVELOPMENT OF THE NATIVES

COUNT DE PENHA GARCIA enquired whether the "Makka" or "Tuba" movement (page 63 of the report), which, he understood, was frowned upon by the leading natives, had made any progress in 1938. Was its influence pernicious?

Major SEALY-KING believed that the movement in question, if not virtually extinct, was rapidly declining. It was opposed by many chiefs as subversive of their authority.

COUNT DE PENHA GARCIA noted, from paragraph 165 of the report, that the influence of Government and the missions was combining to raise existing standards in the political, public health and other spheres. What visible signs were there of the progress made in the field of public health? Was this progress individual or communal?

Major SEALY-KING pointed out that there were more native dispensaries and travelling dressers operating throughout the territory, and native authorities were encouraged to adopt sanitary regulations for village communities.

COUNT DE PENHA GARCIA was more concerned to know whether the native population itself took the initiative in such matters as the improvement of village water-supplies, sanitation, etc.

Major SEALY-KING said that, in the Victoria Division, three public wells had been sunk and sanitary regulations were being adopted in many areas on the natives' own initiative. In the latter direction, more modern latrines and markets were being introduced and the cleanliness of public market-places was being more strictly supervised. Considerable sums of money were being spent on sanitary improvements.

COUNT DE PENHA GARCIA had found no specific evidence in the annual report of the influence exerted by the Government and the missions on the moral standards of the native population; it would be interesting to know whether that influence had succeeded in eradicating certain special practices.

The changes in native habits described in paragraph 166 (page 64) of the report were certainly most striking, as they seemed to suggest an entire revolution in the relations between the sexes. What permanent effect were they likely to exert on the status of the native women?

Major SEALY-KING pointed out that the changes in question were confined to a comparatively small part of the territory only. There was no question of native dress or dances having been generally abolished.

Mlle. DANNEVIG gathered from this section of the report that the population of some areas of the territory was passing through a transition stage in which they inclined to imitate the vices rather than the virtues of European civilisation. The phenomena was, she suggested, a usual occurrence not only among natives.

Major SEALY-KING agreed.

Mlle. DANNEVIG asked whether the language of the Hausas, who appeared from paragraph 174 (pages 66-67) of the report to be very active traders, was likely to become, as had been suggested before, the *lingua franca* of the territory.

Major SEALY-KING thought it most unlikely, as the Hausas kept very much to themselves and exerted little influence on the rest of the population.

COUNT DE PENHA GARCIA said that the general impression given by this section of the report was that the population of the Cameroons consisted of two main ethnical groups: the "Fulani", who were Moslems and lived in the plains, and the pagans, who inhabited the hill country. Culture was slowly making progress among the pagans, who would eventually have their regional councils. Until, however, more roads were made, there was little prospect of unification or coalescence between the two sections of the population. Generally speaking, the secret of any social improvement in the Cameroons was better communications.

LABOUR

M. GIRAUD observed, from paragraphs 183 and 184 (pages 69-70) of the report, that the number of native labourers in the Victoria and Kumba Divisions had increased by 28% since 1937 and doubled since 1934; 71% came from the Cameroons under British mandate, 19% from the Cameroons under French mandate, and 10% from Nigeria and other territories.

The reply given (pages 70-72 of the report) to Mr. Weaver's question put at the thirty-fifth session¹ regarding "trust books" showed that there were serious possibilities of abuses in this system, under which natives were paid partly in credit notes on plantation stores. His general impression was that improvements could still be made in the conditions of native labour, and, in that connection, he welcomed the appointment of a Labour Officer (page 73, paragraph 193 of the report) to examine conditions in Nigeria and the Cameroons under British mandate.

What were the "certain undesirable features" in the traffic conducted by Efik contractors from Calabar, referred to in paragraph 184 (page 70) of the report?

¹ See Minutes of the Thirty-fifth Session of the Commission, pages 146-147.

Major SEALY-KING explained that the contractors in question brought their labour recruits by canoe from Calabar. At a certain stage of the journey, these canoes had to take to the open sea, and it was possible that accidents might occur from drowning. The authorities were anxious to obviate any such risks.

M. GIRAUD quoted the reference contained in paragraph 192 (page 73) of the report to the employment of children of years and upwards on plantations in the Victoria Division. Were these children included in the figures given in the table in paragraph 183 (page 69)? What would their number be? The practice of employing such young children was clearly detrimental to their moral development, as the report said.

Major SEALY-KING replied that the figures in paragraph 183 included adult labourers only. The children in question were engaged on such tasks as tapping trees and weeding, work which was no heavier than that which they would have had to perform in their own villages. They were paid at about half the rate of adult labourers. It was possible that an ordinance would be enacted prohibiting the employment of children under a certain age.

Mr. WEAVER asked where the children came from. Were they brought to the plantations with the idea of being employed?

Major SEALY-KING said that they were the children of the plantation labourers themselves.

Mr. WEAVER noted with regret that children as young as 8 years of age were employed on the plantations, and hoped that an ordinance would be enacted fixing a minimum age for child employment. If the children accompanied their parents to the plantations, would it not be possible, as in other colonial territories, to organise schools which they could attend?

Major SEALY-KING said that, in one division of the territory, such a school had been organised. It had met with considerable success.

Mlle. DANNEVIG shared the views expressed by Mr. Weaver, and hoped steps would be taken to forbid such child labour.

Major SEALY-KING did not think that many children were employed in this manner. They accompanied their families to the plantations, and would certainly have had to work equally hard at home.

Mr. WEAVER asked whether the Efik contractors referred to in paragraph 184 (page 70) of the report were native professional recruiters and whether their operations were supervised?

Major SEALY-KING said that the contractors in question brought food over from Calabar for the plantations, and occasionally brought labourers at the same time. No supervision was exercised over this traffic.

Mr. WEAVER appreciated the full and frank account given in paragraph 187 (pages 70-71) of the report of the "trust-book" system. The situation revealed certainly justified the remark in paragraph 193 (page 73) that the "position recorded in this chapter is in some respects susceptible of improvement". In view of that statement and of the recent appointment of a Labour Officer, he would confine himself to pointing out that the practice of paying up to 50% of a labourer's wages in credit notes on plantation stores was a form of the truck system which had been abolished in modern labour legislation. He hoped that it would be suppressed in the mandated territory.

He observed from paragraph 186 (page 70) that, in one case of accident resulting in permanent disability, no compensation was awarded, as the labourer in question had mounted a train without permission and was injured in alighting while the train was in motion. Had this ruling been made under Article 29, paragraph 1, of the Labour Regulations of 1929, which exempted an employer from the payment of compensation if the injury was attributable to the serious and wilful misconduct of the labourer? If so, he doubted whether such an interpretation was in accordance with British jurisprudence.

Major SEALY-KING agreed that the offence could hardly be described as serious and wilful misconduct, but pointed out that, under the Regulations applying to plantation workers, labourers were forbidden to alight from moving trains.

M. RAPPARD had been greatly struck by the tone of detached leniency and almost fatalistic resignation which characterised the description given by the authors of the report of the rather low standard of labour conditions prevailing in the Cameroons.

Major SEALY-KING explained that it was the practice of District Officers to inspect all plantations periodically and ascertain whether the labourers had any grievances. None of a really serious character had come to light.

M. RAPPARD suggested that, when conditions such as revealed by the present report prevailed, grievances were often inaudible.

Lord HAILEY believed it to be the lesson of industrial history in general that the standards of labour regulation were always likely to be low, and the compliance with regulations inadequately safeguarded in the absence of a special establishment for dealing with labour conditions. The only effective remedy for abuses was the institution of a special system of labour inspection.

Major SEALY-KING agreed that, in many respects, the position was unsatisfactory. He felt, however, that, now that a Labour Officer had been appointed, the whole matter would receive careful consideration.

ALCOHOL AND SPIRITS

In reply to a question by Lord Hailey, Major SEALY-KING confirmed that, with the release of the Victoria and Kumba Divisions from the restrictions of the Native Liquor Ordinance, traffic in native liquor was now unrestricted throughout the whole mandated territory.

FREEDOM OF CONSCIENCE : MISSIONS

Mlle. DANNEVIG said the information in this section of the report was rather scanty. She observed that medical and educational mission work continued to be conducted in the southern part of the territory with financial assistance from the Government, and that the number of registered Christians had increased by about 4,500 since 1937.

Had the accredited representative any further information regarding the dispute between the Roman Catholic Mission and certain native chiefs, referred to last year? ¹

Major SEALY-KING said he had no further information; the position remained unaltered.

Mlle. DANNEVIG recalled the reference made on page 63 of the report to the "Tuba" or "Makka" movement, which had appeared first in Kentu and later among the Mambilla of Southern Adamawa and Bamenda, and which was generally considered to have disturbing and undesirable effects on its adherents. What was the attitude of the natives, the chiefs and the authorities towards this movement? Did the latter regard it as not "consonant with public order and morality" (Article 7 of the mandate)?

Major SEALY-KING agreed that the movement was highly undesirable. Immediate steps had been taken to suppress it, and the movement was now almost extinct.

Mlle. DANNEVIG asked whether the elementary school maintained by the Sudan United Mission at Gurumpawo had received or would receive any Government subsidy.

Major SEALY-KING confirmed that a Government grant would be made if a certain standard of proficiency were attained. The native administration could, if it desired, assist the school in question out of its own resources.

Mlle. DANNEVIG asked whether the new mission stations opened in the Northern Areas by the German Baptist and Basel missions were likely to do useful educational work.

Major SEALY-KING said that, if the missions had been invited to start work by the native population, they would probably be successful.

EDUCATION

Mlle. DANNEVIG had gained the impression from the chapter of the report relating to education, and from the statistics on pages 144-149, that, in 1938, efforts had been directed more to raising the standard of education than to the expansion of educational facilities. In the Cameroons Province, the result of the two five-year plans would apparently be that

¹ See Minutes of the Thirty-fifth Session of the Commission, page 149.

the number of schools would be reduced from twenty-two to nineteen, but the number of teachers increased from nineteen to seventy-one, the object being to enable the remaining schools to deal with more pupils and to raise the standard of teaching.

Would it be financially possible to provide the larger number of teachers required? Paragraphs 203 and 204 (page 76) of the report revealed a certain progress in the training of teachers, but in paragraph 212 (page 79) it was stated that most mission schools were heavily handicapped by a lack of trained teachers.

Major SEALY-KING confirmed that certain difficulties were encountered, but the authorities expected to find sufficient teachers.

Mlle. DANNEVIG asked whether the teachers would be nationals of the Cameroons or outsiders.

Major SEALY-KING confirmed that all the teachers would be natives of the Cameroons.

Mlle. DANNEVIG noted from paragraph 202 (page 75) that the native administration's expenditure on education was limited to 10% of their estimated income. Was that a *de facto* limit or a rule laid down by the authorities? Actually, the tables in Appendix II (B) showed that most native treasuries did not spend as much as 10% of their revenue on education. Had the accredited representative any explanation to offer on this point?

Major SEALY-KING explained that 10% of the revenue was thought by the authorities to be an adequate appropriation for educational purposes. Many other services had to be financed and most native administrations could not afford to allot more than 10%.

Mlle. DANNEVIG noted the interesting initiative taken by the United Africa Company in opening a school on its Ndiian estate for the children of employees (page 78 of the report). The company provided the buildings and the native administration supplied the staff and equipment. Would other companies be likely to follow this example?

Major SEALY-KING replied that all the other large plantations had been under German management. Owing to recent events, it was unlikely that any further schools would be opened at the present time.

Mlle. DANNEVIG asked whether all children who applied for education could be accommodated.

Major SEALY-KING replied in the affirmative.

Mlle. DANNEVIG recalled that, at its thirty-fifth session,¹ the Commission had expressed the hope that greater educational facilities would be extended to the population of the Northern Areas. Pages 82 and 83 of the present report showed that, though the number of children receiving education in this part of the territory was still extremely low, certain progress was being made: an Education Officer had been stationed in Northern Adamawa with a special mission to develop a new training centre for pagan youths, students were displaying remarkable enthusiasm and making most encouraging progress, and elders realised the desirability of having their sons educated. At the same time, the Native Treasury Accounts on pages 126 and 127 showed that the Adamawa and Dikwa native treasuries had considerably reduced expenditure on education. Had the accredited representative any explanation to offer on this point?

Major SEALY-KING had no knowledge of this part of the territory, but undertook to supply the required information in the next report.

PUBLIC HEALTH

Count DE PENHA GARCIA noted from paragraph 233 (page 87) of the report that sleeping-sickness was decreasing in the Victoria Division but increasing in the rest of the province, and that a special mission was conducting an epidemiological survey in the territory. Could fuller information on the results of this survey be given in the 1939 report?

Major SEALY-KING replied that he would arrange for the information to be given in the next report.

¹ See Minutes of the Thirty-fifth Session of the Commission, page 205.

Lord HAILEY believed that, when the same survey and treatment team had operated in Nigeria, arrangements were made for compelling patients to attend for treatment. Had similar arrangements been adopted in the Cameroons ?

Major SEALY-KING replied that the Nigerian Sleeping-sickness Ordinance of January 1937 only applied to the northern sections of the Cameroons territory. No difficulty had, however, been experienced in getting the natives to attend for treatment.

Count DE PENHA GARCIA understood from paragraph 234 (page 87) of the report that the mandatory authorities found it difficult to estimate the comparative incidence of leprosy in the territory, owing to the generally indifferent attitude of the natives towards this disease, particularly in its early stages. He hoped, nevertheless, that the Commission would be kept informed of the progress of the anti-leprosy campaign and particularly of the results of administering certain drugs.

Major SEALY-KING noted the request.

Count DE PENHA GARCIA observed from paragraph 241 (page 90) that there had been a 10% decrease in the total attendances at native dispensaries. Could the accredited representative suggest any explanation of this phenomenon ?

Major SEALY-KING replied that the matter was still under investigation, but pointed out that the number of cases treated at wayside clinics and by travelling dressers had increased.

Count DE PENHA GARCIA hoped that future reports would give fuller information on the work of these travelling dressers, the value of which lay in the fact that they were in closer contact with the native population and could make a valuable contribution towards mapping out the distribution of the various diseases.

Lord HAILEY believed that the travelling dressers in question did not receive more than six months' training. Did the accredited representative think that such a short course of training enabled the native dressers to give adequate treatment to the native population ?

Major SEALY-KING said that the dressers were not illiterate and their work was greatly appreciated by the people. He thought the treatment given was adequate. In addition to the training referred to, they returned occasionally to the African hospital at Mamfe for refresher courses under the medical officer.

Count DE PENHA GARCIA would be glad to find in the next report information as to how the recommendations of the "Committee on Nutrition in the Colonial Empire" were being applied in the mandated territory. So far as he knew, no ordinance on the subject had yet been enacted. A special chapter might usefully be devoted in the next report to an exhaustive description of the situation in this connection.

Major SEALY-KING undertook to see that this request was complied with.

Mlle. DANNEVIG noticed references in paragraphs 239 (page 89) and 242 (page 91) of the report to Roman Catholic nuns who were qualified for maternity work. Had any effort been made to train native women as nurses or midwives in the southern part of the territory ?

Major SEALY-KING replied that, in the Bamenda Division, two women candidates had been trained, one of whom had now qualified as a midwife. The difficulty in the outlying districts was to find suitable candidates for training.

Mlle. DANNEVIG asked what training was given to the female dressers referred to in paragraph 249 (page 93). Would it be possible to train midwives also for work in Moslem areas ?

Major SEALY-KING replied that he was unable to say what training the female dressers had received. The general question of training midwives was receiving attention.

LAND TENURE : ALIENATION OF LAND TO "STRANGER NATIVES"

M. VAN ASBECK greatly appreciated the full explanation given on page 94 of the report of the situation of "stranger natives" with regard to land tenure. It was particularly valuable to have the clear definition of the term "native". From the wording of this definition, it appeared to be essential that, if a person was to be considered a native, he should, after having obtained the consent of the native community concerned, be given a specified certificate

from the Governor. Did the accredited representative know of many cases where a person coming from without and permanently domiciled in the Cameroons under British mandate had been granted such a certificate?

Major SEALY-KING knew of no such cases.

M. VAN ASBECK inferred that such natives would remain "strangers"; this would fit in with the statement in the concluding sentence of paragraph 252 of the report.

Major SEALY-KING said that a "stranger native" could be a native from a neighbouring community who might eventually be accepted as a member of the community of domicile and be allowed to hold land.

M. VAN ASBECK commended for its clarity the summary given of the whole position in paragraphs 268 and 269 (page 100) of the report. In the latter paragraph, there was a reference to the "recording of the hitherto unwritten rules by which the native custom has regulated the use of the land". Had any native authority already recorded these unwritten rules?

Major SEALY-KING said that certain steps had already been taken, and some native authorities had already submitted for Government consideration the draft regulations which they wished to be adopted.

M. VAN ASBECK inferred that this was a beginning of a digest of customary law on the subject of land tenure. Would any machinery be provided for recording titles to native land?

Major SEALY-KING said that this was a matter which was receiving attention.

M. VAN ASBECK asked whether the "real alienation" referred to in the next sentence of paragraph 269 referred to alienation from natives to non-natives or from natives to "stranger natives".

Major SEALY-KING believed it referred to alienation from natives to non-natives; a native could transfer land to a "stranger native" without formality.

M. VAN ASBECK questioned whether a transfer of land from a native to a non-native without the Administration intervening would be compatible with Article 5 of the mandate. He inferred from the second part of the reply given that a "stranger native" was assimilated, for land transfer purposes, to a native, and could obtain a land transfer without Government intervention.

Major SEALY-KING said that a "stranger native" might be given a plot which in time he came to regard as his own property.

M. VAN ASBECK asked what was meant in that case by "real alienation".

Major SEALY-KING said that a gift of land was not the same as alienation, as the land could be taken back at any time. "Real alienation" referred to non-native land. There had lately been instances of alienation being refused to Europeans, as, for instance, in the Kumba Division.

M. VAN ASBECK concluded that a change in title from a native to a "stranger native" was not considered to be an alienation within the meaning of Article 5 of the mandate.

Major SEALY-KING said that the expression "stranger native" would include all natives of Nigeria.

M. VAN ASBECK thought this was a rather extensive interpretation of the provisions of Article 5.

Major SEALY-KING suggested that the point might be cleared up in the 1939 report.

DELIMITATION OF THE FRONTIERS OF THE TERRITORY (*continuation*)

M. VAN ASBECK referred the accredited representative to the quotation on page 11 of the report from Article 1 of the mandate referring to the frontiers of the territory and to paragraph 11 of the instructions given to the Franco-British Frontier Commission to respect strictly the provisions of Article 2, paragraphs 1, 2 and 3, of the Milner-Simon Declaration of July 10th, 1919, under which frontier commissions were to make only such slight modifications as were necessary to avoid cutting villages off from their farmlands. If this clause were interpreted in a narrow sense, the Commission might be unable to take account of other

native interests involved, such as grazing. Did the accredited representative know of any frontier modifications having been made on such grounds ?

Major SEALY-KING said that the Frontier Commission had not yet advanced into the grazing areas, so that the problem referred to by M. van Asbeck had not yet arisen.

FORESTS

COUNT DE PENHA GARCIA observed from paragraph 274 (page 101) of the report that no share of forestry fees and royalties would be paid to the Government on native administration reserves. Was this change made in order to induce native administrations to take greater interest in forestry conservation ?

Major SEALY-KING said that no felling operations were permitted inside Native Administration Reservations.

PUBLIC WORKS

M. GIRAUD asked whether the remaining six and a-half miles of the new Mamfe-Bamenda road referred to in paragraph 300 (page 108) of the report had now been completed.

Major SEALY-KING answered in the affirmative.

DEMOGRAPHIC MOVEMENTS

M. RAPPARD noticed that the reason given for the decrease in the population of one district was a desire to evade payment of a tax which it was rumoured would be imposed and which the natives considered to be excessive. Was it really possible for mere rumours to affect the population of a district to such an extent ?

Major SEALY-KING replied that such a thing was possible ; he had no idea how the rumour in question had gained currency, as it was entirely unfounded.

CLOSE OF THE HEARING

M. RAPPARD, Vice-Chairman, thanked the accredited representative for his valuable co-operation in the Commission's examination of the annual report, and for his promise to supply various information in the next report.

NINTH MEETING

Held on Saturday, December 16th, 1939, at 10.15 a.m.

Togoland under British Mandate : Examination of the Annual Report for 1938.

M. Rappard, Vice-Chairman, took the chair in place of M. Orts.

Captain C. C. Lilley, O.B.E., former District Commissioner, Gold Coast, accredited representative of the mandatory Power, came to the table of the Commission.

WELCOME TO THE ACCREDITED REPRESENTATIVE

The VICE-CHAIRMAN said he was particularly happy to welcome Captain Lilley, who had already, on a previous occasion, collaborated with the Commission. It was a great privilege to have the benefit of his very wide experience. The report told of Captain Lilley's departure from Togoland. In this connection, the Commission wished to pay a tribute to the work done by Captain Lilley during the nineteen years he had spent in the territory, and it would always entertain the best memories of his collaboration.

Captain LILLEY thanked the Chairman for his very kind words, which he greatly appreciated.

GENERAL STATEMENT BY THE ACCREDITED REPRESENTATIVE

Last year, I had the honour of appearing before you as accredited representative of the British Government in connection with the report on Togoland under British mandate.

This year, it was intended that the author of the last two or three reports should come before you, but, owing to the war, it is regretted that he is still on the Gold Coast and unable to leave, so I have once more, though on the retired list, been detailed to endeavour to supply you with any information which you may require additional to that given in the report for 1938, and to take notes of requests for further information. This I shall do to the best of my ability, though I have not visited Togoland since I was last here.

This year again the foreword to the present report is an index to further information required on some points which arose at the examination of the 1937 report and I trust that it will assist Members of the Commission.

I propose to comment very briefly on what I consider to be the main points of interest in the report.

General Administration and Taxation.

In the northern section, as will be seen, everything is going well and there were no incidents in the tax collection.

In the southern section, the position remains the same and the natives do not take kindly to the idea of a direct tax.

At the meeting of the Mandates Commission last year, it was I think made clear that, though the majority of the natives oppose a direct tax — and certain reasons were given — they have no objection to a levy or subscription for a specific purpose. In order to support this statement, I may perhaps be permitted to quote verbatim from a letter which I received from a literate African friend of mine six months after I had left Togoland on retirement. It was a longish letter and contained news on various subjects about which he knew I would be interested. Here is what he says :

“ The following are the Ewe Presbyterian Church Anniversary held this year.

“ In Chitto district it was celebrated in Bame on 20th November. They got cash collection of £67.

“ In Amedzofe district it took place in Nyagbo Sroe 27th November — they also got cash £131 6s., the pence forgotten. In Kpandu district it took place in Wusuta on the same 4th December they got cash fund £121 6s. 1½d. Two in the Ho district ; the first took place in Ho Ziavi on 13 November. Their collections was not known to me. The second took place in Abutia Teti, they got cash £121 16s. 6d. That of Wora Wora district was celebrated in Apeso Kubi they also got cash £240.”

Here we have an example of a voluntary subscription or levy. This kind of thing has been going on from, I imagine, the days when missions were first started in Togoland many years before the German Government took over the administration of the country.

The people wanted education and were prepared to subscribe for it. Is it not possible therefore that the idea of voluntary subscriptions on these lines may have become engrained in the minds of the people many many years ago and still accounts for their dislike of a direct tax without any specific purpose ?

Apart from the fact that nearly all tax collected in the German time went to the Central Government — and they fear, in spite of declarations to the contrary, that this might happen again — the natives of the southern section dislike the tax immensely.

I mention this not to indicate any change in the policy of the Government, but in order to show a possible reason for the objection to the introduction of direct taxation in the south.

Agriculture and Trade.

As will be seen from Section 65 of the report, trade suffered badly as a result of the cocoa hold-up and boycott of European goods.

As members of the Commission know, the Secretary of State, in February 1938, appointed a Commission to examine and report on the marketing of Gold Coast and Nigerian cocoa. The report of that Commission, I believe, reached the Gold Coast towards the end of October 1938.

In addition to what is stated in paragraphs 66-70 (pages 17 and 18) and 249 (page 73) of the annual report, Members of the Commission may have read the report in question. It is an interesting document and requires careful study if one is to understand it thoroughly.

The Mandates Commission may perhaps like to know something of the situation to date, though this information would normally appear in the report for 1939. After long and exhaustive examination, the reports of the local committees, together with the Governor's own recommendations, were received by the Secretary of State shortly before the outbreak of war. War, and the consequent closing of important markets in Central Europe entirely altered the position and the Government was compelled to turn from the consideration of the Commission's report and concentrate upon the problem of the best way of marketing West African cocoa during this season.

On November 13th, 1939, the Colonial Office announced that His Majesty's Government had agreed to purchase the whole 1939/40 crop of British West African cocoa at fixed prices for the whole season. In the Gold Coast, the basic price was fixed at 9s. per load for grades I and II, ex-scale port of shipment, but the Governor has since decided to increase the export duty from £1 3s. 4d. to £2 2s. and the basic price has been correspondingly reduced to 8s. 6d. per load. Purchasing will be done by the firms and individuals already established in the trade on the basis of their share of shipments in recent years. Small shippers are being given special treatment. A moratorium on purchases and sales of cocoa was declared in West Africa for three weeks. Marketing has now begun again, and sales in overseas markets are being directed by a specially appointed cocoa control in London.

The report for 1938 mentions present and future production of cocoa. As members of the Commission are aware, the period during which plucking, marketing and most of the normal transportation takes place is during the period October to March, this being termed the "major crop season". It is thus evident that the figures given on pages 19 and 72 of the report, which are figures for the calendar year, include parts of two major crop seasons. The Members of the Commission may therefore have wondered why, in view of the hold-up, the total export of cocoa from Togoland under British mandate for the year rose by over 4,000 tons. I think the above explanations and paragraph 74 of the 1937 report explain the reason. Though new trees are constantly coming into bearing, especially in area V, I do not think it can be taken for granted that production increased by 4,000 tons during the past year.

Judicial Organisation.

Under this head, I desire to apologise for an error on page 31 of the report, which was not noticed until after printing had been completed. In the table at the bottom of the page, the positions of the Northern and Southern Sections should be reversed.

* * *

In spite of the difficulty of writing an interesting report year after year, I think it can be claimed that, during 1938, notwithstanding inevitable vicissitudes, progress has been well maintained and that the condition of the country is satisfactory.

That the present war will without a doubt affect the territory in some form or another cannot be disputed, but it is too early to make any forecast. His Majesty's Government's decision to purchase the whole West African cocoa crop is indicative of their preparedness to support the economic position of the colonies to the fullest possible extent and I can assure the members of the Commission that it is the Government's intention to allow the disturbances and dislocation of war to interfere to the most limited extent possible with the promotion and the development of the people of Togoland under British mandate.

The VICE-CHAIRMAN said they were much obliged to Captain Lilley for his statement, and were glad that he had not confined his remarks entirely to 1938. The Commission was very interested in what was happening at the present time.

He did not wish to pass over the first few pages of the report without noting with great satisfaction the tributes of gratitude which had been paid to the accredited representative, who had given the territory some of the best years of his life. He wished to congratulate him on his success.

The report mentioned that Captain Lilley had been presented with a linguist's stick. What exactly was that?

Captain LILLEY explained that every chief had attached to him from his tribe or village a "linguist", who acted as his mouthpiece. The chief was never supposed to speak direct to his audience. When sent on a mission, the linguist carried the stick as a sign that he was representing the chief. The sticks were generally black with gilded tops, some in the form of a key, etc.

The VICE-CHAIRMAN understood that the fact that Captain Lilley had been presented with a linguist's stick was an indication that he had been given an exceptional mark of confidence by the population of the territory — in other words, a signal honour had been paid him by the inhabitants.

Captain LILLEY said that the stick which had been presented to him had been subscribed to by the whole people, and was made of ivory with an ebony head.

REPERCUSSIONS OF THE STATE OF WAR BETWEEN THE MANDATORY POWER AND GERMANY

M. VAN ASBECK requested the Chairman's permission to ask what was the status of the territory in the present war.

The VICE-CHAIRMAN reminded the Commission that the accredited representative was not bound to answer questions concerning events subsequent to the year under review.

Captain LILLEY said he would prefer the question as a whole to be left to the following year. He would, however, draw the Commission's attention to two points: first, the mandatory Power considered itself responsible for the defence of Togoland under British mandate, in common with the Gold Coast, and, secondly, no recruiting was taking place within the mandated territory.

Lord HAILEY asked how far the economy of the territory was likely to be affected by the war, as a result of measures taken in respect of alien personnel.

Captain LILLEY said that he believed that the only case of a Government servant being a national of a State with which the mandatory Power was at war was that of a German doctor, a private practitioner, whom the Government was continuing to employ. There were also one or two Germans in the Ewe Presbyterian Mission.

M. RAPPARD asked whether there was any plantation in German hands.

Captain LILLEY thought there was only one.

Mlle. DANNEVIG asked for information with regard to the treatment of German missionaries.

Lord HAILEY said that the general policy followed in the British colonies and mandated territories at the outbreak of war was to intern all male German missionaries. Those whom it was found possible to allow on parole were then released. The property of the German missionaries had not been confiscated, but its administration had as far as possible been entrusted to missions of neutral countries. The missionaries who had been released on parole had undertaken to report themselves at given intervals and not to engage in political propaganda; they were allowed to carry on their religious activities.

NATIVE ADMINISTRATION: ADMINISTRATIVE STAFF: QUESTION OF THE DESTOOLING OF CHIEFS

M. VAN ASBECK said that, after the extensive information which had been furnished in the previous year, there were no outstanding questions for discussion at the present meeting. The amalgamation of independent chiefdoms in the southern section into native States was regarded as voluntary and experimental. One would have to look to the future for results of that policy. As indicated on pages 5 and 6 of the report, modern government was being tried, but traditional influences remained very strong in the fields of finance and taxation.

In the special sub-chapter on page 79 of the report, dealing with the Dagomba Native Administration, the latter's collaboration with the staff of the Agricultural Department was described. Did other native administrations show a similar interest in agriculture?

Captain LILLEY said that all the native administrations in the north were interested. The reason why Dagomba had been specially mentioned was perhaps that it was the biggest native administration with its headquarters in the mandated territory.

M. VAN ASBECK asked whether future reports could contain a list showing the proportion of Europeans and Africans on the staff of the Administration, as was done in the case of the Cameroons under British mandate.

Captain LILLEY thought that some such information was given on various pages of the report.

M. VAN ASBECK said that it would greatly assist the Commission in its task if a list similar to that of the Cameroons report could be attached to the next report for Togoland.

Lord HAILEY noted that there were references in paragraphs 13 (page 4) and 26 (page 8) of the report to the destooling of chiefs, and a further reference in paragraph 42 (page 12) to what looked like a criminal attempt to depose a chief. It was obvious that, if there were too large a measure of power in the hands of the people to depose chiefs, that would interfere with the Government's power to act effectively through the chiefs. Did the local administration apply any restrictions on the use of destooling, as was done in the Gold Coast?

Captain LILLEY said that the ordinance did not provide for such restrictions. The election of chiefs was left to the people. On the other hand, the appointment of the native authority was in the hands of the Government alone. If there were an attempt to depose a useful chief, the Government could always keep him as the native authority.

Lord HAILEY said that the whole basis of that particular type of administration was that the Government recognised as native authority someone who had a tradition of customary authority behind him. If chiefs who had the Government sanctions behind them were deposed in any considerable number and their people elected other chiefs, the result would be a kind of dual authority. Would that not be a difficult position?

M. RAPPARD said it appeared that the Government could not have it both ways — *i.e.*, it must either keep indirect administration or do away with it. He would be very interested to hear what practical experience had been.

Captain LILLEY said he had never known a case where the native authority had, in practice, been other than a chief. The administrative officers were in fairly close contact with the people, and could often predict a deposition. They could advise the Government to appoint a new native authority when a new chief had been elected. If a chief got into bad ways, the people were entitled to warn him and, if he did not mend his ways, to depose him.

M. RAPPARD pointed out that the problem under discussion would, however, arise where a chief was deposed by his people without having lost the confidence of the Administration.

Captain LILLEY said he had never known of a case where it had been wrong for the people to depose their chief. Attempts were occasionally made by small bands, but the administrative officer did everything to show that the chief had the respect and the authority of the Government.

Lord HAILEY said that the problem was fundamental. In the Gold Coast, there had been so many depositions (109 in the ten years ending in 1926) that, in 1927, certain safeguards had been introduced, which acted as a check. Under the system of native administration existing in other territories, the chief's position had been made so strong and, at the same time, his conduct was so closely regulated that the question of getting rid of him by popular action hardly ever arose.

Captain LILLEY said that the solution suggested by Lord Hailey was possibly the right one. When treasuries, etc., were established, the chief would be both in a stronger position and less likely to abuse it.

M. RAPPARD said that the present system was conceivable only under Anglo-Saxon rule, but it seemed to work fairly well.

Mlle. DANNEVIG said that, in paragraph 22 (page 6) of the report, it appeared that the native administration had tried to effect improvements in sanitation, but that the younger members of the population had been opposed to such improvements. Surely the younger members of the population would have learned about sanitation in the schools?

Captain LILLEY thought that, as they grew older, they realised better the need for improved sanitation.

M. VAN ASBECK suggested the whole thing really depended on the personality of the Administrator.

Captain LILLEY said that it was also largely dependent on the native mentality.

M. VAN ASBECK, referring to paragraph 44 (page 12) of the report said that the Commission was not asking the impossible, but would be glad to have any information with regard to the results of the present policy in local government which the Administration could give.

M. RAPPARD, referring to the statement in paragraph 6 (page 2) of the report to the effect that there had been no change in the administration of the territory, asked whether one of Captain Lilley's own staff had succeeded him.

Captain LILLEY said that he had been succeeded by a very experienced officer from the Gold Coast.

PUBLIC FINANCE : NATIVE TREASURIES : TAXATION

M. RAPPARD noted the statement in paragraph 81 (page 26) of the report saying that : " The Minutes for the thirty-fifth session of the Commission arrived too late in the Gold Coast for any question regarding alteration to the basis of calculation of the amount of import duties as visualised by M. Giraud on page 30 of the Minutes to be considered . . ." Had the accredited representative any information on the subject ?

Captain LILLEY replied in the negative. There had not been sufficient time left to deal with the question in the report.

M. RAPPARD noted that there had been an increase of expenditure and reduction of revenue. That would create an unfortunate impression if they were not aware that the deficit was made up by grants from the Gold Coast.

M. GIRAUD asked whether the £5,280 mentioned in paragraph 272 (page 80) of the report as being collected on live-stock imported during 1938 represented import dues, a quarantine tax or a tax connected with veterinary inspection.

Captain LILLEY presumed that it was an import tax. It must have been mentioned in previous reports.

M. GIRAUD said his reason for asking the question was that he could not find a corresponding entry on the revenue side on page 121 of the report, or in the accounts of the native treasuries. Was the tax included in the Gold Coast revenue ?

Captain LILLEY presumed that was the case.

M. GIRAUD, referring to the statement of revenue of the Dagomba-Nanumba native treasury on page 96 of the report, noted that " tribute tax " for the first half year 1938/39 had yielded only £359 12s., as compared with a total estimate for the year of £4,700. How was so low a yield to be explained ? Was it due to the fact that the collection of " tribute tax " took place in the second half of the year ?

Captain LILLEY thought the explanation lay in the date at which collection took place.

M. RAPPARD, referring to the first point raised by M. Giraud, said that there would be no disadvantage in the tax on live-stock imported being included in the Gold Coast revenue if it was returned by the Gold Coast in the form of grants to make up the deficit in the budget. He suggested that information should be given in the next report showing whether the yield of the import tax on live-stock was credited to the Gold Coast or to Togoland under British mandate.

M. VAN ASBECK wished to know whether the establishment of native treasuries was voluntary.

Captain LILLEY said that was so.

M. VAN ASBECK noted in paragraph 30 (page 8) of the report a statement to the effect that " a bill intituled ' An Ordinance to provide for the Establishment and Management of Native Treasuries ' was passed through the Legislative Council of the Gold Coast in March of this year (1939), and the ordinance will in due course be enacted for Togoland. This will give the Provincial Commissioner power to call upon the native authority to establish a native treasury, and, on its failing to do so, the Governor may himself establish a native treasury by order and place the management in suitable hands." This provision seemed to show a certain compulsory power on the side of the Administration.

Captain LILLEY pointed out that the law had only been passed in March 1939. He had no information that it had yet been proclaimed.

M. VAN ASBECK asked whether tribunal fees and fines were so considerable that they were enough to feed the treasury.

Captain LILLEY said that was not the case.

M. RAPPARD asked whether it were not understood that it was a matter for the natives to fill their own treasuries. It was quite understandable that a chief invested with authority to tax might be unpopular.

M. VAN ASBECK noted the statement in paragraph 26 (page 7) of the report that " for the chiefs to pass treasury by-laws in their State councils in face of the wishes of their people,

would be disastrous ” — in other words, it was necessary for the opinion of the population first to be persuaded of the utility of such measures.

Captain LILLEY described in some detail the procedure by which State councils could deal with financial proposals.

M. VAN ASBECK said it had emerged clearly from the previous report that the population was fiercely opposed to an annual levy. Even though the councils might be given powers, their revenue would appear to remain deficient. He proposed that the next report should contain a paragraph dealing with the questions of how a treasury could be established if the people were opposed to its establishment, and how it could obtain the necessary funds.

Captain LILLEY said that the whole position was in a state of flux, and that something might occur in the future which would change the attitude of the population.

ECONOMIC SITUATION : IMPORTS AND EXPORTS : COCOA PRICES : SAVINGS BANKS

M. GIRAUD said that the trade activities of the territory had been seriously affected in 1937 by the concerted hold up of cocoa sales, which was a basic item in the economy of the southern areas of the territory. This stagnation of business had continued during the first months of 1938. As a result, however, of the representations made by the Commission of Enquiry that had been sent out by the British Government, business was resumed towards the end of April and the situation had reverted to normal. Unfortunately, the continuous fall in prices, which had helped to maintain a feeling of uncertainty, had prevented the recovery that might have been expected.

On the agricultural side, it should be noted that the rainfall had been below average and had therefore adversely affected production ; this, however, had been subsequently remedied by the abundant rain during the last few months of the year. These weather conditions had seriously impaired the production of cotton, which had suffered, moreover, from two other factors — namely, the low prices during the past few years, and the attraction of cocoa growing.

The subsistence crops appeared, on the other hand, to have been satisfactory, for the territory had continued to supply substantial quantities of various foodstuffs to the neighbouring Gold Coast Colony.

The position of the live-stock called for no special comment. The veterinary service was continuing its methodical campaign against rinderpest, and had prepared an improved breeding-plan which was expected to give satisfactory results in years to come.

On the movement of foreign trade, there was little to say. This year again, the Customs statistics in the report only gave an incomplete picture of the real trade, especially as regards imports, for they covered only the trade exchanges with Togoland under French mandate and did not include goods imported from the Gold Coast or commodities exported to that colony. Nevertheless, in its chapter on agriculture, the report gave figures of the total quantities of cocoa exported both across the western and across the eastern frontiers. This statement showed that exports of this product reached a record figure in 1938, exceeding the 1937 figure by a third and the mean of the five preceding years by nearly 40%.

To sum up, despite the disturbance of commercial life entailed by the difficult conditions under which cocoa had been sold, and despite the damage to agricultural production caused in certain areas by the insufficiency or irregularity of the rains, it might be fairly concluded that, whilst the year 1938 had not been particularly favourable to the territory from the economic standpoint, the prospects of future progress which the mandatory Administration's efforts at development had opened up remained unimpaired.

Referring to the declaration made by the accredited representative in his opening statement to the effect that the British Government had undertaken to buy up all the territory's cocoa harvest at 8s. 6d. to 9s. a load, M. Giraud asked what was the weight of a load.

Captain LILLEY said that a load weighed 60 lb. and the price was 8s. 6d., less cost of transport.

M. GIRAUD asked whether buyers were satisfied with the price which had been fixed.

Captain LILLEY had no information on that point.

Lord HAILEY said the normal price was supposed to be about £20 a ton. Just before the war, the price per load had been as low as 5s. 6d.

M. RAPPARD asked why there were such great fluctuations in the price of cocoa.

Captain LILLEY explained that the chief market for cocoa was the American market, which was highly speculative. It was largely a question of the stocks held.

Lord HAILEY said he had discussed the question with a well-known British importer, who attributed the great fluctuations in price to speculation on the New York market — somewhat similar to the speculation in lac.

Captain LILLEY said he had had prepared a short statistical note on cocoa, showing production figures and fluctuations in consumption during the past few years.

M. RAPPARD said that cocoa was the main basis of prosperity in the south of Togoland.

Lord HAILEY noted that Togoland, the Cameroons, the Gold Coast and Nigeria together produced 62% of the total world supplies of cocoa.

M. GIRAUD noted that the figure for coffee exports had fallen from 123 tons in 1937 to 17 in 1938. Was this the effect of reduced production or merely of the stoppage of sales due to the fall in prices ?

Captain LILLEY suggested it might be due to the price paid in Togoland under French mandate.

M. GIRAUD said that there was a substantial discrepancy between the export figures for kola nuts given on page 22 and those given on page 77 of the report. Was that because the Agricultural Department had included exports across the Gold Coast boundary ?

Captain LILLEY said that might be the reason, or it might be due to the fact that Customs stations were only established up to a certain distance in the north of the territory.

M. GIRAUD thanked the accredited representative for securing the reinsertion in this year's report of the table on agricultural produce exported from Togoland and crossing the Senchi ferry (page 19 of the report), and for arranging for the insertion of a new table summarising the import and export trade through Krachi (page 117). What department had drawn up the latter table, which was of real value in view of the absence of Customs statistics for the northern areas ?

Captain LILLEY said that the tables had probably been compiled by the administrative officers with the help of the police, the goods being checked on the lorries passing through Krachi.

M. GIRAUD requested that these figures should be repeated each year, as they gave a valuable indication of trade with the Gold Coast.

Captain LILLEY said he would make a request to that effect.

M. GIRAUD noted that the savings bank deposits (page 15 of the report), which had been steadily increasing during the past few years, showed a substantial reduction in 1938. It was to be hoped that this was merely a chance phenomenon, due, it might be, to the hold up of the cocoa sales. Did the accredited representative know whether the figure of deposits had begun to rise once more during the past few months ?

Captain LILLEY regretted that he had no information on the subject, but it would be given as usual in the next report.

QUESTION OF CHILD LABOUR

Mlle. DANNEVIG, referring to a question asked in the British Parliament on July 6th, 1938, on the subject of child labour, asked whether children working on plantations were contracted, and punished if they did not carry out the contracts.

Captain LILLEY said there were no plantations in Togoland similar to those in the Cameroons, and he knew of no case where a child had contracted with employers.

JUDICIAL ORGANISATION

Lord HAILEY, referring to paragraph 99 (page 36) of the report, asked where the High Court sat.

Captain LILLEY said that it generally sat in Accra, but there was no reason why it should not sit elsewhere if that was justified by the number of cases.

ARMS AND AMMUNITION

Lord HAILEY said that there had been a reference in the previous year¹ to an increase in licences. Now a decrease in licences was shown, but prosecutions had increased. Was there any special reason for that ?

Captain LILLEY said that the prosecutions might perhaps be due to a delay in applying for licences.

Lord HAILEY asked whether the use of firearms was not largely ceremonial.

Captain LILLEY said that was so.

SOCIAL, MORAL AND MATERIAL CONDITION OF THE NATIVES : SITUATION OF WOMEN

Count DE PENHA GARCIA said that the conclusions of the report with regard to progress in the conditions of the people appeared to be correct ; it was difficult to measure such progress by yearly stages. Progress, however, appeared to have been real, and the improvements mentioned might be regarded as an indication of a general tendency. The improvement in native society had led the Commission to ask in the previous year² how far the more civilised natives could participate in the Administration. He asked that this question should be dealt with in the next report.

Mlle. DANNEVIG wanted to know what the position was with regard to widows, to the payment of dowry and the marriage of girls under 14. Could they protect themselves against being inherited and against hateful marriages ?

Captain LILLEY said that they could.

Mlle. DANNEVIG said that women's political societies were much interested in these questions and hoped it would soon be possible to pass legislation similar to that which had been passed in Camerouns under French mandate and this year in French West Africa.

Captain LILLEY said that the position was favourable and that the women of Togoland were happy and contented.

LIBERTY OF CONSCIENCE : MISSIONS

Mlle. DANNEVIG presumed the statement in paragraph 135 (page 44) of the report that " missionaries who are nationals of States not members of the League of Nations have equally free access to the country " meant that missionaries who were nationals of States not members of the League had the same free access to the territory as that enjoyed under Article 7 of the mandate by those who were nationals of Member States.

Mention was made of various missions, including a Roman Catholic mission which maintained stations at various localities and convents at Kpandu and Hohoe. It was stated that the latter maintained a girls' school at which the girls received a four-year course in domestic science. Did they not receive any other education besides domestic science ?

Captain LILLEY said that other education was also provided.

Mlle. DANNEVIG noted the report said that, strictly speaking, there was no such body as the Ewe Presbyterian " Mission ", as mentioned in previous reports, but that there was a " Bremen " Mission which worked in conjunction with the Ewe Presbyterian Church. At the head of that church, which had some 38,000 members (paragraph 141), were two native pastors and a European missionary as secretary. Could the accredited representative give any additional information regarding that body, its character and origin ?

Captain LILLEY explained that, after the last war, the church and the schools of the former Bremen Mission had been taken over. The church had been taken over temporarily by the Presbyterian Church and afterwards named the Ewe Presbyterian Church. There were two or three European missionaries with it.

¹ See Minutes of the Thirty-fifth Session of the Commission, page 33.

² Ibid., page 207.

Mlle. DANNEVIG noted that the Basel Mission, which, in the 1937 report (page 35), had been said to have adherents and catechists in the Krachi district, was not mentioned in the 1938 report. Had they again given up their mission ?

Captain LILLEY said their work had probably been discontinued.

Mlle. DANNEVIG said that, in the chapter on education (paragraph 146), there was a brief reference to a new missionary society entitled "Societas Christi Regis", which had opened two new schools in the territory. Had the accredited representative any information about that society ?

Captain LILLEY had no information on the subject.

EDUCATION

Mlle. DANNEVIG remarked that there appeared still to be a striking difference between the positions in the southern and northern sections of Togoland with regard to education.

In the former, education was entirely in the hands of the missions, who had in all 123 schools — eighty-three of which were assisted by Government grants; while, in the northern section, there were no missionary schools, and the only education facilities available were those afforded by the native administration schools. There was actually only one such school within the mandated territory, but a few others situated in the Gold Coast (northern territories) also received children from the mandated territory. Was there a desire for greater educational facilities among the natives ?

Captain LILLEY did not think so.

Mlle. DANNEVIG asked whether it was not thought advisable that such facilities should be provided, especially that a beginning should be made by providing teachers who could be available when necessity arose.

Captain LILLEY explained that education of a sort was going on. The missions moved up into new territory when the population asked for them. As the native administrations developed, they would probably develop schools.

Lord HAILEY suggested that more complete figures relating to the northern section should be provided.

Captain LILLEY referred to the information given in paragraphs 165 and 168 (pages 51-52) of the report.

M. RAPPARD suggested that reticence in the report might be due to modesty rather than lack of interest.

M. VAN ASBECK, referring to the remarks in paragraphs 156 and 158 (pages 49 and 50) of the report concerning the effects of the economic crisis, asked whether school fees were so high that parents could not afford them at a time of economic depression. Could fees be reduced during such periods ?

Mlle. DANNEVIG asked whether there was any probability of the Administration trying to train teachers.

Captain LILLEY said that the Administration did train teachers, as appeared from the last part of paragraph 166 (page 52) of the report.

PUBLIC HEALTH

Count DE PENHA GARCIA noted that the organisation of public health had improved and that the same applied to the good-will of the natives. He asked that an exact statement of the position with regard to progress in connection with sleeping-sickness and the question of nutrition considered in relation to the incidence of tuberculosis should appear in the next report.

Mlle. DANNEVIG, referring to infant mortality, hoped that attention was being paid to the question of infant feeding and stressed the importance of education, particularly of women — *e.g.*, the training of women as nurses and midwives. Had there been any tendency in that direction in the territory.

Captain LILLEY said that those questions had been discussed and attention was being paid to them.

Lord HAILEY had the impression that there was a very considerable lack in the provision of dispensaries, and referred to the position in such a relatively important place as Kpandu. The natives might have to go very long distances to reach a dispensary. He hoped that the attention of the Administration would be directed to the fact that there were not yet a sufficient number of dispensaries within convenient reach.

LAND TENURE

M. VAN ASBECK, recalling the reference made last year¹ to the definition of the term "native", asked whether information on that point could be given in the next report. It was a matter which was closely connected with the question of the transfer of land to "stranger natives". He pointed out that the question was of great interest in connection with the unconsidered felling of forests in the cocoa belt. He requested that information on that subject also should be given in the next report.

Captain LILLEY said that the amendment of the Administration (Togoland under British mandate) Ordinance, which has for some time been contemplated, in order more effectually to prevent the transfer of land contrary to the intention of the mandate, has presented unexpected difficulties of detail and in particular with regard to the definition of "native" for this purpose, and the Secretary of State is still in correspondence with the Governor on the subject. The matter has presented more difficulties of a technical and legal nature than had been expected.

Lord HAILEY referred in this connection to the very useful material contained in the 1938 report on the Cameroons under British mandate.

FORESTRY

Count DE PENHA GARCIA noted the statement in paragraph 238 (page 71) of the report to the effect that the working-plan for the Togoland Forest District had been completed during the year. He asked that details regarding the plan should appear in the next report.

Captain LILLEY said he would make a request to that effect.

Lord HAILEY suggested great importance was attached by experts to the preservation of the deep-shade belt, and, if the cocoa industry was to be saved, a more vigorous forest policy appeared necessary.

CLOSE OF THE HEARING

The ACTING CHAIRMAN thanked Captain Lilley for his frank and enlightening replies, and expressed the hope that the Commission might see him again.

Captain LILLEY thanked the Chairman and the Commission for their kind remarks. He would like to avail himself of this opportunity to express before the Mandates Commission his great appreciation of the invaluable help which had always been given by the authorities of Togoland under French mandate during his stay in the territory.

TENTH MEETING

Held on Monday, December 18th, 1939, at 10.15 a.m.

Cameroons under French Mandate : Examination of the Annual Report for 1938.

M. Repiquet, Honorary Governor-General of the Colonies, former Commissioner of the French Republic in the Cameroons, accredited representative of the mandatory Power, came to the table of the Commission.

WELCOME TO THE ACCREDITED REPRESENTATIVE

The CHAIRMAN welcomed M. Jules Repiquet, and reminded the Commission that it had had the honour, at its thirtieth session, of collaborating with M. Repiquet. He asked the latter to be good enough to convey the Commission's kindest regards to M. Maurice Besson, with whom they had collaborated for many years.

¹ See Minutes of the Thirty-fifth Session of the Commission, page 39.

M. REPIQUET thanked the Chairman for his words of welcome. He had been glad to accept the mission now entrusted to him, having retained the happiest memories of the similar mission entrusted to him three years before. He would endeavour to give the Commission any supplementary information it might require, although the report was already very full. On studying that document, he found that his successors were following the path which his predecessors had traced and which had enabled the Cameroons, in the space of twenty years, to become a most successful colonial undertaking. Lord Hailey, who had seen what France had done in that short time in the territory, would agree with him that it was a truly remarkable achievement. He would certainly convey the Commission's greetings to M. Maurice Besson, whose duties had prevented him from leaving France.

FORM OF THE ANNUAL REPORT

The CHAIRMAN observed that the report showed that the mandatory Power had paid attention to certain observations of the Commission. Some of the replies given were important contributions to the study of the various aspects of the administration of the territory.

STATUS OF THE TERRITORY

M. VAN ASBECK directed attention to a draft law tabled in the Chamber of Deputies in May 1939. He did not propose to go into details as regards that text, which did not of course relate to the year under discussion. He simply wished to know whether the draft law reflected a general tendency in favour of the incorporation of the territory in the French Empire — that is to say, a tendency in France and in the territory itself.

M. REPIQUET said that the author of the draft law was M. de Beaumont, who had some little knowledge of the Cameroons and had found in the Press expressions of loyalty on the part of the natives and of other friends of France, and who evidently felt incorporation to be desirable. The terms of the mandate stood, however, untouched, and the accredited representative had no doubt that the French Government intended to hold to them.

M. VAN ASBECK noted that reassuring statement. The Commission would watch the fate of the draft law with interest.

THE MANDATED TERRITORY AND THE WAR

M. VAN ASBECK would like to raise another question relating to the year 1939 : did the mandatory Power consider the mandated territory to be implicated in the state of war between France and Germany ?

The CHAIRMAN emphasised the fact that the question did not concern the year under discussion. The accredited representative was therefore entitled not to answer it.

M. REPIQUET said that no change had been made in the provisions of the mandate and recalled the tenor of Article 3 of that instrument.

M. VAN ASBECK felt that the accredited representative's reply was not quite complete, as the state of war implied vaster considerations than were mentioned in Article 3 of the mandate ; he hoped that all necessary information on the subject would be found in the next year's report.

INTERNATIONAL CONVENTIONS

Count DE PENHA GARCIA said that the Commission would be grateful if the mandatory Power would bear in mind its request to be supplied with a complete list of the international Conventions in force in the territory.

M. REPIQUET took note of the request.

RELATIONS BETWEEN THE TERRITORY AND SPANISH GUINEA

M. GIRAUD had found nothing in the report regarding relations between the Cameroons under French mandate and Spanish Guinea. Could the accredited representative say what was the state of these relations in general, both from the political and the economic point of view ?

M. REPIQUET replied that these relations had always been and still were excellent. During the Spanish civil war, the territory under French mandate had given asylum in turn to supporters of both sides. Normal conditions had now been re-established, and a represen-

tative of the Nationalist Government had been installed in Spanish Guinea. Economic relations were rare between the two districts and were chiefly in the nature of transit. Transit, however, took place mainly by sea, and land routes were chiefly used for postal relations only.

FRONTIER BETWEEN THE CAMEROONS UNDER FRENCH MANDATE AND THE CAMEROONS
UNDER BRITISH MANDATE : QUESTION OF THE SULTANATE OF ADAMAWA

COUNT DE PENHA GARCIA noted (pages 47, 127 and 131 of the report) that the mandatory Power had replied to the Commission's requests for information concerning the demarcation of the frontier between the Cameroons under French mandate and the Cameroons under British mandate¹. That work of demarcation raised delicate and difficult questions, owing to the fact that the political frontiers had been fixed at a time when no geographical material based on surveys was available. The Boundary Commission had received fairly wide instructions, which was in the interest of both mandated territories and was, indeed, provided for in the mandate. The report stated that, in order that the interests of the natives might be properly taken into account, they had been given an opportunity of stating their case at open discussions or conversations. Had the natives taken part in such discussions and had the system produced satisfactory results ?

M. REPIQUET said that the conversations had brought together, not only the chiefs, but all the parties interested, as well as mere lookers-on. The first Chairman of the Boundary Commission had been M. Dugast, who had been the Administrator of the region and knew it very well. M. Dugast had thrown himself heart and soul into the work and had worn himself out over it ; he had been followed by M. Vergès, who was also the Administrator of the region and a person in whom the natives also had the fullest confidence. The natives had duly attended the meetings as arranged, and the necessary agreement had been reached.

COUNT DE PENHA GARCIA said that boundary questions often gave rise to special difficulties in connection with hunting and fishing rights and even crops. Had it been possible to preserve such rights, even across the frontier ?

M. REPIQUET understood that such questions had been settled on the spot as they arose. It was agreed that the two Administrations would allow the natives to go on fishing on both banks of the river. Blood ties between the natives were frequent, and no friction ever occurred between them.

M. RAPPARD said that, for the past twenty years, the Commission had been following the efforts made to demarcate the frontiers, taking as full account as possible of the rights and interests of the natives. Presumably, during that period, the problem had not been simplified by the fact that, on both sides of the frontier, the claims of the mandatory Powers had become more exacting and imperative from the point of view of taxes, Customs, quotas, etc. He wondered whether that interventionist policy was not calculated to accentuate the difficulties of a frontier-line separating a population among which blood ties were frequent and to whom a political frontier was something new. The greater the diversity in the regimes on the two sides of the frontier, the greater must be the difficulties with which the two Administrations were faced.

M. REPIQUET said that the delay in the work of demarcation on the spot had had the advantage of allowing of the establishment of a *modus vivendi*, which had now been admitted and confirmed by the Boundary Commission. During the period of twenty years since the signing of the mandate, the Boundary Commission had been postponed, year after year, for different reasons. It would seem that too much importance should not be attached to the claims to which M. Rappard had alluded, since the two Governments had agreed to leave the members of the Boundary Commission to settle the various questions on the spot.

M. RAPPARD agreed that there would be no great difficulty if the two Administrations had very elementary fiscal systems and followed a free trade Customs policy ; but the Governments had adopted precisely the opposite course.

M. REPIQUET explained that they had got round the difficulty. A tax existed, for instance, which was levied by the British authorities on cattle from the French zone entering the British zone. That was the ticklish point. Nowadays, the route which the cattle were supposed to follow, passing through the British zone so as to avoid the regions infested by the tsetse fly, had been abandoned, and a new road was used which avoided that drawback. Moreover, relations between the British and French zones were not very frequent ; there were practically no paths and almost all the trade was by sea.

COUNT DE PENHA GARCIA enquired how matters had been arranged so as to ensure that the new frontier should not affect the rights and requirements of European undertakings.

M. REPIQUET said that there were no European plantations extending on either side of the frontier. The plantations on the left bank of the river that constituted the frontier were French ; those on the right bank, German. In passing, he might mention that, after the

¹ See Minutes of the Thirty-fifth Session of the Commission, page 205.

last war, the German plantations in what was now the zone under British mandate had been sequestrated and sold by the administrators. The Germans had at first been debarred from attending the sale and then, if no other purchaser appeared, had been allowed to bid. In that way, they had been reinstalled and it had to be admitted that their plantations were excellent.

Lord HAILEY referred to the question raised at the previous hearing¹ relating to the so-called Sultanate of Adamawa. The present report stated (page 131) that there was no such sultanate, and that Adamawa was simply a geographical expression. It was added that the region comprised five lamidats, three of which had been cut in two by the Franco-British frontier. There must surely be, however, some connection between those different lamidats. What was the actual position? He derived quite a different impression from what was said on the subject in the report on the administration of the Cameroons under British mandate (page 11, paragraph 28).

M. REPIQUET said that, at the beginning of the nineteenth century, the region in question had been invaded and occupied by Adama, who had set up by force a politico-religious regime. It happened that the Protocol gave one part of that population to France and the other part to Great Britain. But Adamawa had been a purely artificial creation, which had lasted only as long as Adama himself.

Lord HAILEY said that he did not wish to start an historical discussion, but thought that what was stated in the report on the Cameroons under French mandate was not entirely correct. It was perhaps going rather far to say that there had never been a Sultanate of Adamawa. That sultanate was more or less contemporary with and on somewhat the same lines as the great emirates of Northern Nigeria. If so, then, Adamawa was something more than a mere geographical expression and could claim to have existed politically.

M. REPIQUET said that the Emirate of Yola extended over a geographical region which comprised Adamawa — from the name of the nineteenth century conqueror — but, so far as he knew, the chiefs of Banyo, Dodeo, and Kontscha did not pay tribute to the Emir of Yola, if indeed that Emir still existed, and did not regard him as their overlord.

Lord HAILEY observed that they had been separated.

M. REPIQUET said that they had long ceased to be under the authority of Yola. Adama, in his lifetime, had exercised very powerful authority, which his descendants had not possessed.

M. VAN ASBECK considered that, as regards this question of frontiers, a different point of view was taken in the reports of the two mandatory Powers. On the other hand, there was unity of opinion in the sense that the British report said that the present frontier was not less arbitrary than the Anglo-German frontier from the point of view of respecting the native organisations, while the French report recognised that three of the lamidats in question had been divided by the Franco-British frontier. The question that then arose was whether, in these lamidats, there were not common interests divided by the frontier. If so, how was the difficulty met? Were there regular talks between the British and French authorities, not merely chance consultations to settle local incidents like those mentioned on page 12 of the British report for instance, but also periodical consultations on political matters common to both territories, questions of good government, etc.?

M. REPIQUET recognised that nearly all boundaries in Africa were to some extent arbitrary, but actually, in the case of the three lamidats in question, geographical factors had been taken into account. It was a district of very high mountains; the populations of the western slopes were not the same as those of the eastern slopes, and they certainly had different interests. The best possible relations existed between the authorities of the two mandatory Powers, and it was desirable that consultations between them should become the rule, whereas at present they were the exception.

Lord HAILEY pointed out that these two adjacent territories were not a colony and a mandated territory, but two mandated territories administered under the auspices of the League and thus having a common link. In a political situation of this kind, it would be desirable to take any opportunity that offered of correcting the frontier, so as to remove any drawbacks found to be existing, and this correction could be carried out, if the two mandatory Powers so willed, under the supervision of the League of Nations. In this way, the League would be conscious of doing really constructive work. Lord Hailey added that this was purely a personal suggestion.

M. REPIQUET thought that, before going to the bottom of the matter, it would be well if a boundary commission of a predominantly political nature could proceed to the spot in order to gain an idea of what interests might be conflicting. It might consider remedies and make suggestions which would possibly confirm those made by Lord Hailey.

Lord HAILEY regretted that the powers of the present boundary commission did not allow it to take this action.

¹ See Minutes of the Thirty-fifth Session of the Commission, page 113.

M. REPIQUET added that they were dealing with a population which had been living for over twenty years under the present regime. They must consult it and act prudently, taking their time. The two mandatory Powers and the League ought to have before them all the necessary information, obtained by persons who had been to the spot and had ascertained what were the genuine aspirations of the population. This would be a prerequisite condition of a suggestion to which he had no objection to make, as he thought it was a good one. There would have to be another boundary commission, consisting of persons well acquainted with the population and able to collect material for an impartial decision. It was the interests of the natives rather than of the two mandatory Powers which must be decisive.

M. GIRAUD, whilst agreeing that the object should be, so far as possible, to avoid adopting a purely arbitrary line of demarcation as frontier, thought that it might be well to remind the Commission what this Sultanate of Adamawa, as to whose past history as a political entity exaggerated ideas appeared to be entertained, had really been. In the first place, there could be no doubt that its creation, the outcome of conquest, was purely artificial, and that only the personality of the conqueror Adama imposed a common law on countries having no physical unity. It should further be remembered that the vast area ruled by the Fulbe, whose chief resided at Yola in the beginning of the nineteenth century, rapidly fell into decadence and had no more than an ephemeral existence. The determination of the Anglo-German frontier between Nigeria and the Cameroons, which entailed the partition of Adamawa, set the seal upon its disappearance some fifty years ago.

Turning to the divergence of views on this frontier question as between the reports of the mandatory Powers, which had been mentioned, he thought that this was more apparent than real. Indeed, if reference were made to paragraph 29 (page 11) of the report of the Cameroons under British mandate, the statement would be found that more satisfactory lines of partition could have been devised had fuller information as to the political and social topography of the Cameroons been available when the mandates were in preparation, and that little or nothing would now be gained by radical alteration of the existing frontier. The report added that this frontier had been in force for nearly a generation, that, during this time, native policy and administrative organisation had been subject to a process of adaptation in the territory of each mandatory Power, and that, moreover, the new organs of local government had been conditioned by the political environment in which they had severally developed. The report concluded by stating that the disturbance which would be caused by territorial redistribution on any considerable scale would more than offset the theoretical advantages to be won from a closer adjustment of administrative to traditional boundaries.

M. REPIQUET had thought that Lord Hailey was only referring to the three lamidats mentioned in the French report, which were small cantons. To make a complete readjustment of the mandate as settled by the Act of 1922 would be to reopen a question a quarter of a century old. A whole generation had now been brought up under the new methods. The mandatory Power's policy in the zone under French mandate had been entirely contrary to that of the emirate. They no longer wanted those great native lords who were not in contact with the population and were less preoccupied with its needs than with their own interests, and who were surrounded by favourites. On the contrary, the mandatory Power relied on the lamidos and on the lauanes, who were assisted, not by favourites, but by agents appointed by the mandatory Power with their consent. These persons were in contact with the population, which could submit to them their grievances. In a large fertile valley like this one, it would be dangerous to go back on the provisions of the mandate.

M. VAN ASBECK had been much struck by the remarks of the accredited representative. There still remained some doubt, however, regarding this division of territories previously adjacent. What struck the reader of the British report was the statement that more satisfactory lines of partition might have been found if full information had been available regarding the political and social topography of the Cameroons on both sides of the frontier. It would therefore be extremely useful to have, to begin with, a memorandum on the political and social conditions of these populations which had belonged to the same political unit. He was thinking of reports such as those which the British Administration received from its agents, and no doubt the French Administration too. He asked whether the two Governments, acting in concert, could not prepare a full memorandum on the subject.

Lord HAILEY wished to make it clear that in making his suggestion he had had no idea of urging that the district in question should be assigned to the British mandate. He only had in mind a series of minor exchanges along the frontier; it might even be found advisable to assign Yola to the French mandate.

M. REPIQUET said that he had never suspected Lord Hailey of any such idea.

The CHAIRMAN observed that a question of some importance had been unexpectedly raised. He would point out that the various suggestions advanced by certain of its members did not commit the Commission itself. It was for the Commission to decide whether it should endorse any particular proposal and, possibly, submit it to the Council, in order that that body might, if it deemed expedient, refer the matter to the mandatory Powers concerned. So far, the Commission had expressed no opinion.

On the other hand, it must be remembered that it was the Commission's business to watch over the observance of the terms of the mandates by the mandatory Powers. Now the present frontier between those parts of the Cameroons that were respectively under French and British mandate, and which some thought to be defective, had been fixed in a Franco-British declaration which, having been annexed to the mandate instruments, must be regarded as forming an integral part of them. Both these instruments stipulated in Article 1 that the line of demarcation defined in the declaration might be "slightly" modified by agreement between the two Governments if any modification appeared desirable in the interests of the inhabitants or became necessary owing to the inaccuracy of the map available at that time.

It was only by adducing one or other of these reasons that the Commission might recommend a modification of the existing frontier. Even so, it should refrain from presenting suggestions involving anything more than a "slight" modification of the line of demarcation laid down in the declaration annexed to the mandates.

M. VAN ASBECK pointed out that this was a question which had a bearing on the welfare of the native populations, a matter which was one of the primary concerns of the mandate system.

M. RAPPARD would like the object of the Commission's future discussions to be made clear. No one had proposed the reconstitution of the emirates. The only suggestions which had been put forward appeared to concern minor adjustments. If such was really the case, the subject matter of the Commission's discussions would be very limited.

Lord HAILEY wished to make his position and that of M. van Asbeck quite clear. Both thought that it would be very useful for the Administrations of the two territories to undertake a study with a view to ascertaining what frontier modifications, whether large or small, would both enhance the welfare of the natives and improve administration. It was not only a question of considering what modifications could be made in regard to Yola, but of examining whether all along the frontier there were not cases in which exchanges of territory would be useful. It was therefore a task, not for a boundary commission, but for a commission of a political nature. If the two Administrations concerned agreed to carry out such a study and to make such exchanges, the consent of the Council of the League would surely be forthcoming.

M. VAN ASBECK added that, whatever the frontier might be, it would be a good thing to establish a system of regular consultations between the two Administrations, since they were, in fact, dealing with a single country and one same population, among which ancient loyalties subsisted.

The CHAIRMAN acknowledged that the objects to be pursued, as defined by Lord Hailey, were such as would, under the mandate, justify a modification of the frontier. If the considerations raised in the Commission proved well founded, the two Governments would no doubt be open to conviction. It was necessary, however, that the purpose in view should not be attainable only through a substantial modification of the frontier, the general course of which must be regarded as having been finally fixed by the Franco-British declaration.

IMPORTS AND EXPORTS : ECONOMIC EQUALITY

M. RAPPARD observed that French exports and imports had made a sudden jump from one year to the next, chiefly at the expense of Japan. Was this the result of a natural evolution or of the application of Customs policy ?

M. REPIQUET replied that, as stated in the report (page 79) : " French imports are on the increase in the case of nearly all products, particularly cement, coal, beverages, lubricating oils, iron and steel bars, earthenware, steam-engines and other motive machinery ". Later on, it was stated that railway traffic had increased. This was due to the transport of material for the aerodrome at Duala, and arose from the efforts made to equip the country. As regards Japan, the report contained the following surprising remark (page 83) : " It should be noted that Japan is not a customer for any commodity ". Japan was only a supplier of goods.

M. RAPPARD said that the change had been so sudden that it might be supposed to be due to administrative intervention, which might have raised questions connected with economic equality.

M. REPIQUET pointed out that, for public works, it was natural that the Administration should apply preferably to firms with which it was acquainted — *i.e.*, chiefly to those in the home country.

Mlle. DANNEVIG wished to know how the Japanese obtained payment for their imports, as they bought nothing. Did this lead to an outflow of foreign currency ?

M. REPIQUET replied that they were paid in cash.

Lord HAILEY asked that information should be given in next year's report as to the extent to which the granting to the Oubanghi company of exclusive rights for prospecting and working gold deposits would affect the principle of economic equality.

M. REPIQUET said that he would take note of this request.

ADMINISTRATIVE STAFF : KNOWLEDGE OF NATIVE DIALECTS

M. VAN ASBECK expressed his satisfaction at the introduction by Decree of December 8th, 1938, of a bonus for knowledge of the local native dialect. The Commission would be glad to find in the next report information on the effect of this decree in the Cameroons.

M. REPIQUET explained that this bonus had been introduced in all the colonies, but had already existed in the Cameroons for many years. It was not a bonus given once and for all, but an annual bonus. Moreover, many members of the Administration knew the dialect of their area, even without a bonus.

M. VAN ASBECK asked whether a knowledge of the native dialect was a condition of promotion.

M. REPIQUET replied that it certainly helped promotion.

PARTICIPATION OF THE NATIVES IN THE MANAGEMENT OF PUBLIC AFFAIRS : APPOINTMENT, SITUATION AND POWERS OF THE CHIEFS

M. VAN ASBECK noted (page 45 of the report) a fact which seemed to be a new one — namely, the organisation of periodical palavers in the urban and suburban area of Duala.

M. REPIQUET said that this institution went back to 1934. These palavers were attended, not only by the chiefs of tribal sections, but by the natives in general. Cinema films were displayed illustrating the palaver which had just taken place.

In reply to other questions by M. van Asbeck, M. Repiquet added that all the inhabitants were admitted to the palavers, even school-children. The palavers were usually organised by the Governor's delegate — *i.e.*, the Administrator. They dealt with subjects of up-to-date interest — for example, plans for the construction of canals or fountain milestones — and the natives were asked for their opinion. The natives were very enlightened and perfectly well realised the importance of these various questions.

M. VAN ASBECK referred to the enumeration (page 45) of the meetings to which natives were admitted. These meetings were of very different kinds. There were native representatives on the Administrative Council, the Chamber of Commerce, the Council of Notables and the customary assemblies of the village elders, which took part in the nomination of chiefs, etc. The mandatory Administration's endeavour to assign an appropriate share to the natives in the management of their political affairs deserved nothing but commendation. Considering their diversity, these meetings obviously concerned natives of very different classes.

M. REPIQUET said that this was so. Prominent native traders had seats in the Chamber of Commerce and played a very useful part there.

M. VAN ASBECK said that on page 46 of the report there was a very interesting account of the native command system : chiefs, sub-chiefs and councillors. The terms " auxiliaries " and " intermediaries " were used. It appeared from this account that the chiefs were really the assistants of the European Administration and that they had no responsibility of their own enabling them to take, with the help of their usual advisers, decisions which would afterwards be referred for scrutiny to the European Administration and revised by it. Their task seemed to be mainly, and perhaps solely, to give advice to the European Administration, which decided on its own responsibility.

M. REPIQUET explained that, in order to permit of close supervision of the native authorities, a whole hierarchy had been instituted. At the top there was the supreme chief, then came the chief of a group and, after him, the chief of a village. Supervision was exercised, not only *a posteriori*, but also preventively, and it was constant. He had no knowledge of exactions committed by the chiefs. This organisation was proving satisfactory. The chiefs were not Government officials ; they were an emanation of the native community. They were usually chosen from among the traditional families, but their appointment had to be endorsed by the councils of notables. They thus had chiefs who were in the line of tradition and were accepted by their subordinates. Personally, he had had valuable assistance from these chiefs, and had never had to take disciplinary action against any of them.

Lord HAILEY pointed out that, as the report showed, certain of these chiefs were not emanations of native custom, but were in reality former officials placed at the Administration's disposal for this specific purpose.

M. REPIQUET replied that they were officials who had been given duties of chief. This was a new departure. They were not chiefs who had become officials but officials who had become chiefs. They were the young sons of chiefs who had been to the Yaoundé Higher School. Having entered the Administration, they had been considered worthy to act as chiefs. The report contained the following passage (page 46) :

“ A Decree, dated February 4th, 1938, authorised the seconding of native agents of the Administration to act in posts of command. These officials retain their rights to pay and promotion, but are not entitled to any rebate of taxation (the normal method of remunerating these agents). This measure only applies to natives belonging to families customarily exercising posts of command and approved by the common councils. Three important chiefs were appointed in this way in 1938 with excellent results.”

The accredited representative had only learned of this innovation from the report itself. It was an experiment whose results must be awaited.

He added that, outside the Cameroons, there were numerous precedents for this institution. During the Second Empire, General Faidherbe had founded at St. Louis a school for the sons of chiefs which had become a nursery for the chiefs of French West Africa. It was apparently desired to do something similar in the Cameroons.

Lord HAILEY said that this was to some extent the beginning of a return to the system of “ appointed ” chiefs, as contrasted with the system of recognised chiefs.

M. REPIQUET said that it was true that they were appointed chiefs, but subject to the condition that this appointment was supported by those who would have made it in other circumstances. It was the same principle as that which had governed the institution created by General Faidherbe ; the chiefs were appointed by the authorities, but only after agreement with the traditional elements. It would be contrary to French colonial practice to impose them on the natives against their will. It should be added that the natives gave their consent without any sort of compulsion. Those who were proposed as chiefs to the councils of notables were the sons of those who had ruled them and were now dead ; under the old system, they would in any case have become their chiefs in due course. Their appointment did not mean the eviction of anyone else.

M. RAPPARD said that a similar discussion had taken place with regard to Togoland under British mandate.¹ The occasion of that debate had been the deposition of chiefs. A choice had to be made between the republican system and the monarchic system. It was natural enough that a chief, if he had not a tradition behind him, and if he was entrusted by the Administration with tasks which were not likely to earn him the gratitude or the goodwill of his subordinates, should gradually lose his authority, even if he had at first been accepted with enthusiasm by the notables. In these circumstances, M. Rappard asked whether there was any arrangement for changing the chiefs thus appointed ; in other words, whether they were officials or chiefs properly so called.

M. REPIQUET explained that if the chief thus appointed made mistakes, or even if he had completely displeased the population and no longer possessed its confidence, he returned to the Administration if he was an official, and, if he was not an official, he was degraded. The present system was the less dangerous, inasmuch as the supervision of which he had been speaking was, if not close, for that would mean narrow domination, at any rate very alert. The young men in question had to be closely watched and the Administrator certainly did so.

M. VAN ASBECK said that two questions were involved : (1) Who appointed the chief ? (2) Once the chief had been appointed, what were his powers ?

As regards the appointment of the chief, the population concerned was consulted, so that the link which should exist between the chief and the administered population was recognised. According to the accredited representative, a chief who had lost the confidence of his subjects would be degraded, but all that threw no light on the question of his powers. The chief thus appointed might be considered either as being first and foremost an agent of the mandatory Power — *i.e.*, an “ auxiliary ” — or as an organ of the native community. His powers might differ according to whether he was the executor of the orders of the European Administration or the leader of his people, acting on his own responsibility, whilst remaining subject to a varying measure of supervision by the said Administration. He understood that the chiefs in question were first and foremost auxiliaries of the European Administration, intermediaries between the latter and the native population, and their task chiefly consisted in helping the European Administration in its decisions and not in taking, on their own responsibility, decisions which might later be revised or rejected by that Administration.

¹ See page 88.

So far as the value of the system in force was concerned, the question of native command could be considered from two different angles. They were all convinced that the system as at present applied gave satisfaction to the Administration and the native populations. But it was much more important to know what were the future prospects offered by this system? Could they go on for an indefinite time without changing anything in this system of auxiliary chiefs? Was there any possibility of making progress towards the system contemplated under Article 22 of the Covenant, under which these populations would, in the end, be able to govern themselves? All those who had experience of colonial life knew that responsibility was learned by exercising it. He therefore asked whether these auxiliary chiefs might in time become responsible chiefs as an intermediate stage in this evolution envisaged by the Covenant. He did not wish to criticise the present system, particularly as in the Netherlands East Indies there was at present an acute controversy regarding the transition between the stage of auxiliary chiefs and that of responsible chiefs.

M. REPIQUET said that they were not auxiliary chiefs but chiefs properly so called. The young men in question were the sons of chiefs. They would probably have become chiefs, even if they had not been appointed by the Administration. They were fulfilling the duties of chiefs with the responsibilities which this involved but with the additional advantage that their studies would have enlightened them as to their future responsibilities. This was certainly a good method of making the natives understand the rules of native administration. It was through such examples that the people would be taught to govern themselves. He added that these populations were intelligent and would certainly come to understand how they should conduct their own affairs. The present experiment would be judged by its results. It was, moreover, stated in the report on the same page that the Administration was proceeding "with all the necessary prudence".

M. VAN ASBECK pointed out that, when referring to the chiefs and to the powers they exercised, he was not thinking of the young men to whom the accredited representative had just alluded, but to the body of chiefs as a whole and to the general position they occupied in the machinery of Government.

ELEVENTH MEETING

Held on Monday, December 18th, 1939, at 3.30 p.m.

Cameroons under French Mandate : Examination of the Annual Report for 1938 (continuation)

M. Repiquet came to the table of the Commission.

NATIVE ADMINISTRATION : POWERS OF THE CHIEFS (continuation)

M. VAN ASBECK noted (page 46 of the report) that, in the south and south-eastern districts, the local administration had adopted the formula of a two-grade organisation by abolishing the upper grade of chiefdom. Would that policy not have certain disadvantages in places like Yaundé, for instance, where there was no longer any native advisory body?

M. REPIQUET explained that the upper grade of chiefdom was not part of the native tradition, but had been instituted by the Germans. Its abolition had been very well received by the natives. In any case, it was not the post of the upper chief of Yaundé which had been abolished, but that of the upper chief of Saa, which came under the subdivision of Yaundé.

M. VAN ASBECK had the impression, on reading pages 127 and 47 of the report; that the reform of native administration had not been as far-reaching as might have been thought from previous reports. From these, it had appeared that the Administration had lessened the prestige and authority of the Lamido, who was a Moslem chief traditionally religious and political, by taking away his political powers. Was the Administration now satisfied with the results achieved in this matter?

M. REPIQUET replied that the lamidos were, in fact, at present mainly political chiefs, although they were also religious chiefs in virtue of the Koran. In the north of the Cameroons, for instance, the mandatory Administration had no other chiefs but the lamidos.

In reply to an observation by M. van Asbeck based on an account given on page 48 of the report for 1937, M. Repiquet explained that the position of the lamidos had not been modified by the appointment of chiefs of laouanats. By attaching these second-class chiefs to the lamidos, the latter's authority and the efficiency of the Administration had been strengthened, particularly in connection with the collection of taxes.

M. VAN ASBECK said that the Commission would follow with the greatest interest the evolution of the system of native command in the north of the Cameroons, where the population was of mixed race.

PUBLIC FINANCE : TAXATION : NATIVE PROVIDENT SOCIETIES : AGRICULTURAL CREDITS

M. RAPPARD thanked the mandatory Power for having on this occasion furnished a very clear statement. The year 1937, to which the analysis given in the report referred (pages 13 *et seq.*), had been particularly favourable, and a considerable surplus of receipts had been noted in the budgetary accounts.

He would like to know what was meant by "the contribution of the autonomous colonies to the upkeep expenses of the Agence économique" (247,000 francs) mentioned on page 15 of the report. How was it that the contribution in question figures among the receipts?

M. GIRAUD explained that the Agence économique, which had its headquarters in Paris, acted, not only for the Cameroons, but also for what was known as the "autonomous" colonies. In order to simplify financing arrangements, the whole of the expenditure concerned was charged to the budget of the Cameroons, which was credited in return with a contribution from the colonies concerned, the amount of which was naturally entered on the revenue side of the budget under the heading "amounts paid in under revenue orders".

M. RAPPARD had the impression that, in this respect, the Cameroons were made to play a part which was not theirs, and which might, on some future occasion, expose them to losses.

He noted on page 16 of the report that there was an excess of 239,538.88 francs under the heading of debts due — *i.e.*, service on the territory's loans. As such expenditure could be exactly foretold, the excess in question was difficult to understand.

M. REPIQUET supposed that it arose from the fact that repayments had been made in advance.

M. RAPPARD drew the accredited representative's attention to the table on page 19 of the report headed "Allocation of Expenses". It contained a mistake in adding (across the page) in the figures for debts due. Further, it was not easy to understand what "mixed" expenses meant in respect of staff (Chapter XIII).

M. REPIQUET said he would ask for explanations on those two points.

Lord HAILEY hoped that, in future reports, the various subsidies and contributions paid to institutions in the home country might be grouped together, so that an idea could be obtained of their total amount.

He recalled that, in the previous year,¹ he had asked under what item of the budget details were given of the credit of over 4½ million francs said to have been allocated to the provident, loan and mutual aid societies. No answer to that question appeared in the present report, and, on examining the territory's budget, he could find no trace of an amount of over 700,000 francs granted under that head. On the contrary, on page 71 of the report, mention was made of a considerable advance — nearly three millions — to the Crédit agricole. It appeared that the Crédit agricole was an institution mainly benefiting the European planters, of whom one of the annual reports said that they were by no means prompt at repaying the loans which had been granted to them.

M. REPIQUET said that he would ask for explanations on the points raised by Lord Hailey.

He explained that the Crédit agricole enjoyed a better position in the Cameroons than in the other territories or colonies, and that its loans were not in the nature of sunk capital. Although it was sometimes hard to extract money from them, the settlers did repay the sums advanced to them and it was particularly advisable to see, during the prosperous years, that they met their obligations. The settlers in the Cameroons were an honour to the mandatory Power, for their plantations were admirable.

With regard to the native provident societies, these were extremely prosperous, the natives being well aware of the advantage of forming groups. Their contributions were paid into a fund managed under the supervision of the Administration and used for the purchase of seeds and equipment for pressing, shelling, etc., and even for the building of small factories for dealing with coffee and oils. The native provident societies had been the source of considerable material progress.

Lord HAILEY, who had seen the work done by these societies on the spot, declared that it was excellent. But their prosperity was to be explained mainly by the fact that the natives paid compulsory subscriptions to them, this practically amounting to an additional tax. He suggested that the advances granted by the territory should go to those societies, rather than to the settlers, who made such difficulties about repaying them.

¹ See Minutes of the Thirty-fifth Session of the Commission, page 116.

M. REPIQUET personally shared Lord Hailey's opinion about the favourable treatment which should be given to the provident societies. He wished, however, to point out that the loans granted to the European settlers would certainly be repaid. Should the settlers not fulfil their obligations, which indeed ought to be regarded as obligations of honour, their property could be seized. Such a measure was only applied, however, as seldom as possible, so as to avoid interrupting the work on a plantation and thus throwing native workers out of employment.

M. GIRAUD, referring to the remark that the planters frequently did not repay the loans of the Crédit agricole, recalled that, in the previous year¹, he had drawn attention to the proportion of bills subscribed by settlers in receipt of loans which had remained unpaid at maturity. Thus, one-third of the amount of these bills was still unredeemed; this meant, therefore, that two-thirds had been paid. The proportion had, it was true, fallen to half in 1938 (page 71 of the report). He imagined that the Administration would certainly take measures to remedy this state of affairs.

Lord HAILEY, referring to page 17, said he did not see any apparent difference between the character of the so-called "extraordinary" expenditure and that of the ordinary expenditure. That being so, what advantage was there in maintaining an extraordinary budget? If the items were analysed, they would be seen to contain nothing which was different in nature from the item in the ordinary budget, nor was the source from which the expenditure was met different. It was met from annual surpluses on the ordinary budget, nominally credited to a reserve fund.

M. REPIQUET explained that the purpose of the reserve fund was to ensure at the beginning of the year the necessary means for the Treasury to pay for extraordinary measures necessitated by public disasters, and to enable certain expenses other than current expenses to be entered in the budget. In reality, such expenses were called "extraordinary", not on account of their own character, but because of the origin of the receipts which enabled them to be met.

M. GIRAUD further explained that, in French colonial terminology, *dépenses extraordinaires*, as distinct from *dépenses ordinaires*, meant expenditure which could be undertaken when exceptional resources were available. "Extraordinary revenue" and "extraordinary expenditure" did not, moreover, form a separate budget, but merely a special section of the ordinary budget.

M. REPIQUET agreed that the extraordinary expenses mentioned in the report would not have been undertaken had there not been assets in the reserve fund due to budgetary surpluses. The estimates of expenses in the budget were based on a normal situation. If, in any particular year, there was exceptional prosperity, a surplus was found and subsequently used for extraordinary expenses, in accordance with the system described.

M. VAN ASBECK asked why the native personal tax established by the Decree of November 18th, 1937 (page 157 of the report), was degressive.

M. RAPPARD pointed out that this degressive rate was explained by the fact that the native personal tax, which was intended to take the place of the poll tax, had to a certain extent retained the characteristics of the latter.

M. REPIQUET, in reply to a question by Lord Hailey, said that there had been an income tax since the end of 1937 and that even before that date — *i.e.*, since 1935 — officials had paid "exceptional" tax under this heading.

M. GIRAUD pointed out that the table of subsidies paid to institutions in the home country which used to be given in the report did not appear in that for 1938, although a request that it should be given again had been made in the previous year.

M. REPIQUET noted that the table should be given in future.

TAXATION AND SITUATION OF WOMEN

Mlle. DANNEVIG drew attention to the passage on page 88 of the report, where it was stated that a woman was a perpetual minor in the eyes of native custom; and yet, in the Cameroons under French mandate, as in no other mandated territory, women paid taxation like the men. In what conditions were they obliged to do so, and had they any difficulty in meeting their obligations in that respect? It was, of course, quite possible that they preferred to be obliged to pay a tax, as that raised their social position. Was the tax paid by the women themselves intended to take the place of the tax on polygamy which was usual elsewhere?

¹ See Minutes of the Thirty-fifth session of the Commission, page 122.

M. REPIQUET explained that a native woman in the Cameroons, who was rated as a "minor" by native custom, was, in fact, a "major" in the true sense of that term, which meant to say that she was free to act as she pleased and was mistress in her own home. She exercised very great influence in the family, and even over her husband; nothing was done without her being consulted. There were districts where the woman provided, out of her earnings, first her own food and that of her children, and then fed her husband if any food was left. It could be said that, in general, women in the Cameroons were perfectly well able to pay the tax, and that the obligation to do so gave them a certain importance *vis-à-vis* the Administration, and even *vis-à-vis* their husbands.

ECONOMIC SITUATION : IMPORTS AND EXPORTS : NATIVE PROVIDENT SOCIETIES (*continuation*) :
AGRICULTURE AND CATTLE-BREEDING

M. GIRAUD said that the year 1938 in the Cameroons under French mandate had been marked, from the economic point of view, by results which were less favourable in general than those noted in 1937; it appeared, however, to have been satisfactory.

The native production of food had been good on the whole, in spite of certain fears of scarcity at the beginning of the year in the northern part of the territory. As regards export products, while the tonnage of oleaginous products and wood had been definitely lower than in the previous year (the decrease was about 20%), the statistics for the majority of other articles, on the contrary, in particular cocoa, coffee, rubber, bananas, tobacco and maize, showed an increase. The main export product — cocoa — had gone up by 17%, and coffee, which, in value, now occupied third place in the exit traffic, showed a rise of 65%.

The producers of cocoa, oleaginous products and bananas had unfortunately suffered from the fall in the prices of those products. The extent of the decrease in purchasing power suffered by the territory as a result of that fall could be measured by the fact that, if cocoa, for instance, had stayed at the same price as in 1937, the value of the amounts exported in 1938 would have been 33,000,000 francs more than what it actually had been.

Mining activities had been marked by an increase in the output of gold and a decrease in that of tin.

Movements in external trade had been influenced both by the fall in the price of local products and by the rise in that of imported articles resulting from the depreciation of the franc. Both phenomena having an effect on the import trade, the decline in the latter was definitely more marked than that in the export trade, the decrease being 16% for the former and 5% for the latter. In order to appreciate those figures properly, it should be noted that the external trade of the territory had risen in 1937 to a level never before attained. In spite of the fall, imports in 1938 remained 34% greater in weight than the average of the five previous years, and the exports themselves were 20% above that average.

France occupied the first place among the countries exporting to the territory, its share in the latter's imports being twice as great as that of the previous year (26.6% as compared with 13.4%); Japan, which had occupied the first place, passed to the second. As far as exports from the territory were concerned, France still held the first place and the Netherlands the second.

If other branches of economic activity were studied, it would be found that the tonnage handled in the ports showed a decrease of 12%; railway traffic had remained on approximately the same level as far as goods were concerned, and had fallen by 6% in respect of passengers; finally, while postal traffic and internal telegraphic traffic had shown a slight rise, international telegraphic traffic had fallen by 27%.

That short summary was enough to show that the year 1938 had doubtless been characterised by a certain slowing-up of commercial activity — which was, however, only relative — but that, at the same time, in the sphere of agricultural production and mining, it had been marked by a continuity of effort resulting, in the case of many important products, in a considerable increase of tonnage.

Having pointed out a clerical error in the figures given on pages 66 and 68 of the report for banana exports, M. Giraud asked in what proportions, approximately, the exportation of groundnuts was divided between the northern route (Benue) and the southern route (Duala and Kribi ports).

M. REPIQUET replied that, in normal times, half of these exports went through each of the two channels. The cultivation of groundnuts in the south was less extensive, but in the north production was reduced by locusts and drought.

M. GIRAUD asked whether it would not be possible that the chapter on stock-breeding should, in future, contain a small table giving the number of heads of cattle by area. This would be of some interest, since, in the Cameroons, stock-breeding was an important source of wealth.

He also drew attention to the fact that, on the subject of the native provident societies, the report contained nothing but a table (page 70) of revenue and expenditure without comment. Would it not be possible to have every year, in addition to this, some indications of the achievements of these societies, in which the Commission was particularly interested, as it had emphasised in its observations to the Council.¹

¹ See Minutes of the Thirty-third Session of the Commission, page 176.

M. REPIQUET replied that, apart from the achievements to which he had already referred, the provident societies had done much to assist stock-breeding, particularly through the improvement of strains. An especially fortunate innovation had been the introduction into the territory of Montbéliard bulls, which had been crossed with Cameroons zebus with excellent results. Montbéliard bulls and cows had also been brought to the Cameroons in sufficient numbers for them to breed among themselves.

M. GIRAUD noted that from the table on page 70 some of the provident societies had very little funds indeed. This was true of the Bumba-N'Goko Society, the expenditure of which, for the year 1938, had barely exceeded 30,000 francs; it might further be observed that this society had been divided into two sections, one of which, that of Molundu, had expended 6,378.10 francs in 1938. It might fairly be asked what useful work could possibly be accomplished with such sums.

M. REPIQUET explained that the Molundu section of the society operated in an area inhabited mainly by fishermen. The Yokaduma section operated in an area where the sole occupation of the natives was gathering latex in the forest. Both the Molundu and Yokaduma areas were very sparsely populated by rather backward natives, whom it was difficult to organise in provident societies.

M. GIRAUD said that a scrutiny of the table suggested that certain societies had more money than they could use. The Nyong and Sanaga Society, for instance, had only laid out three-fifths of its funds, while that of Mandara had not used more than half and that of Lagone barely more than a third. In these circumstances, one was led to wonder whether the rate of contribution was not too high in the areas concerned.

M. REPIQUET explained that those societies aimed at building up reserves with a view to the introduction of new crops.

M. GIRAUD noted (page 70) that not all the co-operatives had been replaced by provident societies.

M. REPIQUET explained that the co-operatives mentioned on page 70 of the report were really production and sales co-operatives managed by the natives under the supervision of the Administration, which also supplied them with agricultural engineers and organisers. The plantations belonging to these co-operatives were magnificent and were subdivided into plots, each belonging to a separate owner. The change from co-operative societies to provident societies was really nothing more than a change of name.

Lord HAILEY nevertheless understood that the provident societies differed from the co-operative societies by the fact that, in the former, the subscription was compulsory, whereas, in the latter, it was not.

In reply to a number of questions put to him by M. Giraud, M. REPIQUET stated that the proposed postal savings bank under consideration since 1934 had at last been set up. The air post (page 58 of the report) was little used, because most of the mail was brought by road from Fort Lamy.

As regards the development of foreign outlets for the marketing of products such as cocoa and bananas, with which the saturation point might be said to have been reached on the French market, it was obvious that, in present circumstances, cocoa could scarcely be disposed of on the German market. On the other hand, though Germany no longer bought bananas from the Cameroons, their sale might probably be increased in Northern and Eastern France, where the "Gros Michel" variety was particularly appreciated.

JUDICIAL ORGANISATION : PRISONS

M. VAN ASBECK noted (page 42 of the report) that the number of criminal matters brought before the courts of first instance had shown a clear increase during the year 1937/38. There had, on the other hand, been a marked falling-off in the number of civil cases.

What was the explanation?

M. REPIQUET believed that criminal offences were no more numerous than formerly, but that, as penetration proceeded, they were more easily detected.

M. VAN ASBECK drew M. Repiquet's attention to the high mortality and morbidity rates in the prisons at Logone and Mandara. Were not such high death and morbidity rates perhaps the inevitable outcome of the prison system in those areas and might it not perhaps be better to substitute labour camps. It would be remembered what Dr. van Hoof's opinion on the same question in Ruanda-Urundi had been.¹

¹ See pages 61-62.

M. REPIQUET agreed, while emphasising that the convicts worked in the open all day and passed only the night in the prison buildings. The prisons at Logone and Mandara were very well equipped and the high death rate was inexplicable. M. Repiquet was inclined to attribute it to the fact that the people of Logone and Mandara were accustomed to roam over a wide area and thus felt the loss of liberty more keenly than others.

In reply to a remark of Lord Hailey's, he explained that though, legally, offences against the Native Code (*indigenat*) were punishable by the administrative authorities with a penalty of imprisonment not exceeding fifteen days, that maximum had in fact been reduced to five days by a circular of the Governor.

Lord HAILEY asked that the next report should contain a list of the cases in which exemption from the operation of the Native Code had been granted; such exemptions were important, as educated or advanced natives naturally attached great value to the privilege of exemption.

M. GIRAUD said that it would also be desirable, in the next report, to have the present list of the special offences covered by the Native Code. The tendency was gradually to reduce the number of offences, and the Commission could thus gain a clear idea of the scope of application of the system.

Mlle. DANNEVIG presumed that the convictions in respect of marriages of immature girls were the result of the new legislative measures introduced in the Cameroons. She considered these a great step forward and asked that the next report should contain particulars of the results obtained through their application.

MATERIAL, SOCIAL AND MORAL CONDITION OF THE NATIVES : PARTICIPATION OF THE NATIVES
IN THE MANAGEMENT OF PUBLIC AFFAIRS (*continuation*) : SITUATION OF WOMEN
(*continuation*)

COUNT DE PENHA GARCIA was glad to see that the material prosperity of the natives had not spoiled the relations between them and the whites and that cadres were gradually being formed among the natives.

M. REPIQUET pointed out in that connection that most of the well-to-do natives had been converted to Christianity and their relations with the other elements of the population were governed by the principles of their religion.

COUNT DE PENHA GARCIA noted (page 45 of the report) that the mandatory Power was taking steps to increase the participation of the natives in the management of the territory's affairs, which was one of its essential tasks. Pages 46 and 47 of the report gave certain details concerning the reform of the native command. A decree had also been issued on February 4th, 1938 (page 167 of the report), providing that the members of the local native cadres could, in exceptional cases, be specially employed within the territory: (1) in the public services; (2) in the exercise of the native command. Was it anticipated that, after the reform of the native command, it would be as easy to recruit those minor officials as it had been previously?

M. REPIQUET replied that the experiment was in progress and it was too soon to express any opinion on those measures.

COUNT DE PENHA GARCIA would be glad to find in the next report particulars of the results obtained in that connection.

After noting that the *negrillos* in the Cameroons were being tamed — a most remarkable phenomenon which had not occurred anywhere else — he drew the accredited representative's attention to the suspension of the grant of new agricultural concessions and of the right to cut down trees referred to on page 93 of the report.

M. REPIQUET said that this suspension would be maintained for some time to come. It was desired to limit the number of rural concessions so that, once they had been established, the land should not lie fallow for lack of labour. The native peasants in the Cameroons were very advanced and the blacks possessed plantations of a kind that was nowhere else to be seen.

Mlle. DANNEVIG had been very much struck by the enlightened state of the natives and wished to know whether it was uniform throughout the territory.

M. REPIQUET replied that the black peasants were all enlightened in the southern part of the territory, but that in the north, where the population was of a nomadic character, Islamic traditions tended to retard their progress.

Mlle. DANNEVIG asked whether wives could inherit from their husbands, or whether the whole of the latter's property after his death went to his nearest relative.

M. REPIQUET explained that as a rule the widow returned to her own family; her property consisted of the dowry paid to her family at the time of her marriage, which was restored to

her; the husband's property went to the children. It was, however, becoming more and more usual for a woman when left a widow to remain in her home. Polygamy was dying out under the influence of Christianity. The Cameroons had made greater progress in that connection than any other African territory.

Mlle. DANNEVIG observed that the new law which had reduced or abolished the dowry might be said to be either bad or good according as the matter was viewed from the standpoint of the girl's parents or of the girl herself, who would consider the maximum fixed too low, especially after the devaluation of the French franc, or, on the other hand, from the standpoint of the young men, who would find it very difficult to get together enough money to marry on. In certain districts, the native chiefs had taken the initiative of abolishing the dowry. That abolition seemed to be a step forward; she would be glad to have some fuller information on the matter.

M. REPIQUET said that he was himself responsible for the reduction of the dowry, the high cost of which was to the advantage of rich old men. He had been pleased to hear that the Chief of the N'Gumba, an advanced district, had abolished the dowry.

Mlle. DANNEVIG understood that the reduction of the dowry was a good thing, although the dowry had hitherto served as a sanction of the marriage and the wife might take the reduction of the amount to mean that she was held in less esteem. However, it would be regrettable if that measure led to an increase in the number of divorces, as the statistics appeared to show was the case.

TWELFTH MEETING

Held on Tuesday, December 19th, 1939, at 10.30 a.m.

Cameroons under French Mandate: Examination of the Annual Report for 1938 (continuation).

M. Repiquet came to the table of the Commission.

SOCIAL CONDITION OF THE NATIVES (*continuation*): REGISTRATION OF MARRIAGES IN THE CIVIL STATUS RECORDS: POLYGAMY: SUPPRESSION AND PUNISHMENT OF VAGRANCY

Lord HAILEY said that a somewhat curious attitude towards native social customs was revealed by the following passage on pages 90 and 91 of the report:

“ In the course of the year 1938, an experiment was tried in the Nyong and Sanaga region, with a view to ensuring closer supervision by officials over native civil register centres. In regard, more particularly, to the registration of marriages, and in order to overcome certain disadvantages of the earlier system, the heads of subdivisions, both at their headquarters and during their tours, ‘affirm’ those marriages. A plan of reform is being studied.”

Did that imply that, if a native marriage was not “affirmed” in that way, it was not recognised as legal? For instance, was it a fact that a Moslem marriage duly celebrated according to the Koranic law would not be recognised as legal unless it had been thus “affirmed”? The question was important from several standpoints. It appeared, for example, that, according to the regulations of 1938 concerning compulsory labour, a native who took his wife with him could not obtain subsistence for her if his marriage had not been registered in the civil status (*état-civil*) records. Why had such a measure been thought necessary?

M. REPIQUET explained that, here again, it was a case of supervision exercised by the civil status registrars and, in a general way, by officials. Frequently, the natives hesitated to make the long journey to the Residency in order to have their marriage registered. The marriage was therefore celebrated on the spot. Officials, during their tours, recorded the fact that the marriage had taken place. The marriage was, of course, valid, but it was advisable that it should be “affirmed” or recorded by an official agent.

Civil status centres had become very numerous, whereas formerly they existed only at the chief place in each subdivision. It was in order to encourage marriages that chiefs had been made to keep civil status registers and, on their journeys, the officials satisfied themselves that marriages had been regularly contracted in the presence of the chiefs. Not all chiefs, however, were civil status registrars; only a few of them had been selected to fill that office. As they lived in the midst of the people, they knew the persons whom they were uniting in marriage. Their registers were generally fairly well kept.

Lord HAILEY asked whether monogamous marriages were the only ones recognised under the civil status procedure.

M. REPIQUET replied that they were.

Lord HAILEY inferred that, according to that legal conception, the children of a polygamous Moslem marriage were illegitimate.

M. REPIQUET explained that they could not be said to be illegitimate, except from the standpoint of the new administrative organisation, but that was by no means absolute. The mandatory Power desired that the whole native population should reach the same stage as the population of North Africa and that polygamy should disappear, but that could not be achieved in a day. The northern populations, who did not comply with the rules concerning registration, continued to live as in the past, and the Islamic rules would, of course, be applied to them. The general object was to bring the natives to the stage at which they could administer themselves, and, for that purpose, an attempt was made to accustom them to certain rules. They were free to follow them or not. The courts judged, not according to French law, but according to native custom, as modified by French law.

Lord HAILEY pointed out that the mandatory Power was nevertheless imposing certain disabilities on part of the population by the introduction of such a system. He had already pointed out one such disability. It would be found that there was a similar disability in regard to the full registration of land. Lord Hailey wondered what his Indian Moslem friends would think if they were told that the Indian State might some day cease to recognise polygamous marriages.

M. REPIQUET said he had been misunderstood. The natives were simply being offered a form of organisation. Those who wished to do so could make use of it. France, too, was the protectress and guardian of Moslem populations in all her colonies, and she had never repudiated polygamy, which was tolerated by the Koran. Questions of marriage were settled according to Moslem law. What the French, as a civilised people, desired was the ultimate abolition of polygamy. They also wished to emancipate women, and that method had been devised and placed at the disposal of those who might wish to make use of it. That in no way implied any condemnation of those who wished to follow some other system.

Here, as elsewhere, the facts must be taken into account. In that respect, the French Administration was absolutely liberal. The Administration would not condemn a custom which was, indeed, gradually disappearing. It did not intend to compel the people to abandon their customs abruptly. In short, the rule was an administrative and not a legal one.

Lord HAILEY enquired whether that same question of registration had not at one time been the cause of serious disturbances in Algeria.

M. REPIQUET said he was not aware of the fact. The situation was the same in Algeria. Those who wished to have their marriage registered could do so, and he did not think any difficulties had arisen in that connection. He repeated that registration was not compulsory, but optional. Contrary to what occurred in France itself, no inhabitant of the Cameroons was obliged to appear before the civil register authority. Furthermore, no penalties were inflicted on those who did not do so.

M. RAPPARD remarked that those who did not register were deprived of certain advantages.

M. REPIQUET said that they were deprived of the advantages of registration in the civil status records, such as proof of identity, a knowledge of their exact age, etc.

M. RAPPARD said that there were other advantages. Article 8 of the Decree of December 26th, 1938, regulating compulsory public work in the Cameroons (page 203 of the report), said :

“ A married worker may be accompanied by his wife, if the period for which he is called upon is not less than six months. The exercise of this right is, however, subject to the registration of the marriage in the civil status records.”

Hence, if a worker had not had his marriage registered, he was deprived of the benefits to which he would otherwise have been entitled.

M. REPIQUET said he thought the authorities had merely wished to satisfy themselves that the woman concerned was really the wife of the worker and not a concubine. They wished to prevent the worker from evading the rule by taking with him a woman at random and making her work with him.

He was sure in any case that the object in view was, in the interest of the woman, to settle her position in such a way that she should no longer be a perpetual minor, and should give her free consent to the marriage. One means of doing this was to bring her before the registrar and ask her whether she consented to the marriage. The only object of the decree in question was to raise women to a level where they were something more than slaves or chattels. It was a means of emancipation that the French law offered them.

In his opinion, the new measure was a good one, and it was to prevent or punish possible abuses by the chiefs who carried out the registration that officials went to check the registers.

Lord HAILEY referred again to the difficulty of registering land by persons who had not recorded themselves in the civil status register.

M. RAPPARD said that, for the native, it would seem that it came to this : he must choose between having more than one wife and his land.

Lord HAILEY added that, as the child of a woman who was not the first wife and had not therefore been recognised as a wife by the law was illegitimate, so far as the civil status records were concerned, such a child would no doubt be debarred from inheriting from its father.

M. REPIQUET said that he could not answer such complex questions offhand. The attention of the authorities should be drawn to those matters, and they should be asked for supplementary information. Personally, he would quite approve the omission of the last sentence of Article 8 of the decree in question.

Lord HAILEY drew attention, in connection with the social conditions of the natives, to the passage on page 88 of the report, where reference was made to the "measures taken for effectively preventing the desertion of villages by ruthlessly sending back any individual found without employment, and without the documents required under the regulations, in any district other than the one to which he originally belonged". Did that mean that, in the French Cameroons, the system of residence permits or travel permits was in force, as in some other parts of Africa ?

M. REPIQUET replied that the object was the prohibition of vagrancy. He did not know whether the system of travel cards had been introduced.

Lord HAILEY said he assumed that the system of the medical booklet was in force in districts affected by sleeping-sickness.

M. REPIQUET said that passes were, in fact, granted under the supervision of the medical authorities. Furthermore, during an epidemic, the whites themselves were bound to report to a local medical officer on their arrival in a town.

Lord HAILEY noted that, according to the statement made by the accredited representative, the only object of the practice mentioned on page 88 was to prevent and punish vagrancy. The authorities seemed to have succeeded in that direction, for the report mentioned few convictions for that offence.

M. REPIQUET explained that the mandatory Power desired that the native should acquire a personality, whilst remaining as far as possible in his own ethnical environment. Those who left that environment disorganised their tribe without advantage to anyone. They went to the ports, where they constituted a miserable proletariat. Such a situation served the purposes only of fomenters of disorder. The happiness of the natives depended on their being kept in their ethnical environment.

Mlle. DANNEVIG, reverting to the question of the registration of marriages in the civil status records, said she could understand an effort to emancipate women by favouring the first wife, but then would not the legitimate interests of the other wives be sacrificed ? In regard to the Islamised populations, she doubted whether they could be led to abandon the Moslem polygamic system solely as a result of the pressure exerted by the registration system.

Furthermore, what would be the position of the children of women who were not recognised as legitimate wives ?

M. REPIQUET repeated that the new organisation for registration was in no sense compulsory. It was quite certain that all the Islamic part of the population escaped its effects, and that, so far as they were concerned, the question was settled according to Moslem law. If any difficulty arose, even from the point of view of civil status, it was settled by the Moslem customary courts which existed in the north of the territory.

Mlle. DANNEVIG asked whether the measures taken against vagrancy were not mostly intended to remedy the shortage of labour.

M. REPIQUET replied in the negative.

The CHAIRMAN considered that the question raised by Lord Hailey was of some importance. After reflecting on what the motives of the French Administration were likely to be, the Chairman thought that the optional registration of marriages among natives was probably designed to develop the personality of the individual native and, by conferring a civil status upon him, to enable him to emerge from the mass.

As the accredited representative pointed out, it was a means of emancipation made available to the native. Those who took advantage of it would become "persons at law", and would thereby take the first of a series of steps along the road which would ultimately lead to full citizenship.

Such a view as to the lines along which the progress of the native of tropical Africa should be directed might not be universally accepted; in such a matter, however, opinions might differ, and this particular conception did not appear to be open to criticism if judged in the light of the provisions of the mandate and of the duties of guardianship over the natives that had been assumed by the mandatory Powers.

But, as Lord Hailey and M. Rappard pointed out, the registration of marriages by the public registrars entailed advantages for the natives who made use of these facilities. Its effect would therefore be to create a privileged class, access to which would necessarily be closed to part of the population — namely, the Moslems. This consideration militated against the system, unless provision were made for the simultaneous existence in the territory of two separate personal statuses, one accessible to Moslems, and the other accessible to non-Moslems, and entailing the same advantages irrespective of creed.

However that might be, it appeared desirable, having regard to the exchange of views that had taken place on the question, that the mandatory Administration should, in its next report, furnish information acquainting the Commission with the scope of the experiments attempted in certain areas in 1938, and with its plans in regard to the possible introduction of all-round measures of marriage registration.

M. REPIQUET said that the Chairman had certainly interpreted the mandatory Power's intentions correctly.

The CHAIRMAN added that he knew other colonies where the natives obtained, on certain conditions, a semi-European status closely resembling that under discussion, but that these were generally "detrified" natives who had some education or, having followed an occupation which ensured their personal independence, had reached a comparatively high standard of development. In the present case, the advantages were available to individuals belonging to the mass of natives.

M. REPIQUET said that the natives came forward spontaneously to register.

Education had been an important factor in the development of the natives, but this development was chiefly a result of the influence of Christianity and of the missions. What was desired was to arrive at the abolition of polygamy in that part of the world.

M. VAN ASBECK referred to the table on page 91 of the report relating to "native civil status", in which seventeen districts were shown as having civil status centres. Did this mean that, apart from those of Nyong and Sanaga, there were other civil status registers kept by native chiefs or officials and supervised by the European authority?

M. REPIQUET replied in the affirmative: In some districts, there had been very few registrations — for instance, in Chari, four marriages and four deaths — but those were Moslem populations.

M. VAN ASBECK noted that the accredited representative had stressed the optional character of the registration of native civil status certificates. That being so, he wondered what meaning should be attached to the provision of the Order of February 9th, 1938 (page 199 of the report), which stated that "the registration of native civil status certificates is hereby made obligatory in the centres of Bakong and Tongo".

M. REPIQUET pointed out that it was the registration of a civil status certificate that was compulsory, but not the certificate itself. In other words, appearance before the civil status registrar was not compulsory, but, if there had been an appearance, the certificate must be registered. There was, moreover, no charge for registration.

M. VAN ASBECK asked whether, apart from the native civil status registration, there was any procedure for recording a Moslem marriage.

M. REPIQUET replied that as a rule in Moslem countries the *cadis* kept registers, but there were no legal provisions concerning them.

EMPLOYMENT OF WOMEN AND CHILDREN

Mlle. DANNEVIG noted that, according to the Decree of November 17th, 1937 (page 207 of the report), concerning the regulation of native labour in the Cameroons, the Administration had enacted liberal rules concerning the employment of women and children (page 208 of the report). The regulations were more advanced than in any other mandated territory. Were there many women and children working on the plantations, and what was their position, more particularly in regard to wages and food?

M. REPIQUET explained that women and children were employed only for light work, such as the picking and sorting of coffee. He could not recall having seen women working on the land in the plantations of European colonists. On the other hand, when she was at home, the woman worked, and worked hard, in her husband's field. As to the conditions of labour, wages and rations, those were shown on page 216 of the report.

Mlle. DANNEVIG said she was glad to see that Article 11 of the decree provided for "a rest of eight consecutive weeks in the period preceding and following confinement". Furthermore, the employment of children under 12 years of age was prohibited.

M. REPIQUET said that the inspectors of labour travelled everywhere and exercised active supervision.

QUESTION OF GRANTING CONCESSIONS TO COLONISTS : NATIVE PEASANTRY

Lord HAILEY recalled the fact that, last year¹, the question had been raised whether the restrictions imposed on the granting of further agricultural concessions to colonists constituted a measure of general policy or were devised only as a remedy for the shortage of labour. On page 93 of the report, it was explained that "the suspension of the granting of new agricultural and forest-felling concessions has to some extent stabilised the demand for labour". Was that suspension to be permanent, or was the policy likely to change if the labour difficulties disappeared?

M. REPIQUET said that the measure had been introduced in 1937 as a temporary one. Personally, he had been very surprised to find that there was a shortage of labour in the Cameroons, since the country was very thickly populated and colonists had previously always found the necessary supplies of labour. In his opinion, there was room both for the whites and for the natives. He thought it was advisable to continue the system of concessions, for they made it possible for natives, when they had difficulty in selling their produce, to hire out their services to the colonists. In the Cameroons, the native peasants had done wonderful work — and so, indeed, had the European colonists — and, for that reason, he had been surprised to learn of the labour crisis. He had noticed that it had coincided with the suspension of concessions. It was, of course, not possible to grant concessions in unlimited numbers, but the natives suffered from no restriction. They had magnificent land. Their share in the exports should be noted. Amongst the black races of Africa, the Cameroon natives were certainly in a privileged position. In his view, the measure in question was purely temporary.

The CHAIRMAN recalled the fact that, in its observations to the Council the previous year², the Commission had raised the question whether the suspension of the granting of concessions was not connected with a policy directed towards the development of the native peasantry.

M. REPIQUET did not think that was the case. Through the efforts and the guidance of the agricultural engineers and the inspectors of agricultural labour, the native peasantry had developed beyond all anticipations.

LABOUR

M. GIRAUD noted that, according to the report (page 93), the labour crisis had become appreciably less acute in 1938. Nevertheless, according to the statement on page 74, it was still somewhat acute, and this was why the Order of March 25th, 1937, suspending the grant of rural concessions had been maintained in force. It was interesting to observe, in this connection, that the number of workers employed in private enterprise had undergone a marked reduction since 1936. It had fallen from 51,983 in that year to 48,691 in 1937 and had come down to 46,495 in 1938, as would be seen from the table on page 94. This meant a reduction of more than 10% in the course of two years.

Referring to the labour inspection, the accredited representative had, last year³, promised to include in the report the memorandum by the inspector of labour on the working of the Decree of November 17th, 1937, which, by the end of 1938, would have been in force for a sufficient period for its value to be judged. Now, on pages 132 and 133, only the "model form" of the reports furnished by labour inspectors had been reproduced, so that the Commission had no information as to the observations made by these inspectors in the course of their work. It would have been interesting, however, to have a statement in the annual report summarising their most important findings, drawing attention to the main points on which employers were found to be at fault under the labour regulation and indicating what measures had been taken, or were in contemplation, to enforce existing provisions.

M. REPIQUET said he agreed with that observation. He was surprised that the Commission's request had not been complied with.

M. GIRAUD, referring again to the table on page 94, noted that in the Wuri district the number of workers employed in commercial undertakings was 2,633 in 1938. The previous year's report (page 98) gave the figure of 6,000 for the same area and the same firms. What was the explanation of so large a reduction from one year to the next?

¹ See Minutes of the Thirty-fifth Session of the Commission, page 124.

² Ibid., page 206.

³ Ibid., page 125.

M. REPIQUET said he thought that the latter figure had been an estimate. There were certainly not 6,000 workers employed in commerce at Duala. The figure given for 1938 was certainly the correct one.

M. GIRAUD observed that, according to the table showing "inspections carried out in 1938" (page 95 of the report), there had been only two inspections in the Wuri area out of a total of 335 inspections over the territory as a whole. Yet the Wuri area (page 94) had 4,926 workers, including 2,293 in agricultural, forestry and industrial undertakings. Was this very small number of inspections possibly due to the fact that the proximity of Duala possibly facilitated the supervision of the undertakings concerned?

M. REPIQUET said that the police did, in fact, exercise very close supervision in that connection, both in the centre and in the surrounding districts. It would, however, be advisable to draw the attention of the local authority to the fact referred to, and to ask it to explain why there had been so few inspections, at the same time requesting it to increase their frequency.

M. GIRAUD observed that the Mungo district, on the other hand, had been favoured, since there were 168 inspections in 1938 — i.e., more than for the whole of the rest of the territory.

M. REPIQUET said that that was a vast and rich agricultural and forestry area which called for very close supervision. He added that in Wuri, in addition to labour inspections, there were a whole series of other inspections which were not mentioned in the report but which took place none the less.

Mr. WEAVER said he had little to add to the preceding remarks. He thanked the mandatory Power for the replies given to the questions raised last year. Those replies were perhaps not as full or as satisfactory as might have been hoped, but the difficulties that must have been encountered in preparing the report in existing circumstances were realised.

He agreed with M. Giraud's observations as to the desirability of the reports of the Inspector of Labour being communicated to the Commission. The most striking feature of the report under discussion — otherwise somewhat meagre in the information it supplied — was in the part containing legislation (pages 203 to 221), which reproduced a very comprehensive body of laws regulating the whole organisation of labour throughout the territory on a new basis. He hoped that it would be possible in later reports to give the Commission a clear and full survey of the working and success of those laws. That might perhaps be done by way of a careful summary of the reports of the Inspector of Labour.

M. REPIQUET took note of that request.

Lord HAILEY, referring to the table on labour services (*prestations*) (page 97 of the report), enquired whether the figures given represented working-hours or working-days.

M. REPIQUET said he thought they represented working-days.

M. RAPPARD enquired what was meant by labour services for "aviation."

M. REPIQUET replied that they were concerned with the ground organisation — the landing, grounds, which required a great deal of labour to lay out.

Lord HAILEY assumed, with regard to compulsory labour, that the decree reproduced on page 203 of the report codified earlier laws. The report for 1938 gave no figure showing the extent to which use was made of compulsory labour for public works in that year.

M. REPIQUET said that compulsory labour was employed chiefly for road-making. Each native was required to perform ten days' labour service and, so far, this had been sufficient to do the work required. Such service really constituted a tax similar to the communal service tax which existed in France.

Lord HAILEY said he assumed that the decree on compulsory labour was intended to be applied only when it was impossible to obtain labour for public works by the process of *presdion*, to which M. Repiquet had referred, or in any other way. He concluded, therefore, that the figures given in the tables on pages 96 and 97 did not relate to work of an urgent character carried out by compulsory labour.

M. REPIQUET agreed with Lord Hailey. The services in question were in respect of road work or work on emergency landing-grounds for aircraft. The decree was dated December 26th, 1938, and it must therefore have been in operation in 1939.

Lord HAILEY remarked that that decree nevertheless replaced various separate texts — the 1937 Decree on Native Labour, the 1934 Decree on Disciplinary Penalties, etc.

M. REPIQUET said that those provisions had, in point of fact, remained a dead letter.

FREEDOM OF CONSCIENCE : MISSIONS

Mlle. DANNEVIG remarked that the report for 1938 gave only three lines to the chapter "Freedom of Conscience". It merely said (page 91) that "freedom of conscience and of worship continue to be ensured by the local Administration under the conditions and according to the regulations described in previous years".

It was, however, clear from other chapters in the report that very important work was being done by the various Catholic and Protestant missions. In the matter of education, it was stated (page 104) that the number of recognised schools belonging to the different denominations was equal to that of the official schools. As to the non-recognised schools maintained by the missions, their pupils numbered more than 90,000. The work of the missions in the sphere of health was also considerable, as was shown by the statistics given on pages 113 and 114.

The previous year,¹ M. Palacios had expressed a desire that the report should give more details concerning the work of the missions. Mlle. Dannevig regretted that she did not find fuller information in the report for the year under review. It would be interesting to have particulars concerning the work of the various Catholic and Protestant missions, the progress achieved as a result of their efforts, and their relations with the natives in general and with the Administration. It would also be of interest to know the present size of the native Christian section of the population, its social conditions and the part it played among the native population as a whole. Did Christian natives enjoy a personal status in the same way, for instance, as the Moslems?

Mlle. Dannevig had been much struck by the accredited representative's remarks concerning the ardour with which the population embraced Christianity and the way in which their conversion influenced their lives.

M. REPIQUET said that that influence was considerable. There was no Christian personal status. It was true that native Christians derived, from the fact that they had embraced the Christian faith, certain advantages — religious, social and moral — for instance, the abolition of polygamy. Nevertheless, those advantages were subsidiary and their ardour for the Christian faith was disinterested.

He took note of Mlle. Dannevig's request. The report for the following year would contain a chapter on the various questions mentioned, and he was surprised to find they had been so cursorily treated in the report under examination.

Mlle. DANNEVIG observed that the development of Christianity was the more striking since, during a previous year not long ago, a missionary had been murdered for trying to protect a girl who had taken refuge in the mission.

It would be interesting to know the number of native Christians and also in what districts they were most numerous: no doubt in the south.

M. REPIQUET said that that was so. In the north, Christianity clashed with Islam. In the south, the results of proselytising had been extraordinary. The desired information would be furnished the following year.

Lord HAILEY said he had failed to find anywhere, even in the detailed budget, any indication of the amount of the grants made to mission schools.

M. REPIQUET had also noticed this omission. It was certain that the grants continued to be paid. The missions gave the Administration such valuable assistance, particularly in regard to education, that their grants could not be withdrawn. The local Administration should certainly be asked to supply the Commission with detailed information on the subject.

EDUCATION

Mlle. DANNEVIG said that the Commission was glad to find (page 103 of the report) that the estimates of expenditure on education amounted to 3,277,900 francs in the budget for 1939, as against 2,619,790 francs in the budget for 1938, there being an increase of 658,110 francs. The budget estimates for 1938, too, had been higher than for previous years.

The report further stated (page 104) that, "since 1937, important measures for the reorganisation of the education service have been undertaken, and the new curriculum seems likely to give complete satisfaction". The chief change, she understood, was that more time and attention was to be given to instruction in practical subjects.

Furthermore, in a very interesting and comprehensive circular which had been sent to district heads on November 2nd, 1938, the Commissioner of the French Republic set forth the main principles of the educational plan. In an annex to the circular, the Head of the Education Department drew the attention of all heads of educational sectors to the chief technical and practical questions raised by the application of those principles. The two circulars were reproduced in the report (pages 223 *et seq.*). They dealt with various problems in a very detailed way, but left the impression that great difficulties had to be overcome and

¹ See Minutes of the Thirty-fifth Session of the Commission, page 126.

that the work of the teaching staff had not been entirely satisfactory in the past. It seemed also that very considerable economies were being sought in the administration of the schools.

Mlle. Dannevig had been glad to notice that the report stressed the necessity for education of native girls. On the other hand, the author of the report had perhaps been unduly optimistic. At the Yaundé Higher School, for instance, there were only two girls. She wondered whether the account given in the report did not refer rather to the future than to the existing situation.

M. REPIQUET admitted that, so far as the education of girls was concerned, the work was only beginning. Previously, women and girls had never been to school, and an attempt was now being made to induce them to go. That, too, was a means of emancipation. As to the economies, they were very moderate. Considerable liberality was being displayed and the number of teachers and pupils was continually increasing.

Mlle. DANNEVIG remarked that, in some classes, there were as many as 100 pupils to each teacher. It was difficult to imagine how instruction could be given in such circumstances.

On page 87 of the report, it was stated that "elementary instruction is given almost everywhere", whereas the following passage with regard to the northern district appeared on page 101: "In general, if the number of children of school age is estimated at one-tenth of the population, our schools reach only one child out of twenty-five — that is to say, 4%". Was this not contradictory, even allowing for the great difficulties encountered in districts like those of the north?

M. REPIQUET pointed out that the statement related to official education. There was, in addition, the education given by the missions. The low percentage mentioned by Mlle. Dannevig applied to the north, which was an Islamised region, and it was well known that the Moslems were strongly opposed to education in the official schools. The Koranic schools were sufficient for them. The official schools were fairly well attended, but many pupils preferred to go to the mission schools.

Mlle. DANNEVIG noted that the total number of pupils was about 100,000 out of a population of approximately 2½ millions and, of these, 90,000 were in unrecognised mission schools. The percentage of children attending school remained very low.

M. REPIQUET said he thought, on the contrary, that to have 100,000 pupils after twenty years of mandatory administration was a magnificent result, and it was to be hoped that the number would increase still further. The missions and the Administration had really done wonderful work.

Mlle. DANNEVIG recalled the fact that, formerly, children started school at the age of 5 or 6 years. It was interesting to notice (page 101 of the report) that the entrance age had been raised to 8 or 10 years. The fact that they entered school later enabled children to profit more in the subsequent stages of their education. What was the average duration of school attendance?

M. REPIQUET replied that that depended on the ability of the pupils. Those who were unpromising remained three or four years; the others longer. The report gave very satisfactory statistics concerning the results of the examinations, which were really difficult. The certificate of studies in the Cameroons was comparable with that of France herself.

Mlle. DANNEVIG said that the report referred to physical training on pages 43 and 102. That training was given by military instructors both at the Yaundé Higher School and at the district school. Girls had the benefit of such training, which was an innovation and was likely to improve their physical condition.

M. REPIQUET explained that non-commissioned officers had been brought from the Ecole de Joinville to train instructors.

Mlle. DANNEVIG agreed with Lord Hailey in asking that information should be given concerning the grants to the different missions.

M. RAPPARD referred to the passage on page 101 of the report relating to the recruitment of pupils, which said: "In order to facilitate the work of the schools, it has been decided, in place of small annual recruitments, to make larger recruitments every two or three years". That statement was not very clear. It was hard to see how the system would work.

M. REPIQUET said that he, too, found it difficult to understand that passage. There was a gap and he did not know how it would be filled.

PUBLIC HEALTH

COUNT DE PENHA GARCIA said that the report contained, as usual, a large number of tables and statistics. There was, however, no comprehensive survey showing the general situation in regard to public health and indicating the new features that might have been

introduced during the year. He would be very grateful if the mandatory Power would supply such a description the following year. The statistics given, moreover, sometimes went into somewhat excessive detail. Thus, in regard to anti-plague measures (page 112), the number of rats caught and examined was given. None of them had been found to be plague-infected, and yet it had been thought necessary to state that the average number of fleas per rat was 2.1.

Sleeping-sickness, which continued to be a source of anxiety, was not on the wane. It even seemed to be increasing somewhat. Notwithstanding the efforts made by the mandatory Power, it had not yet been found possible, in the case of that disease, to achieve the same successful results as in other mandated territories. Why was that so? It was true that the campaign against trypanosomiasis had not to cope with the same conditions elsewhere. There was a particularly virulent fly to contend with, and the land was wooded and marshy; in fact, a whole set of circumstances made that campaign particularly difficult. Count de Penha Garcia asked that the mandatory Power should each year keep the Commission informed of the progress made, and should, if possible, give further details as to the way in which the campaign was organised. Information of a medical character was given, for example, as to methods of detection, but there were no details concerning the actual measures employed in the villages, such as the clearing, where necessary, of wooded areas.

M. REPIQUET said he would note that request.

COUNT DE PENHA GARCIA said that, in regard to leprosy also, the situation in some districts seemed to be more serious than elsewhere. Some forms of the disease were more contagious; others caused less ravages. Nevertheless, the somewhat virulent character of the disease was proved by the number of lepers. The mandatory Power had taken up the problem and had used several methods for combating leprosy, in particular the isolation of lepers in agricultural colonies, of which there were already a considerable number. Escapes were shown to have been very numerous during the past year. What was the reason?

M. REPIQUET said he thought the higher figure given for the number of lepers was explained by improvements in the methods of detection. All known lepers were sent to agricultural colonies, which were completely open villages. The escapes were probably due to the fact that natives were unwilling to be treated away from their own district. M. Repiquet knew that that was the case from his own experience as an administrator, not only in the Cameroons, but also in New Caledonia. Those who knew the people well had advised against any scheme for a central leper colony. It would be advisable to draw the attention of the local authority to that point. Only lepers from the surrounding district should be installed in the agricultural colonies.

COUNT DE PENHA GARCIA recalled that, last year,¹ a question was asked concerning the process employed for the destruction of household refuse. Article 77 of the Order of October 1st, 1937, gave a choice between two methods of destruction — namely, incineration and biological destruction. The report stated (page 133) that the method of "controlled tipping" was employed. That method was appropriate, however, only where there were ravines and marshy basins. What process was employed in other cases?

M. REPIQUET replied that incineration was employed. Dr. Lefebvre had told him that the tipping system was found to be very satisfactory. It was employed chiefly in towns like Duala and Yaoundé, where the topographical conditions were favourable.

COUNT DE PENHA GARCIA said it had been asked the previous year² how many natives who had been through the Dakar school were in service in the territory.

M. REPIQUET replied that nearly all the native employees of the Administration came from the Yaunde Higher School; there were very few who came from elsewhere.

LAND TENURE

M. VAN ASBECK referred to the table on page 74 of the report showing the territorial distribution, by number and area, of estates to which the recognition of native land rights by procedure of *constatation* had been applied. The total number had risen from seven in 1936 to thirty-five in 1938. The information given on page 73 concerning registrations was more striking. There had been forty-six in 1936, eighty-five in 1937 and 112 in 1938. The increase in regard to rural landed property should be particularly noted (2,000 hectares in 1936, 5,000 in 1938), for, in the case of urban land (no more than six hectares in 1936; twenty-three in 1938), it was natural that there should be a tendency towards the registration and individualisation of titles, whereas, in the case of rural land, the question had a wider bearing on the cohesion of native Society.

He had not found any figures for 1938 relating to registration entries for natives, and he would like to find them in subsequent reports, together with particulars of the respective

¹ See Minutes of the Thirty-fifth Session of the Commission, page 129.

² *Ibid.*, page 130.

areas of the properties registered. From the native standpoint, the institution in question was of special importance, and it was desirable that the Commission should be enabled to follow its development. So far as the natives were concerned, the Commission was chiefly interested in the number of mortgages recorded in respect of land which was registered, and to which, as a result, the customary law no longer applied. There had been only four in 1937 and five in 1938. Those figures were in no way alarming.

It was, however, important — and M. van Asbeck also asked that information should be given in future — to know the number of such mortgages contracted by natives. In the report on Togoland under French mandate for 1938, the mandatory Power had itself stated that mortgages were “ a source of great danger ”, owing to the possibility of abuses when they were heedlessly contracted and foreclosure occurred. Moreover, there was no intimation of the number of foreclosures in 1938. It would be useful to have figures on this point in subsequent reports.

Finally, there was the question of the consent of the public authorities, which was required under the terms of the mandate. Last year,¹ M. Besson had read a Ministerial Circular of 1938, drawing the Administration's attention to the provisions of Article 5 of the mandate, and instructing European administrators to give special attention to the matter of such consent. There were still, however, no official regulations relating to such consent. How did the people concerned — namely, those who wished to foreclose on a mortgage — know that they required consent to do so ?

M. REPIQUET said he considered that without such consent the procedure should be null and void.

M. VAN ASBECK said that, in view of the statement just made, he urged all the more strongly that the instructions in question should be incorporated in an order. Was such an order contemplated ?

M. REPIQUET said he thought that M. van Asbeck's observations would lead to the issue of an order.

M. VAN ASBECK said that, if the accredited representative shared his view, it was some hope that the instructions in question would take the form of an order. During the examination of the report on Togoland in June last,² M. Besson had said that, when the Commission came to consider the administration of the Cameroons under French mandate, it would find that the circular in question had produced a certain effect in that territory. The report on the Cameroons for 1938 said nothing on the subject. What was the position ?

M. REPIQUET said he was convinced that the consent of the authorities required by the mandate was given, for action would not be taken were it refused.

M. VAN ASBECK repeated that the important thing was that those concerned should be fully informed. What steps could the Administration take to cancel a foreclosure that had been effected without consent ?

M. REPIQUET said he considered that an order would certainly be necessary. If the procedure was not to be null and void, there must be prior consent. That was the way in which the question should be settled.

M. VAN ASBECK drew attention to another important feature of the system of land tenure — namely, the question of vacant lands. Lord Hailey had opened a discussion on that subject the previous year.³ The Decree of January 12th, 1938, which was of outstanding importance, was well calculated to safeguard native land rights. What was needed, however, was information concerning the instructions given to the European administrators. The authority that decided whether land was vacant was the Administrator, and there was no appeal to the courts. In those circumstances, what guiding principles did he follow ?

M. REPIQUET replied that, in the matter of land — even though it was not yet provided for in any texts — it was the constant practice, in order to determine whether a piece of land was vacant or not, to hold an important palaver. This had always been done and was still being done. That practice was, moreover, confirmed in the decree. Land would never be taken unless it was felt to be certain that it was vacant.

M. VAN ASBECK enquired what criteria were followed for the purpose of declaring land vacant.

M. REPIQUET replied that the decision was taken after an enquiry, which supplied the Administrator with all the necessary information.

M. VAN ASBECK repeated that, for the purpose of reaching a decision that any particular land was vacant, the Administrator must follow certain criteria, and he asked that such criteria should be stated.

M. REPIQUET said he would note that request.

¹ See Minutes of the Thirty-fifth Session of the Commission, page 131.

² See Minutes of the Thirty-sixth Session of the Commission, pages 60-61.

³ See Minutes of the Thirty-fifth Session of the Commission, page 132.

FORESTRY

COUNT DE PENHA GARCIA observed that there had been a considerable decrease in exports of timber, and even in the area of the forest reserves. The report mentioned (page 74) two orders, of June 17th and July 1st, 1938, granting certain facilities for the exploitation of the forests. Had those orders been issued with a view to finding a remedy for the decrease in exports ?

M. REPIQUET said that the system followed was that of reforestation. The Cameroons had the good fortune to have a first-class forestry staff, consisting of officers of the Waters and Forests Department, who had consented to serve in the territory, and who devoted themselves entirely to their duties. They were undertaking reforestation, but the task was a long-term one. The trees would attain full growth in forty or fifty years. The areas which had been approved for felling purposes, in the first instance, had been near rivers down which the timber could be taken ; or they were near the railway. Timber had now to be sought at greater distances.

MINES

COUNT DE PENHA GARCIA took note of the reply given to the question he had raised the previous year¹ concerning the Order of September 11th, 1935, which placed a maximum limit on the quantity of titanium ore of which the holders of prospecting permits were free to dispose. It was explained that that order had been issued for the purpose of developing the mining of that ore. He also noted that gold was already counted as one of the resources of the territory. Were the prospects promising in that connection ?

M. REPIQUET said that, in the matter of gold extraction, no more than a beginning had been made ; gold was found in the eastern part of the territory. There were also rich tin deposits in the west. The export of gold in ingots and powder had amounted last year to about half a ton. These figures would certainly increase with the development of present mining operations and new prospections.

POPULATION

M. RAPPARD took note of the explanations given in the report concerning the number of Greeks who came to settle in the territory. That movement was continuing.

CLOSE OF THE HEARING

The CHAIRMAN thanked the accredited representative for the assistance he had given the Commission and would have apologised for the length of time taken over the examination of the report had this not been due to the Commission's desire to take full advantage of the presence at its table of a high official who had governed the territory and so had valuable knowledge of conditions prevailing in the Cameroons.

M. REPIQUET expressed his satisfaction at having been able to appear once more before the Commission, and said that the Cameroons had a great future before it. The diversity of the territory's resources was due to the diversity of its climate and also to the existence of the fine port of Duala, which was situated seventeen miles from the sea and could be reached by vessels of 12,000 tons. That was one of the causes of the present and still more of the future progress of the Cameroons.

THIRTEENTH MEETING

Held on Tuesday, December 19th, 1939, at 5 p.m.

Report on the Administration of the Islands under Japanese Mandate for 1938.

M. DE HALLER reminded the Commission that, at the first meeting of the present session,² he had informed it that the report on the islands under Japanese mandate for 1938 had not been received by that date (December 12th, 1939). On December 18th, however, he had received from the Director of the Geneva Japanese Office for International Conferences a letter dated December 16th, 1939, which contained the following postscript :

¹ See Minutes of the Thirty-fifth Session of the Commission, page 133.
² See page 11.

"The report of Japan, the despatch of which was delayed by events in Europe, was sent by diplomatic mail from Tokio in the course of November."

The commission found that it would be unable to examine at its present session the report on the administration of the islands under Japanese mandate for 1938.

Syria and Lebanon : Annual Report for 1938.

M. DE HALLER reminded the Commission that, on June 9th, 1939, the Secretariat of the League of Nations had received twenty-four copies of the annual report on Syria and Lebanon for 1938. The accredited representative had informed the Secretariat that this was a first edition of the report.

It would be remembered that this report had been examined by the Mandates Commission at its thirty-sixth session in June 1939.

On August 30th, 1939, the Secretariat had received a fresh supply of copies of the annual report, in particular for circulation to the Council and the States Members of the League.

It had been found that the report as then communicated contained certain passages which did not appear in the copies of the first edition received in June, on which the Commission's examination had been based. The first set of copies had, in fact, been only a provisional edition of this report.

The principal new passages contained in the final edition were the following :

- (1) Statistical tables concerning immigration and emigration (pages 27 and 28);
- (2) Chapter on shipping (pages 38-41);
- (3) Passages concerning the Agricultural Bank (pages 94-98);
- (4) In Part Six : Public Finance : certain passages on the budget of the Lebanese Republic (pages 177-178).

Tanganyika Territory : Observations of the Commission.

The Commission began the examination of the text of its observations on the administration of Tanganyika Territory.

Western Samoa : Observations of the Commission.

After an exchange of views, *the Commission adopted the text of its observations on Western Samoa (Annex 4).*

FOURTEENTH MEETING

Held on Wednesday, December 20th, 1939, at 10.30 a.m.

Ruanda-Urundi : Observations of the Commission.

After an exchange of views, *the Commission adopted the text of its observations concerning Ruanda-Urundi (Annex 4).*

Tanganyika Territory : Observations of the Commission (continuation).

After an exchange of views, *the Commission adopted the text of its observations concerning Tanganyika Territory (Annex 4).*

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 4).*

The Territories under Mandate and the War.

The CHAIRMAN recalled the question which had been put to the accredited representatives of the belligerent mandatory Powers — namely, whether, these Powers being at war, the territories they administered on behalf of the League of Nations should, in their opinion, be regarded as involved in the state of war existing between them and Germany¹.

¹ See pages 13, 23, 69, 87, 95.

The war having broken out in September 1939, that was to say — after the end of the period covered by the reports under review at the present session — it was open to the accredited representatives not to answer this question. Most of them did not do so. In the circumstances, the members of the Commission refrained from expressing any opinion, and so no discussion took place.

It was, however, within the knowledge of the Commission that measures consequent upon the state of war had, in fact, been taken in certain territories under mandate.

The Chairman asked whether the Commission was of opinion that it should draw the attention of the Council to this fact and to the juridical problem which arose out of the fact that Powers exercising a mandate on behalf of the League of Nations were now at war.

COUNT DE PENHA GARCIA, considering that the state of war arose in 1939, thought that the Commission should not discuss it this year, but only next year, when examining the reports for the current year. The Commission, in its report to the Council, might, of course, take note of the fact that there is a war; but it might perhaps be imprudent to express any opinion without having evidence for the purpose. In his view, the best thing was to do nothing and to await the reports for 1939.

M. RAPPARD agreed that there was always an advantage or that, at any rate, there might seem to be no disadvantage in doing nothing. Nevertheless, without wishing to express an opinion, he thought that a question might be put in very general terms.

LORD HAILEY asked whether there was any doubt from the legal point of view as to the propriety of considering that the mandated territories were in a state of belligerency?

M. RAPPARD replied that, in some quarters, doubts had been entertained. In any case, a problem was involved. The mandated territories in question were not under the sovereignty of the belligerent Powers; the latter administered them in the name of the League of Nations, which was not at war.

LORD HAILEY did not wish at the moment to deal with the substance of the question. But, if the Commission had, in fact, a feeling that there was something wrong in the fact that the mandated territories had been automatically involved in a state of war, should the Commission wait a year before dealing with such a situation? Should it not immediately refer the matter to the Council, if it considered that there had been a breach of the terms of the mandate?

M. RAPPARD said that Lord Hailey seemed to be in favour of going further than he himself desired.

LORD HAILEY explained that he wished to avoid a *post mortem* examination. Everyone knew that the mandated territories had been treated as involved in a state of belligerency. If the Commission thought this was wrong, it should take up the matter at once, not wait for a year before doing so.

M. RAPPARD considered that there were two reasons why the Commission should proceed with prudence. The first was that this year it was examining the reports for 1938, and the second was that it was very inadequately informed of what had happened in this connection in the territories in question. The Commission could not determine its attitude on the basis of abstract considerations and without taking into account the real facts. His British colleague suggested that a question should be asked. M. Rappard was not sure that they should not go further than simply asking for information.

M. VAN ASBECK agreed with M. Rappard. He only wanted to stress once more that a very important legal question had been raised which ought to be elucidated. It was, in fact, the Commission's duty to deal with it. By the replies of the accredited representatives, his impression was that the question had not been present in their minds and they had not received any instructions for replying to it. Nevertheless, the problem existed, and it was the Commission's duty to define it and to give an opinion. The issue was that of the character of the mandated territory considered in relation to the mandatory Power and to the League. This involved one of the principles of the whole mandatory system. The Commission must show that the question had not escaped its attention and should ask that the reports for 1939 should give, not only details on the steps taken in the mandated territories in consequence of the state of war existing in a certain part of the world, but also definite information on the views of the mandatory Powers concerned as to whether the state of belligerency in which they were themselves involved extended to the territories under mandate.

M. GIRAUD thought that there was one point on which all the members of the Commission should agree — namely, that the purpose of the present session was to examine the administration of certain territories under mandate during the year 1938. The belligerent mandatory Powers were therefore not called upon to report the measures they might have been led to take, in the territories entrusted to their care, during the last four months of 1939, as a result of the state of war. The ordinary practice, in accordance with the provisions in force, would be for the reports submitted for 1939 to give such information. In the circumstances, what significance could attach to the question which had been raised? It could only be that

the Commission was afraid lest information on this serious subject should not appear in the reports for 1939, or that, if it were, it should be insufficiently detailed. For his part, M. Giraud refused to contemplate such a hypothesis.

M. VAN ASBECK had no doubt that the 1939 reports would contain a chapter on the concrete political and administrative action undertaken in the mandated territories concerned. The accredited representative for Samoa had said that certain general economic measures had been introduced. As regards the Cameroons under French mandate, the accredited representative had referred to Article 3 of the mandate. These replies did not, however, exhaust the matter under consideration : in every part of the world, belligerents and neutrals had taken such action. But, for the territories under mandate, a fundamental question arose, which had not been discussed by the representatives of the mandatory Powers — namely, what was the status of the territory, considering the state of war existing between the governing Power and another country ? This was the question that would have to be elucidated at all costs the next year, and regarding which the reports should provide the Commission with all the necessary information. It would not be sufficient to say that such and such measures had been taken as regards imports and exports, or that troops had been raised for the defence of the territory. The Commission must know, so as to be able to advise the Council, what was the status of the territories in question as territories administered on behalf of the League by mandatory Powers now at war.

The CHAIRMAN suggested another solution which would achieve the same purpose as surely as an observation to the Council. This would consist in drawing up Minutes of the present exchange of views, which would be included in the records of the session. The Powers concerned would thus be made aware of the scope of the question on which the Commission expected explanations in subsequent reports.

COUNT DE PENHA GARCIA approved this suggestion, but he still thought that it would be a mistake to anticipate events. The Commission was a body appointed to examine the administration of the mandatory Powers year by year. On the present occasion, it must confine itself to examining the reports for 1938. It should not raise the legal question of belligerency, but wait for the Council to consult it.

Moreover, the Commission had examined a certain number of reports at the present session. If it made observations on this question, with regard to the territories to which these reports referred, it would be basing them on an incomplete survey of the position, for only at its next session would it consider the administration of the other territories and so be in a position to submit observations on this point with respect to these territories as well.

He therefore saw no advantage in taking any immediate action. There was no question of ignoring the existence of war, but he shared M. Giraud's view. The Council had asked nothing of the Commission, and the latter would lay itself open to the reproach of having interfered in a question which had, so far, not been referred to it.

The CHAIRMAN drew attention to the fact that, under Article 22 of the Covenant, the Commission was called upon to give its opinion "on all matters relating to the observance of the mandates". The Commission might record such an opinion spontaneously without being expressly invited thereto by the Council.

M. GIRAUD thought that the provisions of Article 22 of the Covenant to the effect that the Commission — in addition to the examination of the annual reports — was to "advise the Council on all matters relating to the observance of the mandates" might be interpreted in various ways. Could it not be read to mean that the Commission should give its opinion when called upon to do so by the Council ?

COUNT DE PENHA GARCIA said that, in the past, the Commission had always waited to be consulted by the Council when special problems arose.

LORD HAILEY thought that the Commission should not take too narrow a view of its duties. Its normal procedure as an advisory body of the Council should no doubt be to examine the annual reports. But if at any time reliable information reached it that anything had occurred which involved a breach of the mandate, should it hesitate to take up the matter at once, in order to advise the Council on the subject ?

COUNT DE PENHA GARCIA said that, in such a case, the Commission could hold a special session.

M. RAPPARD thought that all those present were aware of the dangers to be avoided. It would be a dangerous policy to rush to conclusions. If, however, the members of the Commission would take a broadly comprehensive, and not a merely administrative, view of their functions, they would be bound to realise that the eyes of the world were now fixed on the League of Nations. The position was that most of the former German colonies were administered by two States Members of the League who were at war with Germany. Everywhere great curiosity, to say the least, was being shown as to whether the League was in the exclusive service of those Powers which were at war with Germany or whether, on the contrary, it exercised on behalf of the international community a supervision which was independent of these purely national influences. For the future of the League and the

solution of the colonial problem, the importance of the question could hardly be exaggerated. If the members of the Commission separated without having shown any interest in this matter, save for a few casual questions, this might detract from their authority, not only in the eyes of the Council, but also in those of public opinion outside the League.

In these circumstances, realising both the danger of undue precipitancy and the risk of taking too modest a view of the Commission's task, M. Rappard submitted to his colleagues the following text :

" The Permanent Mandates Commission, at its thirty-seventh session, has examined the annual reports on the administration of the mandated territories during 1938.

" Having regard to the fact that several mandatory Powers are at present at war, the Commission would be glad to find in the reports for 1939 information of a kind which will enable it to judge whether, and, if so, to what extent, the state of belligerency of the mandatory Powers concerned has affected the status and the administration of the mandated territories administered by them."

COUNT DE PENHA GARCIA asked that this text should be circulated, in order that the members of the Commission should be able to consider it carefully. The debate might be resumed on the following day. Form, in such a matter, was of very great importance. He agreed with M. Rappard that it would be asked what the Commission had done in this connection. In reality, it could not do much, for the question went somewhat beyond the scope of its usual work. So far as the facts of the case were concerned, these would not be available until the following year.

Mlle. DANNEVIG said that she agreed with the views expressed by M. Rappard.

M. GIRAUD said that there was every likelihood that this information, which the Commission was legitimately anxious to obtain, would be found in the next reports. The purpose of M. Rappard's proposal was to provide for the contingency of the reports passing the matter over in silence. It seemed inconceivable to him that this could occur.

The CHAIRMAN thought it was not without reason that certain members had expressed anxiety lest the reports for the year 1939 should contain only an account of the measures taken as a result of the state of war, without attempting any legal justification of such measures. If the accredited representatives who came to the Commission were not prepared to indicate their Government's opinion on the substance of the question, the Commission would, through lack of evidence, be just as unable to discuss the matter in 1940 as it was now. This was what they must endeavour to prevent.

M. GIRAUD remarked that the Commission seemed to fear that the reports would not mention the possible effect of the state of war on the status of the territories. If, however, this status were really jeopardised by certain measures — a contingency which he regarded as utterly improbable — he wondered whether the question would not lie outside the Commission's competence and fall within the province of the Council.

M. VAN ASBECK asked why this should be so. The status of the territory was a matter of primary concern to the Commission.

The CHAIRMAN said that the draft submitted by M. Rappard would be circulated to the members of the Commission. Possibly other drafts would be submitted — he might submit one himself — and the discussion would be resumed on the following day.

FIFTEENTH MEETING

Held on Thursday, December 21st, 1939, at 10.30 a.m.

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 4).

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 4).

The Territories under Mandate and the War (continuation).

The Commission continued its exchange of views on this question.

SIXTEENTH MEETING

Held on Thursday, December 21st, 1939, at 5 p.m.

Examination of the Draft Report of the Commission to the Council.

After an exchange of views, the Commission adopted the draft report to the Council on the work of its thirty-seventh session (Annex 4).

Adoption of the List of Annexes to the Minutes of the Session.

The list of annexes was adopted.

Publication of the Report and Minutes of the Thirty-seventh Session of the Commission.

The Commission decided to follow the regulations laid down by the Assembly for the Advisory Committees of the League, under which the reports and Minutes of those Committees are to be simultaneously distributed to the Members of the League and published at the time of their transmission to the Council in printed form, and not to avail itself of its right to depart from that rule.

Representation of the Commission before the Council.

The Commission decided that, in the event of an invitation being received, it should be represented by the Chairman or, failing him, the Vice-Chairman or, should they be unable to attend, by another member appointed by the Chairman.

Date of the Next Session of the Commission and Powers of the Chairman during the Interval between the End of the Present Session and the Opening of the Next Session.

In view of existing circumstances, the Commission refrained from fixing the date of the next ordinary session.

The Commission also decided to leave it to the Chairman to take any urgent decisions which might be necessary in the meantime, even, should the need arise, without consulting his colleagues.

Palestine : Petition, dated May 18th, 1939, from M. Mechel Hers Loewenwirth, Petrovgrad (Yugoslavia).

After an exchange of views, the Commission adopted the conclusions of M. van Asbeck's report (Annex 3).

The Territories under Mandate and the War (continuation).

After a new exchange of views, the Commission adopted the text concerning this question to be included in its report to the Council.

Close of the Session.

After having been thanked by his colleagues, the CHAIRMAN paid a tribute to those members of the Secretariat who, after giving the Commission valuable service for a number of years, were about to leave the service of the League of Nations. All the members of the Commission joined in this expression of gratitude.

The Chairman then declared the thirty-seventh session of the Commission closed.

ANNEX 1

LIST OF DOCUMENTS¹ FORWARDED TO THE SECRETARIAT
BY THE MANDATORY POWERS SINCE THE LAST EXAMINATION
OF THE REPORTS RELATING TO THE FOLLOWING TERRITORIES :

- | | |
|-------------------------------------|------------------------------------|
| A. Cameroons under British Mandate. | D. Ruanda-Urundi. |
| B. Cameroons under French Mandate. | E. Togoland under British Mandate. |
| C. Tanganyika Territory. | F. Western Samoa. |

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 1938.
2. Legislation enacted during the Year 1938.
3. Orders Nos. 1 to 20 of 1939.
4. Orders-in-Council Nos. 1 to 21 of 1939.
5. Ordinances Nos. 1 to 21 of 1939.
6. Regulations Nos. 1 to 37 of 1939.
7. Rules Nos. 1 to 13 of 1939.
8. Resolutions and Orders Nos. 1 to 3 of 1939.
9. Bye-law No. 1 of 1939.

Various Official Publications.

1. Legislative Council Debates (Nigeria) :²
Fifteenth Session, 1937 (November 29th and 30th, 1937);
Sixteenth Session, 1938 (March 7th, 8th, 9th and 12th; July 11th and 12th,
November 28th and 29th, 1938);
Seventeenth Session, 1939 (March 6th, 7th, 8th and 15th, 1939).
2. Nigeria Official Gazette.²

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 1938 (Legislation annexed hereto).

Various Official Publications.

1. Special Budget of Large-scale Works and Sanitary Expenditure from Loan Funds.
Closed Account : Financial Years 1934, 1935, 1936, 1937.
2. Annexed Budget of Railways Operation.
Closed Account of Revenue and Expenditure : Financial Years 1935, 1936, 1937.

¹ (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 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 Power.

(b) The petitions forwarded by the mandatory Powers, together with their observations on those petitions and on the petition communicated to them by the Chairman of the Permanent Mandates Commission in accordance with the Rules of Procedure in force, are not mentioned in the present list. These documents are enumerated in the agenda of the Commission's session.

² Kept in the archives of the Secretariat.

3. Special Budget.
Closed Account of Revenue and Expenditure : Financial Years 1935, 1936, 1937.
4. Railways Operation Budget (annexed to the Special Budget) : Financial Year 1938.
5. Special Budget of Large-scale Works and Sanitary Expenditure from Loan Funds :
Financial Year 1939.
6. Official Gazette of the Cameroons Territory.¹

C. 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 1938.
2. Ordinances enacted during the Year 1938.

Various Official Publications.

1. Blue Book for the Years ended December 31st, 1937, and 1938.
2. Department of Agriculture : Annual Report, 1938. Parts I and II.
3. Annual Report of the Education Department, 1937.
4. Seventeenth Annual Report of the Forest Department, 1937.
5. Game Preservation Department : Annual Report, 1937.
6. Annual Report of the Judicial Department, 1938.
7. Department of Lands and Mines : Annual Reports, 1937, 1938.
8. Annual Reports of the Provincial Commissioners for the Year 1938.
9. Annual Reports on the Administration of the Police, 1937, 1938.
10. Annual Report on the Administration of the Prisons, 1937.
11. Annual Report of the Public Works Department, 1937.
12. Annual Reports of the Posts and Telegraphs Department of Kenya, Uganda and Tanganyika Territory, 1937, 1938.
13. Reports of the General Manager on the Administration of the Railways and Ports Services for the Years ended December 31st, 1937, and 1938.
14. Reports on the Audit of the Accounts of the Tanganyika Railways and Ports Services for the Years ended December 31st, 1937, and 1938.
15. Report on the Accounts and Finances for the Financial Years ended December 31st, 1937, and 1938.
16. Annual Report on the Audit of the Accounts of the Territory for the Year ended December 31st, 1937.
17. Trade Reports, 1937, 1938.
18. Annual Report of the Department of the Veterinary Science and Animal Husbandry, 1937.
19. Annual Medical and Sanitary Report for the Year ended December 31st, 1937, including the Annual Report of the Medical Laboratory, Dar-es-Salaam.
20. East African Agricultural Research Station, Amani : Tenth Annual Report, April 1st-December 31st, 1937.
21. East African Agricultural Research Station, Amani : Annual Report, 1938.
22. Report of the Malaria Unit, Moshi, 1936, by D. Bagster Wilson.
23. Second (Final) Report of the Malaria Unit, Dar-es-Salaam, for the Period November 1934 to December 1936, by R. Mackay.
24. Memorandum on Medical Policy, 1938.
25. Graph illustrating Monthly Trend of Export Trade, 1934-1938.
26. Statements of Actual Revenue and Expenditure, Assets and Liabilities (Territory and Railways), Assets and Liabilities of Railways and Ports Services to the End of December 1938, and Financial Statement of the Tanganyika Territory for 1939.
27. Minutes of Meetings of the Legislative Council of Tanganyika Territory held on March 30th, October 24th, 25th and 28th, November 29th, December 12th and 13th, 1938, May 30th and 31st and June 2nd, 1939.
28. The Tanganyika Territory Gazette.¹

¹ Kept in the archives of the Secretariat.

D. RUANDI-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 1938 (Legislation annexed hereto).

Various Official Publications.

Official Bulletin of Ruanda-Urundi.¹

E. 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 1938.
2. Supplement to the Revised Edition of the Laws of the Gold Coast containing the Ordinances and Subsidiary Legislation enacted between September 2nd, 1936, and December 31st, 1937, inclusive.

Various Official Publications.

Gold Coast Colony :

1. Report on the Northern Territories for the Year 1937/38.¹
2. Report on the Education Department for the Year 1937/38.¹
3. Trade Report for the Year 1938.¹
4. Report on the Department of Animal Health for the Year 1938/39.¹
5. Report on the Audit Department for the Financial Year 1937/38.¹
6. Report on the Geological Survey for the Financial Year 1937/38.¹

Gold Coast :

7. Report on the Forestry Department for the Year 1937/38.¹
8. Annual Reports on the Social and Economic Progress of the People of the Gold Coast, 1937/38, 1938/39.¹
9. Address delivered by His Excellency the Governor, Sir Arnold Wienholt Hodson, K.C.M.G., on the Occasion of the Opening of the 1939 Session of the Legislative Council, March 14th, 1939.¹
10. Legislative Council Debates :¹
Session 1938, Issue No. 3.
Session 1939, Issues Nos. 1 and 2.
11. The Gold Coast Gazette.¹

Document handed in by the Accredited Representative to the Commission at the Ninth Meeting of its Thirty-seventh Session on December 16th, 1939.

A Statistical Note on the World Production and Utilisation of Cocoa at September 30th, 1939.

F. WESTERN SAMOA

Annual Report and Legislation.

1. Nineteenth Report of the Government of New Zealand on the Administration of the Mandated Territory of Western Samoa for the Year ended March 31st, 1939.
2. New Zealand :
 - (a) The Samoa Amendment Act, 1938.
 - (b) The Samoa General Laws Amendment Order, 1938.
 - (c) The Samoa Native Regulations, 1938.
 - (d) The Samoa Legislative Council (Elective Membership) Order, 1938.
 - (e) The Samoa High Court Amendment Rules, 1938.
 - (f) The Samoa Immigration Amendment Order, 1938.
 - (g) The Samoa Local Defence Force Regulations, 1939.
 - (h) The Samoa Administration Order, 1939.

¹ Kept in the archives of the Secretariat.

Various Official Publications.

1. Estimates of Revenue and Expenditure for the Years 1938/39 and 1939/40.
2. Trade, Commerce and Shipping Report of the Territory of Western Samoa for the Calendar Year 1938.
3. Legislative Council Debates.
Session 1939 (January 26th, August 1st and 9th, 1939).
4. The Western Samoa Gazette.

MISCELLANEOUS

Economic Advisory Council — Committee on Nutrition in the Colonial Empire (British).
First Report :

Part I. Nutrition in the Colonial Empire (Cmd. 6050).

Part II. Summary of Information regarding Nutrition in the Colonial Empire (with Special Reference to the Replies received to the Circular Despatch from the Secretary of State for the Colonies, dated April 18th, 1936) (Cmd. 6051).

ANNEX 2

AGENDA OF THE THIRTY-SEVENTH SESSION OF THE PERMANENT
MANDATES COMMISSION

- I. Opening of the Session.
- II. Examination of the Annual Reports of the Mandatory Powers :
 - Cameroons under British Mandate, 1938.
 - Cameroons under French Mandate, 1938.
 - Tanganyika Territory, 1938.
 - Ruanda-Urundi, 1938.
 - Togoland under British Mandate, 1938.
 - Western Samoa, 1938/39.
- III. Petition to be examined :
 - Palestine :*
 - Petition (with seven Annexes), dated May 18th, 1939, from M. Mechel Hers Löwenwirth, Petrovgrad (Yugoslavia) (document C.P.M.2162).
 - Observations of the United Kingdom Government, dated November 3rd, 1939 (document C.P.M.2167).
 - (Rapporteur : M. van Asbeck.)

C.P.M.2177 (1).

ANNEX 3

PALESTINE

PETITION (WITH SEVEN ANNEXES), DATED MAY 18TH, 1939,
FROM M. MECHEL HERS LÖWENWIRTH, PETROVGRAD (YUGOSLAVIA)

REPORT BY M. VAN ASBECK

As regards the facts relating to this petition, the petitioner, M. Löwenwirth, of Czecho-Slovak nationality, states that he entered Palestine in 1934 as an authorised immigrant, with the intention of settling there permanently. In 1937, he applied for and obtained a visa for a journey in Europe, valid until January 20th, 1938. In view of his age, his state of

health and also of the disturbances in Palestine, which were then growing worse month by month, he applied, at the beginning of December 1937, to the competent authority in Palestine for an extension of his visa until his health was restored and it was once again safe for people to live in that country. This extension was refused about the end of December, and he was warned that, unless he returned to Palestine before the validity of his visa expired, he would be obliged to go through the immigration formalities all over again. The representations made both to the Palestine Government and the Colonial Office proved fruitless : the initial decision was maintained. These facts are clearly brought out in the annexes to the petition and the mandatory Government does not dispute them.

In that Government's letter and the letters from the competent Palestinian authority, the argument based on the disturbed state of Palestine is refuted by the fact, mentioned therein, that, during the disturbances, thousands of Jewish immigrants continued to enter Palestine and to settle there ; and, moreover, by the fact that the petitioner, having been absent from Palestine for a long period, could no longer be regarded as a resident of that country.

The question raised by the petition is : what was the status of the petitioner during his absence in Europe ? He regarded himself as an immigrant domiciled in Palestine, who was absent from that country for valid reasons ; on the other hand, the competent Palestinian authority appears to have regarded him as a temporary immigrant and not as domiciled in the country, so that his prolonged absence was deemed to invalidate his immigration permit issued in 1934.

In view of this difference of opinion between the petitioner and the competent authority, I feel obliged to point out that the petitioner immigrated in 1934, settled in Palestine and continued to live in that country until the end of 1937. These facts would seem to justify the presumption that he really intended to remain in Palestine for the rest of his life (he is now 72). Moreover, the Immigration Ordinance of 1933 itself defines an immigrant as a foreigner, not being a permanent resident in Palestine, who enters that country for the purpose of residing there permanently. On the other hand, the documents laid before the Mandates Commission convey the impression that he possibly presumed too much on his supposed status of a Palestinian resident.

In any case, according to the legislative texts in force, it rested solely with the competent authority to prolong the petitioner's travel visa or not ; he could not put forward any claim in support of the desired prolongation. From a legal standpoint, the case appears to be quite clear, and, looked at from that angle, there are no special observations to submit to the Council.

Nevertheless, the legal aspect is not the only one ; there are other arguments which should be considered. The petitioner is in a most unenviable position. He is a Czecho-Slovak Jew living abroad and is consequently subject to the regulations governing the treatment of foreigners, and without any certainty as to his residence. Moreover, it is hardly possible for him to return to his country of origin. He is virtually a Stateless Jew, whose only hope, in view of his advanced age, of a relatively peaceful old age is to return to Palestine. Furthermore, the petition shows — and the mandatory Power does not deny this — that the petitioner owns land in Palestine and that his children have continued to reside there.

There would therefore seem to be reason to believe that, while the decision of the competent Palestine authority can be fully upheld on legal grounds, the return to Palestine of this aged wanderer might nevertheless be urged on humanitarian grounds. As the decisions so far taken seem to have been based exclusively on legal considerations, the mandatory Government might, I think, be asked to be good enough to reconsider the petition from the standpoint of the humanitarian considerations involved. It should also be emphasised that the petitioner is not a new immigrant who is now asking to be allowed to settle in Palestine : on the contrary, he has already been admitted once, has lived in Palestine, and possibly remained away from that country without duly weighing the consequences or because he was afraid — a thing which is quite comprehensible.

If my colleagues concur in these views, they might signify their agreement by adopting the following conclusion :

“ The Commission,

“ Having examined the petition, dated May 18th, 1939, from M. Mechel Hers Löwenwirth and the observations of the mandatory Power thereon ;

“ Whilst not contesting the legality of the decision taken by the competent Palestine authority ;

“ Considering that the petitioner, a Jew of Czecho-Slovak origin, has, in fact, become Stateless ;

“ Considering, moreover, that he has already been admitted once to Palestine, has lived there for three years, claims that he owns land in that country and that his family has remained there ;

“ Would venture to hope that it might prove possible for his case to be reconsidered by the competent authorities, having regard to the humanitarian reasons militating in his favour.”

ANNEX 4

I.

REPORT TO THE COUNCIL ON THE WORK OF THE COMMISSION

The Permanent Mandates Commission met at Geneva from December 12th to 21st, 1939, for its thirty-seventh session, and held sixteen meetings, part of the first of which was public.

The annual reports were considered in the order indicated below, with the co-operation of the representatives of the mandatory Powers.

Western Samoa, 1938/39.

Accredited Representative :

Mr. R. M. CAMPBELL, M.A., LL.B., Ph.D., New Zealand Government's Economic Adviser in London.

Tanganyika Territory, 1938.

Accredited Representative :

Mr. J. E. S. LAMB, Deputy Provincial Commissioner, Tanganyika.

Ruanda-Urundi, 1938.

Accredited Representative :

M. HALEWYCK DE HEUSCH, Permanent Recruitment Secretary, former Director-General in the Belgian Colonial Ministry ;

assisted by

M. VAN HOOF, Chief Medical Officer of the Belgian Congo.

Cameroons under British Mandate, 1938.

Accredited Representative :

Major L. SEALY-KING, District Officer, Nigeria.

Togoland under British Mandate, 1938.

Accredited Representative :

Captain C. C. LILLEY, O.B.E., former District Commissioner in Togoland.

Cameroons under French Mandate, 1938.

Accredited Representative :

M. REPIQUET, Honorary Governor-General of the Colonies, former Commissioner of the French Republic in the Cameroons.

ISLANDS UNDER JAPANESE MANDATE

The Commission was informed, on December 18th, that the despatch of the Japanese Government's report on the administration, during 1938, of the Islands under mandate had been delayed by the events in Europe and that the report had left Japan during the month of November. This document had not reached the Commission on December 21st, 1939, the closing date of its session. Since circumstances do not permit of a special session being held in the beginning of 1940 to examine this report, the Commission contemplates including it in the agenda of its next ordinary session.¹

A. SPECIAL QUESTION

THE MANDATED TERRITORIES AND THE WAR

The Commission has deliberately refrained from anticipating the events of 1939 by examining the situation created by the present war in connection with territories placed under the mandate of belligerent Powers. It will do so in the light of the information with which these mandatory Powers supply it when they give an account of their stewardship during 1939.²

¹ See Minutes of the Session, pages 11, 118-119.

² *Ibid.*, pages 119-122, 123.

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 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.¹

TERRITORIES UNDER B MANDATE

OBSERVATION COMMON TO THE CAMEROONS UNDER BRITISH MANDATE AND THE CAMEROONS UNDER FRENCH MANDATE

Frontiers.

The Commission has taken note of the information furnished regarding the continuation of the work of demarcating the frontier between the Cameroons under British mandate and the Cameroons under French mandate, and also of the instructions given to the boundary commissions with a view to safeguarding the interests of the native population in the frontier districts.

The Commission hopes that the attention of the mandatory Powers concerned will be drawn to the passages in the Minutes of the present session recording the exchanges of views which took place on this subject, particularly in connection with the examination of the annual report on the Cameroons under French mandate (pages 69, 83-84, 96-99, 119, 122).

Cameroons under British Mandate

1. *General Administration.*

The Commission noted that, in some parts of the Southern Province, it has been difficult to find in the social institutions of the natives a suitable basis for the establishment of native authorities capable of functioning as agencies of local government. It hopes that the process of amalgamation and federation may be found to provide a solution of this difficulty and to justify a progressive devolution of local authority now necessarily retained in the hands of administrative officers (pages 70-72, 119).

2. *Public Finance.*

The Commission learnt that the increase in the native tax had led in certain parts of the northern areas to emigration and tax evasion on a considerable scale. There seems some ground to suggest that the increase in the tax, amounting in some cases to a third, may have been unduly rapid in view of the conditions prevailing in the areas concerned (pages 74, 84, 119).

3. *Social Condition of the Natives.*

The Commission noted the importance of the problems created by the presence, in certain areas, of a considerable number of "stranger natives". It will follow with interest evidence of any progress made in the direction of assimilation and the association of "stranger natives" in the administration of local affairs (pages 71, 82-83, 119).

4. *Labour.*

The Commission welcomed the appointment of a labour officer, and hopes that, by the institution of a regular inspection service, the standard of employment in the territory may be improved (pages 78-80, 119).

In particular, the Commission noted the undesirable consequences of the practice of employing children of as low an age as 8 years on the plantations, and hopes that legislation may be enacted fixing a minimum age for child employment (pages 79, 119).

5. *Land Tenure.*

The Commission is obliged for the very full information given regarding the part played by the natives in the development of the system of land tenure. It would appreciate an

¹ The page numbers following each observation are those of the Minutes of the session.

expression of the views of the mandatory Power concerning the extent to which Article 5 of the mandate permits the alienation of land, whether temporary or permanent, by natives to "stranger natives" (pages 82-83, 119).

6. Public Health.

The Commission hopes that the nutrition survey initiated under the orders of the British Government in Nigeria will be extended to the mandated territory of Cameroons (pages 82, 119).

Cameroons under French Mandate

1. Public Finance.

(a) The Commission would be glad to find in future reports full and precise information concerning subsidies paid to various institutions in France (pages 103, 104, 122).

(b) On perusing the annual report, the Commission observed that a considerable proportion of the loans advanced by the Caisse du crédit agricole, which have, in actual fact, been granted mainly to European planters, has not been repaid. It was glad to note the explanations furnished by the accredited representative to the effect that these were recoverable bills which would be collected and not non-recoverable advances (pages 103-104, 122).

2. Judicial Organisation.

The Commission would be glad to find in the next report a list of cases of exemption from the native regime (*indigénat*) and of offences specifically punishable under the code by which the said regime is governed (pages 107, 122).

3. Native Provident Societies.

The Commission has noted with interest the statistical information supplied by the mandatory Power concerning the organisation and the operation of the native provident societies. It would be glad to receive in the annual reports, in addition to these figures, some particulars on the working and the achievements of these societies which would enable it to judge the nature of their work and the result of their efforts (pages 103, 105-106, 122).

4. Missions.

The Commission took note of the assurance given by the accredited representative that future reports would contain, in addition to the data usually supplied on the educational and medical work of the missions — and the particulars it hopes to receive of the grants made to missions — detailed information concerning their specifically religious work, and, in particular, the area within which each mission is working, the number and nature of the places of worship it maintains, the number of its adherents and the response of the natives according to social environment and area (pages 144, 122).

5. Land Tenure.

The Commission noted the information contained in the annual report, as well as that supplied to it by the accredited representative of the mandatory Power, in regard to the placing on record of native rights in landed property by the procedure of *constatation* on the one hand and land registration on the other.

It was struck by the steady increase, in the course of the past four years, both of the number of rural estates registered and of their area. It would be glad to find, in future reports, particulars of the number and area of native estates subject to the system of registration, of the number of mortgages taken out by natives and of the number of such mortgages that have given rise to foreclosure (pages 116-117, 122).

As regards the safeguarding of native rights in landed property, as contemplated in Article 5 of the mandate, the Commission took note with interest of the explanations given by the mandatory Power.

Referring to its previous observations on the subject, and in the light of the statements made by the accredited representative at the present session, the Commission hopes to receive fuller particulars of the measures taken by the Administration with the object of ensuring, in practice, the full observance of the aforesaid provision of the mandate. The Commission has particularly in mind the conditions to be observed as regards the administrative authorisation required for the creation of mortgages, and, where occasion arises, for the realisation of the security, even when effected by judicial process, as well as the juridical effects of failure by the creditors to comply with these conditions (pages 117, 122).

Tanganyika Territory

1. *General Administration.*

(a) The Commission has been impressed by the extent of the changes involved in the reconstitution of administrative areas, and would be grateful for further information on the subject, and, in particular, in regard to the effect of these changes on native administration (pages 25-26, 119).

(b) The Commission would welcome information in regard to the progress made in the establishment of local government agencies, of the nature of municipalities and townships, and the extent to which natives are admitted to a share in their administration (pages 25, 119).

(c) The Commission hopes that the next report will contain some account of the present situation in regard to groups of natives who reside more or less permanently outside their original native jurisdictions. In particular, it would be glad to have information as to the law applicable to such groups, and as to the extent to which their members take part in the administration of local affairs. It would further be grateful for some appreciation of the position of urbanised and educated natives, the changes in their social habits and behaviour, the opportunities they enjoy of finding a place in the commercial and administrative life of the country, and the evidence which exists of the development of political consciousness among them (pages 25, 35, 119).

2. *Economic Equality.*

The Commission learned that a single company had been granted a monopoly of internal air traffic in East Africa, including Tanganyika. It would be glad to find in the next report a full statement which would enable it to form an opinion on the subject, from the standpoint of the provisions of the mandate (pages 32-33, 119, 135).

3. *Taxation.*

The Commission noted that it had not yet been found possible to introduce an experiment in the revised system of native taxation to which the accredited representative referred at the thirty-fourth session of the Commission. The matter is one to which the Commission attaches importance, in view of the statement then made by the accredited representative to the effect that the present system is in some respects unsound (pages 28-29, 119).

The Commission notes that the number of native tax defaulters required to discharge their obligations in the form of labour on public works has progressively declined during recent years. Nevertheless, the fact that, during the past five years, the total number who have thus discharged their obligations exceeds 90,000 still remains of some significance (pages 29, 119).

4. *Education.*

The Commission noted with interest that, with regard to the educational policy in Tanganyika, various recommendations have been made tending to the development of all forms of African education and that, by making a grant of £100,000 to Makerere College, the mandated territory has doubled its provision for education in 1939 (pages 24, 38, 119).

5. *Public Health.*

The Commission looks forward to receiving, in future reports, information on the steps taken in Tanganyika as a result of the recommendations of the Committee of Nutrition in the Colonial Empire appointed by the British Economic Advisory Council (pages 39, 119).

Ruanda-Urundi

1. *Economic Equality.*

The Commission having asked last year for information as to the mode of application of the Decree of August 12th, 1937, concerning the levying of income tax on companies operating in the mandated territory, in order that it might examine the resulting position from the standpoint of economic equality, took note with satisfaction of the information received from the mandatory Power (pages 60, 119).

2. *Monopolies.*

The Commission would be glad to be in a position to judge, in the light of the provisions of the mandate, whether the practical effect of the concession granted to the Ruzizi Company is to eliminate competition in the purchase of cotton, in a particular area of the territory (pages 57-58, 119).

3. *Social Conditions of the Natives.*

The Commission is grateful to the mandatory Power for supplying a statement on the social life of the natives which enables it to gauge the development that has taken place during the past fifteen years (pages 62, 119).

4. *Missions.*

The Commission would be glad to be informed of the amount of the grants made to each of the subsidised missions, both for educational and for other purposes (pages 65, 66, 119).

5. *Education.*

The Commission would be glad to find, in the next report, more detailed information concerning the work of the Astrida official school, where education is given to future native auxiliaries of the Administration and to a number of chiefs' sons (pages 53, 119).

6. *Public Health.*

(a) The Commission was glad to hear a general statement on public health by the Chief Medical Officer of the Belgian Congo, who was specially deputed by the mandatory Power to accompany to Geneva the representative accredited to the Commission. It observed that valuable results had been obtained, and took note of the plan of medical assistance for the native population which the mandatory Power intends to put into operation in Ruanda Urundi. It will follow the execution of this programme with great interest (pages 40, 43-52, 119).

(b) The Commission would be glad to know whether the enquiry into the nutrition of the native population undertaken in the Belgian Congo has been extended to the mandated territory (pages 51, 119).

Togoland under British Mandate

1. *General Administration.*

The Commission would be glad to find in the next report some details of the strength of the European and African staff employed in the mandated territory (pages 87, 122).

It also wishes to have some information on the policy of the Administration in regard to the destooling of chiefs, and would be glad to know if it contemplates the issue of regulations to prevent abuses arising out of that practice (pages 88, 122).

2. *Public Health.*

The Commission noted the improvement in the organisation of public health. It hopes that it may be found possible to increase the number of dispensaries within convenient reach of the natives (pages 94, 122).

The Commission would be glad to find in the next report evidence of the progress made in surveying the incidence of sleeping-sickness (pages 93, 122).

It hopes that the nutrition survey initiated under the orders of the British Government in the Gold Coast will be extended to the mandated territory of Togoland (page 122).

3. *Land Tenure.*

The Commission noted that the mandatory Power has not yet been able to reach a decision concerning the interpretation given to the term of "native of Togoland" and of the legal validity of alienation of land by natives to "stranger natives".

It expresses the hope that the next report will contain the definite views of the mandatory Power on these points (pages 94, 122).

4. *Forests.*

The Commission's attention was drawn to the passage in the report mentioning, with reference to the records of the technical services, the danger due to the rapid disafforestation brought about by the establishment of new cocoa plantations. It would be glad to know what practical steps, apart from the formation of forest reserves, the mandatory Power proposes to take to remedy this situation (pages 94, 122).

TERRITORY UNDER C MANDATE

Western Samoa

1. *General Administration.*

(a) The Commission noted with interest the information supplied by the mandatory Power with regard to the relative position of the official and unofficial village heads. It hopes to find in future reports some further statement as to the views of the Administration in the matter, in particular as to the possibility of integrating the system of traditional native authorities with the general system of administration of the country (pages 15-16, 119).

(b) The Commission took note of the accredited representative's intention to give in the next report further information on the expenditure of village funds and, in particular, on the objects and methods of control of such expenditure (pages 16, 119).

2. *Judicial Organisation.*

The Commission would welcome some information on the nature and general features of the law administered by the native land and titles court. It would be glad to know the views of the Administration on the value of making a special study or digest of such law for the benefit of members of the court (pages 18, 119).

3. *Public Health.*

The Commission was interested to note the information supplied in the annual report with regard to the methods of work of the women's committees.

It expresses the wish to be kept informed of the activities of these bodies as well as of their financial resources and their relations with the village authorities and populations (pages 21, 119).

4. *Land Tenure.*

The Commission would be glad to find in the next report some information regarding the procedure for voluntary registration of native lands and the use made by the natives of such registration. It would also be interested to know what is the legal effect of registration, and to receive particulars of any instructions issued to the registering authorities as to the nature of the titles to be recorded (pages 21-22, 119).

C. PETITIONS¹

At its thirty-seventh session, the Commission considered the petition mentioned below, together with the observations made by the mandatory Power concerned. This petition was reported on in writing by a member of the Commission. After discussion, the Commission adopted the conclusions set forth below. The text of the report submitted to the Commission is attached to the Minutes.²

Palästine

PETITION (WITH SEVEN ANNEXES), DATED MAY 18TH, 1939, FROM M. MECHEL HERS LÖWENWIRTH, PETROVGRAD (YUGOSLAVIA) (document C.P.M.2162) (page 123).

Observations of the United Kingdom Government, dated November 3rd, 1939 (document C.P.M.2167).

Report (see Minutes, Annex 3, pages 127-128).

Conclusions.

" The Commission,

" Having examined the petition of May 18th, 1939, from M. Mechel Hers Löwenwirth, and the observations of the mandatory Power thereon;

" Whilst not contesting the legality of the decision taken by the competent Palestine authority;

" Considering that the petitioner, a Jew of Czech-Slovak origin, has, in fact, become Stateless;

" Considering, moreover, that he has already been admitted once to Palestine, has lived there for three years, claims that he owns land in that country and that his family has remained there :

" Would venture to hope that it might prove possible for his case to be reconsidered by the competent authorities, having regard to the humanitarian reasons militating in his favour."

¹ The page numbers following the title are those of the Minutes of the session.

² The Commission recommends that copies of the petition and the mandatory Power's observations should be deposited in the League of Nations Library and thus placed at the disposal of persons wishing to consult them.

II.

COMMENTS OF THE ACCREDITED REPRESENTATIVES SUBMITTED IN ACCORDANCE WITH SECTION (e) OF THE CONSTITUTION OF THE PERMANENT MANDATES COMMISSION

A. Tanganyika Territory

LETTER FROM THE ACCREDITED REPRESENTATIVE, DATED JANUARY 19TH, 1940

I have the honour to acknowledge the receipt of your letter of January 5th, enclosing a copy of the text of the observations of the Permanent Mandates Commission drawn up as a result of the examination of the administration of the Tanganyika Territory in 1938.

2. I have no general comments to make on the observations of the Commission, but I should perhaps record here that the monopoly of internal aviation services referred to in paragraph two was never actually granted. An agreement was drawn up, but was not signed.

(Signed) J. E. S. LAMB.

B.

The accredited representatives for the Cameroons under British Mandate, the Cameroons under French Mandate, Ruanda-Urundi, Togoland under British 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.

Geneva, December 21st, 1939.

LEAGUE OF NATIONS

PERMANENT MANDATES COMMISSION

THIRTY-SEVENTH SESSION OF THE COMMISSION

(Geneva, December 12th-21st, 1939.)

I.

REPORT TO THE COUNCIL ON THE WORK OF THE COMMISSION

The Permanent Mandates Commission met at Geneva from December 12th to 21st, 1939, for its thirty-seventh session, and held sixteen meetings, part of the first of which was public. The annual reports were considered in the order indicated below, with the co-operation of the representatives of the mandatory Powers.

Western Samoa, 1938/39.

Accredited Representative :

Mr. R. M. CAMPBELL, M.A., LL.B., Ph.D., New Zealand Government's Economic Adviser in London.

Tanganyika Territory, 1938.

Accredited Representative :

Mr. J. E. S. LAMB, Deputy Provincial Commissioner, Tanganyika.

Ruanda-Urundi, 1938.

Accredited Representative :

M. HALEWYCK DE HEUSCH, Permanent Recruitment Secretary, former Director-General in the Belgian Colonial Ministry ;

assisted by

M. VAN HOOF, Chief Medical Officer of the Belgian Congo.

Cameroons under British Mandate, 1938.

Accredited Representative :

Major L. SEALY-KING, District Officer, Nigeria.

Togoland under British Mandate, 1938.

Accredited Representative :

Captain C. C. LILLEY, O.B.E., former District Commissioner in Togoland.

Cameroons under French Mandate, 1938.

Accredited Representative :

M. REPIQUET, Honorary Governor-General of the Colonies, former Commissioner of the French Republic in the Cameroons.

ISLANDS UNDER JAPANESE MANDATE

The Commission was informed, on December 18th, that the despatch of the Japanese Government's report on the administration, during 1938, of the Islands under mandate had been delayed by the events in Europe and that the report had left Japan during the month of November. This document had not reached the Commission on December 21st, 1939, the closing date of its session. Since circumstances do not permit of a special session being held in the beginning of 1940 to examine this report, the Commission contemplates including it in the agenda of its next ordinary session.¹

¹ See Minutes of the Session, pages 11, 118-119.

A. SPECIAL QUESTION

THE MANDATED TERRITORIES AND THE WAR

The Commission has deliberately refrained from anticipating the events of 1939 by examining the situation created by the present war in connection with territories placed under the mandate of belligerent Powers. It will do so in the light of the information with which these mandatory Powers supply it when they give an account of their stewardship during 1939.¹

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 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.²

TERRITORIES UNDER B MANDATE

OBSERVATION COMMON TO THE CAMEROONS UNDER BRITISH MANDATE AND THE CAMEROONS UNDER FRENCH MANDATE

Frontiers.

The Commission has taken note of the information furnished regarding the continuation of the work of demarcating the frontier between the Cameroons under British mandate and the Cameroons under French mandate, and also of the instructions given to the boundary commissions with a view to safeguarding the interests of the native population in the frontier districts.

The Commission hopes that the attention of the mandatory Powers concerned will be drawn to the passages in the Minutes of the present session recording the exchanges of views which took place on this subject, particularly in connection with the examination of the annual report on the Cameroons under French mandate (pages 69, 83-84, 96-99, 119, 122).

Cameroons under British Mandate

1. *General Administration.*

The Commission noted that, in some parts of the Southern Province, it has been difficult to find in the social institutions of the natives a suitable basis for the establishment of native authorities capable of functioning as agencies of local government. It hopes that the process of amalgamation and federation may be found to provide a solution of this difficulty and to justify a progressive devolution of local authority now necessarily retained in the hands of administrative officers (pages 70-72, 119).

2. *Public Finance.*

The Commission learnt that the increase in the native tax had led in certain parts of the northern areas to emigration and tax evasion on a considerable scale. There seems some ground to suggest that the increase in the tax, amounting in some cases to a third, may have been unduly rapid in view of the conditions prevailing in the areas concerned (pages 74, 84, 119).

3. *Social Condition of the Natives.*

The Commission noted the importance of the problems created by the presence, in certain areas, of a considerable number of "stranger natives". It will follow with interest evidence of any progress made in the direction of assimilation and the association of "stranger natives" in the administration of local affairs (pages 71, 82-83, 119).

¹ See Minutes of the Session, pages 119-122, 123.

² The page numbers following each observation are those of the Minutes of the session.

4. *Labour.*

The Commission welcomed the appointment of a labour officer, and hopes that, by the institution of a regular inspection service, the standard of employment in the territory may be improved (pages 78-80, 119).

In particular, the Commission noted the undesirable consequences of the practice of employing children of as low an age as 8 years on the plantations, and hopes that legislation may be enacted fixing a minimum age for child employment (pages 79, 119).

5. *Land Tenure.*

The Commission is obliged for the very full information given regarding the part played by the natives in the development of the system of land tenure. It would appreciate an expression of the views of the mandatory Power concerning the extent to which Article 5 of the mandate permits the alienation of land, whether temporary or permanent, by natives to "stranger natives" (pages 82-83, 119).

6. *Public Health.*

The Commission hopes that the nutrition survey initiated under the orders of the British Government in Nigeria will be extended to the mandated territory of Cameroons (pages 82, 119).

Cameroons under French Mandate

1. *Public Finance.*

(a) The Commission would be glad to find in future reports full and precise information concerning subsidies paid to various institutions in France (pages 103, 104, 122).

(b) On perusing the annual report, the Commission observed that a considerable proportion of the loans advanced by the Caisse du crédit agricole, which have, in actual fact, been granted mainly to European planters, has not been repaid. It was glad to note the explanations furnished by the accredited representative to the effect that these were recoverable bills which would be collected and not non-recoverable advances (pages 103-104, 122).

2. *Judicial Organisation.*

The Commission would be glad to find in the next report a list of cases of exemption from the native regime (*indigénat*) and of offences specifically punishable under the code by which the said regime is governed (pages 107, 122).

3. *Native Provident Societies.*

The Commission has noted with interest the statistical information supplied by the mandatory Power concerning the organisation and the operation of the native provident societies. It would be glad to receive in the annual reports, in addition to these figures, some particulars on the working and the achievements of these societies which would enable it to judge the nature of their work and the result of their efforts (pages 103, 105-106, 122).

4. *Missions.*

The Commission took note of the assurance given by the accredited representative that future reports would contain, in addition to the data usually supplied on the educational and medical work of the missions — and the particulars it hopes to receive of the grants made to missions — detailed information concerning their specifically religious work, and, in particular, the area within which each mission is working, the number and nature of the places of worship it maintains, the number of its adherents and the response of the natives according to social environment and area (pages 144, 122).

5. *Land Tenure.*

The Commission noted the information contained in the annual report, as well as that supplied to it by the accredited representative of the mandatory Power, in regard to the placing on record of native rights in landed property by the procedure of *constatation* on the one hand and land registration on the other.

It was struck by the steady increase, in the course of the past four years, both of the number of rural estates registered and of their area. It would be glad to find, in future reports, particulars of the number and area of native estates subject to the system of registration, of the number of mortgages taken out by natives and of the number of such mortgages that have given rise to foreclosure (pages 116-117, 122).

As regards the safeguarding of native rights in landed property, as contemplated in Article 5 of the mandate, the Commission took note with interest of the explanations given by the mandatory Power.

Referring to its previous observations on the subject, and in the light of the statements made by the accredited representative at the present session, the Commission hopes to receive fuller particulars of the measures taken by the Administration with the object of ensuring, in practice, the full observance of the aforesaid provision of the mandate. The Commission has particularly in mind the conditions to be observed as regards the administrative authorisation required for the creation of mortgages, and, where occasion arises, for the realisation of the security, even when effected by judicial process, as well as the juridical effects of failure by the creditors to comply with these conditions (pages 117, 122).

Tanganyika Territory

1. General Administration.

(a) The Commission has been impressed by the extent of the changes involved in the reconstitution of administrative areas, and would be grateful for further information on the subject, and, in particular, in regard to the effect of these changes on native administration (pages 25-26, 119).

(b) The Commission would welcome information in regard to the progress made in the establishment of local government agencies, of the nature of municipalities and townships, and the extent to which natives are admitted to a share in their administration (pages 25, 119).

(c) The Commission hopes that the next report will contain some account of the present situation in regard to groups of natives who reside more or less permanently outside their original native jurisdictions. In particular, it would be glad to have information as to the law applicable to such groups, and as to the extent to which their members take part in the administration of local affairs. It would further be grateful for some appreciation of the position of urbanised and educated natives, the changes in their social habits and behaviour, the opportunities they enjoy of finding a place in the commercial and administrative life of the country, and the evidence which exists of the development of political consciousness among them (pages 25, 35, 119).

2. Economic Equality.

The Commission learned that a single company had been granted a monopoly of internal air traffic in East Africa, including Tanganyika. It would be glad to find in the next report a full statement which would enable it to form an opinion on the subject, from the standpoint of the provisions of the mandate (pages 32-33, 119, 135).

3. Taxation.

The Commission noted that it had not yet been found possible to introduce an experiment in the revised system of native taxation to which the accredited representative referred at the thirty-fourth session of the Commission. The matter is one to which the Commission attaches importance, in view of the statement then made by the accredited representative to the effect that the present system is in some respects unsound (pages 28-29, 119).

The Commission notes that the number of native tax defaulters required to discharge their obligations in the form of labour on public works has progressively declined during recent years. Nevertheless, the fact that, during the past five years, the total number who have thus discharged their obligations exceeds 90,000 still remains of some significance (pages 29, 119).

4. Education.

The Commission noted with interest that, with regard to the educational policy in Tanganyika, various recommendations have been made tending to the development of all forms of African education and that, by making a grant of £100,000 to Makerere College, the mandated territory has doubled its provision for education in 1939 (pages 24, 38, 119).

5. Public Health.

The Commission looks forward to receiving, in future reports, information on the steps taken in Tanganyika as a result of the recommendations of the Committee of Nutrition in the Colonial Empire appointed by the British Economic Advisory Council (pages 39, 119).

Ruanda-Urundi

1. *Economic Equality.*

The Commission having asked last year for information as to the mode of application of the Decree of August 12th, 1937, concerning the levying of income tax on companies operating in the mandated territory, in order that it might examine the resulting position from the standpoint of economic equality, took note with satisfaction of the information received from the mandatory Power (pages 60, 119).

2. *Monopolies.*

The Commission would be glad to be in a position to judge, in the light of the provisions of the mandate, whether the practical effect of the concession granted to the Ruzizi Company is to eliminate competition in the purchase of cotton, in a particular area of the territory (pages 57-58, 119).

3. *Social Conditions of the Natives.*

The Commission is grateful to the mandatory Power for supplying a statement on the social life of the natives which enables it to gauge the development that has taken place during the past fifteen years (pages 62, 119).

4. *Missions.*

The Commission would be glad to be informed of the amount of the grants made to each of the subsidised missions, both for educational and for other purposes (pages 65, 66, 119).

5. *Education.*

The Commission would be glad to find, in the next report, more detailed information concerning the work of the Astrida official school, where education is given to future native auxiliaries of the Administration and to a number of chiefs' sons (pages 53, 119).

6. *Public Health.*

(a) The Commission was glad to hear a general statement on public health by the Chief Medical Officer of the Belgian Congo, who was specially deputed by the mandatory Power to accompany to Geneva the representative accredited to the Commission. It observed that valuable results had been obtained, and took note of the plan of medical assistance for the native population which the mandatory Power intends to put into operation in Ruanda Urundi. It will follow the execution of this programme with great interest (pages 40, 43-52, 119).

(b) The Commission would be glad to know whether the enquiry into the nutrition of the native population undertaken in the Belgian Congo has been extended to the mandated territory (pages 51, 119).

Togoland under British Mandate

1. *General Administration.*

The Commission would be glad to find in the next report some details of the strength of the European and African staff employed in the mandated territory (pages 87, 122).

It also wishes to have some information on the policy of the Administration in regard to the destooling of chiefs, and would be glad to know if it contemplates the issue of regulations to prevent abuses arising out of that practice (pages 88, 122).

2. *Public Health.*

The Commission noted the improvement in the organisation of public health. It hopes that it may be found possible to increase the number of dispensaries within convenient reach of the natives (pages 94, 122).

The Commission would be glad to find in the next report evidence of the progress made in surveying the incidence of sleeping-sickness (pages 93, 122).

It hopes that the nutrition survey initiated under the orders of the British Government in the Gold Coast will be extended to the mandated territory of Togoland (page 122).

3. *Land Tenure.*

The Commission noted that the mandatory Power has not yet been able to reach a decision concerning the interpretation given to the term of "native of Togoland" and of the legal validity of alienation of land by natives to "stranger natives".

It expresses the hope that the next report will contain the definite views of the mandatory Power on these points (pages 94, 122).

4. *Forests.*

The Commission's attention was drawn to the passage in the report mentioning, with reference to the records of the technical services, the danger due to the rapid disafforestation brought about by the establishment of new cocoa plantations. It would be glad to know what practical steps, apart from the formation of forest reserves, the mandatory Power proposes to take to remedy this situation (pages 94, 122).

TERRITORY UNDER C MANDATE

Western Samoa.

1. *General Administration.*

(a) The Commission noted with interest the information supplied by the mandatory Power with regard to the relative position of the official and unofficial village heads. It hopes to find in future reports some further statement as to the views of the Administration in the matter, in particular as to the possibility of integrating the system of traditional native authorities with the general system of administration of the country (pages 15-16, 119).

(b) The Commission took note of the accredited representative's intention to give in the next report further information on the expenditure of village funds and, in particular, on the objects and methods of control of such expenditure (pages 16, 119).

2. *Judicial Organisation.*

The Commission would welcome some information on the nature and general features of the law administered by the native land and titles court. It would be glad to know the views of the Administration on the value of making a special study or digest of such law for the benefit of members of the court (pages 18, 119).

3. *Public Health*

The Commission was interested to note the information supplied in the annual report with regard to the methods of work of the women's committees.

It expresses the wish to be kept informed of the activities of these bodies as well as of their financial resources and their relations with the village authorities and populations (pages 21, 119).

4. *Land Tenure.*

The Commission would be glad to find in the next report some information regarding the procedure for voluntary registration of native lands and the use made by the natives of such registration. It would also be interested to know what is the legal effect of registration, and to receive particulars of any instructions issued to the registering authorities as to the nature of the titles to be recorded (pages 21-22, 119).

C. PETITIONS¹

At its thirty-seventh session, the Commission considered the petition mentioned below, together with the observations made by the mandatory Power concerned. This petition was reported on in writing by a member of the Commission. After discussion, the Commission adopted the conclusions set forth below. The text of the report submitted to the Commission is attached to the Minutes.²

Palestine

PETITION (WITH SEVEN ANNEXES), DATED MAY 18TH, 1939, FROM M. MECHEL HERS LÖWENWIRTH, PETROVGRAD (YUGOSLAVIA) (document C.P.M.2162) (page 123).

Observations of the United Kingdom Government, dated November 3rd, 1939 (document C.P.M.2167).

Report (see Minutes, Annex 3, pages 127-128).

Conclusions.

- " The Commission,
- " Having examined the petition of May 18th, 1939, from M. Mechel Hers Löwenwirth, and the observations of the mandatory Power thereon;
- " Whilst not contesting the legality of the decision taken by the competent Palestine authority;

¹ The page numbers following the title are those of the Minutes of the session.

² The Commission recommends that copies of the petition and the mandatory Power's observations should be deposited in the League of Nations Library and thus placed at the disposal of persons wishing to consult them.

“ Considering that the petitioner, a Jew of Czecho-Slovak origin, has, in fact, become Stateless ;

“ Considering, moreover, that he has already been admitted once to Palestine, has lived there for three years, claims that he owns land in that country and that his family has remained there :

“ Would venture to hope that it might prove possible for his case to be reconsidered by the competent authorities, having regard to the humanitarian reasons militating in his favour.”

II.

COMMENTS OF THE ACCREDITED REPRESENTATIVES SUBMITTED IN ACCORDANCE WITH SECTION (e) OF THE CONSTITUTION OF THE PERMANENT MANDATES COMMISSION

A. Tanganyika Territory.

LETTER FROM THE ACCREDITED REPRESENTATIVE, DATED JANUARY 19TH, 1940

I have the honour to acknowledge the receipt of your letter of January 5th, enclosing a copy of the text of the observations of the Permanent Mandates Commission drawn up as a result of the examination of the administration of the Tanganyika Territory in 1938.

2. I have no general comments to make on the observations of the Commission, but I should perhaps record here that the monopoly of internal aviation services referred to in paragraph two was never actually granted. An agreement was drawn up, but was not signed.

(Signed) J. E. S. LAMB!

B.

The accredited representatives for the **Cameroons under British Mandate**, the **Cameroons under French Mandate**, **Ruanda-Urundi**, **Togoland under British 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.
