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THE  
LEAGUE OF NATIONS  
AND  
MANDATES

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## NOTE

This pamphlet is one of a short series issued by the Information Section of the Secretariat of the League of Nations on various aspects of League work. Other pamphlets deal with the constitution and organisation of the League, the Permanent Court of International Justice, the financial reconstruction of Austria, political activities, financial and economic work, the financial administration of the League and allocation of expenses, disarmament, health, minorities, transit, the administration of Danzig and the Saar, intellectual co-operation, and humanitarian activities.

These pamphlets, which are issued for information purposes, should not be regarded as taking in any way the place of official documents.

July 1924.

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# THE LEAGUE OF NATIONS AND MANDATES

## I. Origin of the Mandate System.

At the end of the war, the Allied and Associated Powers were confronted with the problem of the disposal of the former German colonies in Africa and in the Pacific and of the non-Turkish provinces of the Ottoman Empire. These territories were, at the time, under military occupation and administration by the Allied troops. It became the task of the Peace Conference to provide for their future administration, and the plan ultimately adopted embodied the principle that these territories should be administered by different Governments on behalf of the League but not by the League itself—a system of national responsibility subject to international supervision.

This plan, known as the Mandate system, was adopted on January 30, 1919, by the "Council of Ten", was transmitted to the Peace Conference Commission on the League of Nations, and, with very slight changes, was incorporated as Article 22 of the Covenant, which consists of the first 26 Articles of the Versailles and other Treaties.

## II. The Mandates Provisions in the Covenant.

The Mandate system, as defined in Article 22 of the Covenant, constitutes a new conception and a novel political experiment in a domain of the greatest importance in international affairs.

It is indisputable that in opening up to civilisation the resources of backward territories, abuses have occurred, and

unfortunate relations have sometimes ensued between the native races and the more advanced nations. On the other hand, the system of protectorates and annexations has sometimes been a source of war, and, more frequently, of misunderstanding between the different colonial powers.

The Mandate system is an attempt to apply to the territories which were at the disposal of the Allied Powers a new device ensuring that the government of the backward peoples concerned shall not be the cause of the evils which have resulted in the past. This system is based on the fundamental principle that "the well-being and development of such peoples form a sacred trust of civilisation." The tutelage of these territories "which are inhabited by peoples not yet able to stand by themselves under the strenuous conditions of the modern world" is entrusted to advanced nations which, "by reason of their resources, their experience or their geographical position, can best undertake this responsibility and who are willing to accept it." The tutelage is exercised by them on behalf of the League of Nations and in its name.

Article 22 further provides that "securities for the performance of this trust should be embodied in this Covenant." These securities, as laid down in the same Article, fall into three categories.

In the first place there are definite prescriptions forbidding some abuses which have been found in the past to result from the contact between backward and advanced peoples.

In the second place there are provisions to secure that the administration shall be in favour of the welfare of the indigenous population, and shall have due respect for the rights and interests of the other Members of the League.

In the third place, the Mandatory Powers are to make annual reports to the Council of the League, and in order that the Council may be able adequately and fully to examine these reports, provision is made for a Permanent Com-

mission to advise it on all matters relating to the observance of the Mandates.

As the territories to which the Mandate system is applied are of a very different nature, the Covenant recognises that the character of the Mandate must vary according to the degree of development of the people, the geographical situation of the territory, its economic conditions and other similar circumstances. The territories are accordingly divided into three classes—the so-called "A", "B", and "C" Mandates—varying in respect to the powers of administration conferred upon the Mandatory.

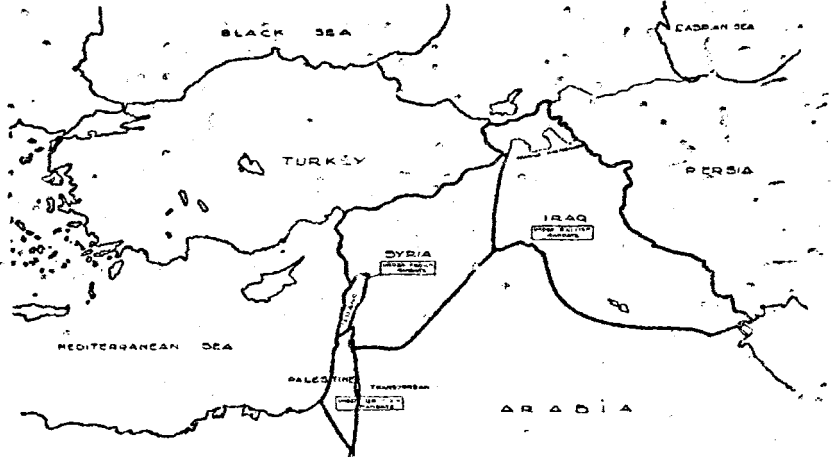
1. *The "A" Mandates.* — This type of Mandate is applied to certain communities formerly belonging to the Turkish Empire (Mesopotamia, Syria (1), and Palestine), which have reached a stage of development where their existence as independent nations can be "provisionally recognised", subject to the rendering of administrative advice and assistance by a Mandatory until they are able to stand alone. At present they are allowed a certain measure of self-government while at the same time obliged to accept the "assistance" given to them by the Mandatory, in the selection of which the wishes of the peoples must be the principal consideration.

2. *The "B" Mandates.* — For the territories in this category (comprising the Cameroons, Togoland, and former German East Africa) it is recognised that self-government would be impossible and that the Mandatory must be responsible for their administration. This administration must, however, be carried out for the benefit of the native communities

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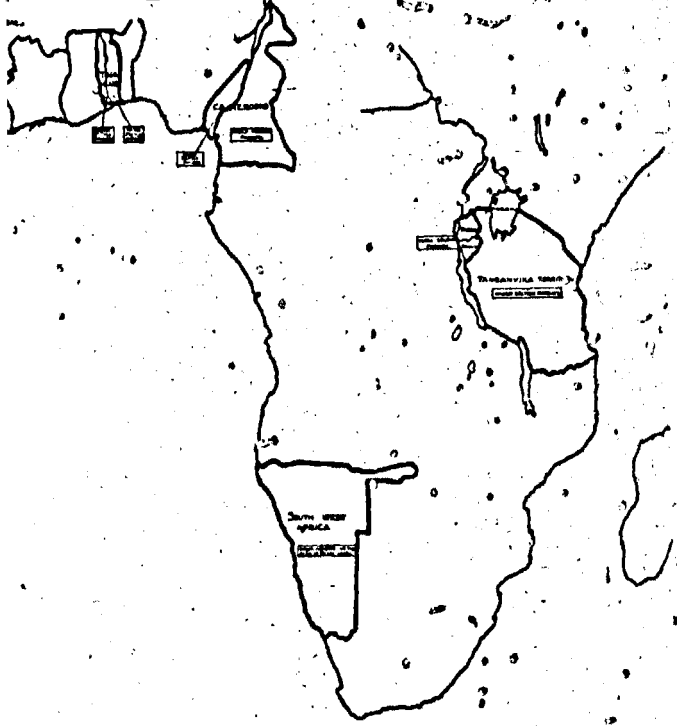
(1) The word "Syria" is used throughout this pamphlet to designate the whole of the country under French mandate in the Near East (Syria and the Lebanon). These mandated territories comprise the "States" of Aleppo, Damascus, Alaouites Djebel Druse and Lebanon, of which the four first-mentioned are now combined in the "Federation of Syrian States".

# THE 'A. MANDATES



and with due respect for the interests of the other Members of the League of Nations, Article 22 imposes certain condi-

B. AND C. MANDATES IN AFRICA

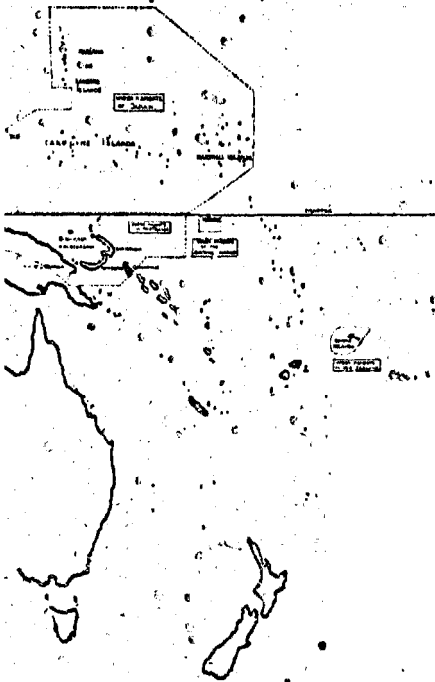


tions which must be fulfilled by the Mandatory. Freedom of conscience and religion, subject only to the maintenance of public order and morals, are to be guaranteed; abuses such as the slave trade, arms traffic; and the liquor traffic are to



be prohibited. The establishment of fortifications or military or naval bases, and of military training of the natives

## C. MANDATES IN THE PACIFIC.



for other than police purposes and the defence of the territory are to be prevented; equal opportunities for the trade and commerce of other Members of the League are to be secured.

3. *The "C" Mandates.*— The third group of territories (South-West Africa and the former German possessions in the Pacific) are to be administered under the laws of the Mandatory as integral portions of its territory, subject to the same safeguards as apply to the "B" Mandates in the interests of the indigenous population. The distinction in the method of administration is made (in accordance with the Covenant) on account of the sparseness of the population or their small numbers, their remoteness from the centres of civilisation, their geographical contiguity to the territory of the Mandatory, or other circumstances.

### • III. The Territorial Allocation of the Mandates.

To carry out the undertakings contained in Article 22 and to establish the system of Mandates as a working institution under the League, the following measures were necessary :

(a) To select suitable Mandatory Powers to administer the given territories.

(b) To delimit the frontiers of the territories entrusted to the different Mandatory Powers.

(c) To confer upon the selected Mandatory Powers the necessary rights of authority and administration by a legally binding act, and to define specifically in separate charters applicable to each Mandated area the terms of the Mandates in accordance with which they were to govern.

(d) To establish the machinery provided for by Article 22 for securing the observance of the terms of the Mandates.

The German colonies in Africa and the Pacific were not transferred to the League of Nations, but to the Principal Allied and Associated Powers. According to Article 119 of

the Versailles Treaty, "Germany renounces in favour of the Principal Allied and Associated Powers all her rights and titles over her overseas possessions."

A similar provision was contained in Article 132 of the Treaty of Sèvres, according to which Turkey renounced in favour of the Principal Allied Powers all her rights and titles over her territories outside Europe "which are not otherwise disposed of by the present treaty." The non-ratification of the Sèvres Treaty undermined to a certain extent the legal basis for the establishment of the Mandatory system in the territories in the Near East. This situation will, however, end on the coming into force of the new Treaty of Peace with Turkey signed at Lausanne on July 24, 1923. According to Article 16 of this Treaty, Turkey renounces all rights and titles whatsoever respecting the territories situated outside the frontiers laid down in the Treaty, the future of these territories being settled or to be settled by the parties concerned.

In conformity with the above-quoted provisions, it was recognised that the selection of the Mandatories was a matter for the Allied Supreme Council and not one for the League of Nations.

On May 7, the Allied Supreme Council reached the following decisions regarding the Mandatories for the former German colonies :

- |                                       |  |
|---------------------------------------|--|
| <i>Togoland and Cameroons</i> . . .   | France and Great Britain to make a joint recommendation to the League of Nations as to their future. |
| <i>German East Africa (1)</i> . . .   | Mandatory. — Great Britain.  |
| <i>German South-West Africa</i> . . . | Mandatory. — The Union of South Africa.  |

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(1) Now known as Tanganyika.

*The German Samoan Islands.* Mandatory — New Zealand.

*Nauru (1).* . . . . . Mandatory. — British Empire.

*The other German Pacific Possessions south of the Equator (excluding the German Samoan Islands and Nauru, and including German New Guinea)* . . . . . Mandatory. — Australia.

*German Islands north of the Equator.* . . . . . Mandatory. — Japan.

As a result of subsequent negotiations, the provinces of Ruanda and Urundi in the north-west German East Africa were separated from the remainder of the territory and placed under the Mandate of Belgium. Togoland and the Cameroons were divided between France and Great Britain, the larger part of the territories being allocated to France.

The selection of Mandatories for Syria, Palestine and Mesopotamia was made by the Allied Supreme Council at San Remo on April 25, 1920.

*Syria* . . . . . Mandatory. — France.

*Palestine.* . . . . . Mandatory. — Great Britain.

*Mesopotamia* . . . . . Mandatory. — Great Britain.

The delimitation of the frontiers of the territories under "B" Mandates has been agreed upon in treaties negotiated between the Allied Powers principally concerned. A difficult problem subsequently arose in connection with the frontier between the British and Belgian Mandated Territories in East Africa, a problem which was not solved until 1923. (See page 33.)

(1) The administration of Nauru is vested in the Governments of Australia and New Zealand, together with the United Kingdom. The Australian Government was appointed by the three parties as their agent to administer the island for the first five years. In all matters relating to major policy, however, reference is made to all three Governments concerned, whose concurrence is essential.

Article 3 of the Lausanne Treaty recognises the line agreed upon in the Franco-Turkish Agreement of October 20, 1921, as the frontier between Turkey and Syria. The frontier between Turkey and Mesopotamia (Iraq) is to be determined by a friendly arrangement between Turkey and Great Britain. A special commission, which finished its work in February 1922, drew up the frontier between Palestine and Syria, in accordance with a convention concluded between Great Britain and France.

#### IV. The Definition of the Terms of the Mandates.

##### A. The Procedure.

The appointment of the Mandatories and the delimitation of the frontiers of the mandated areas were not matters entrusted to the League. On the other hand, Article 22 of the Covenant states that "the degree of authority, control or administration to be exercised by the Mandatory shall, if not previously agreed upon by the Members of the League, be explicitly defined in each case by the Council."

The interpretation and execution of this clause has given rise to some difficulty. The original intention of the authors of the Covenant had been that the terms of the Mandates should be embodied in the Peace Treaties, but this was subsequently abandoned and the treaties signed without the inclusion of the terms.

In July 1919 a Commission of colonial experts of the Principal Allied and Associated Powers, presided over by Lord Milner, met in London to draft Mandates for the territories under "B" and "C" Mandates, but as some of the interested Governments made several important reservations, an agreement was not immediately reached.

The procedure eventually followed was that the Principal Allied Powers submitted draft Mandates to the Council, which,

after satisfying itself that they were in accordance with the provisions of the Covenant, finally adopted them, with some slight amendments.

The allocation of the Mandated territories had taken place in May-August 1919 and April 1920, and the first draft Mandates were submitted to the Council towards the end of the latter year. In December 1920 the Council confirmed the "C" Mandates, whilst determination of the "A" and "B" Mandates, which had been expected to take place in February 1921, was delayed for a considerable time.

The delay in the definition of the "A" and "B" Mandates was principally due to the intervention of the United States. During the Council session in February 1921, when it had been expected that the "B" Mandates would be finally approved, an important note was received from the American Government requesting that the draft mandates should be communicated to it for its consideration before submission to the Council. Reference was further made to a note of November 20, 1920, from the American to the British Government, expressing the view that the approval of the United States was "essential to the validity of any determinations which might be reached" respecting the Mandates.

The Council, before the receipt of the American note, had already decided to postpone the consideration of the "A" Mandates. In view of the desire expressed by the United States, the consideration of the "B" Mandates was also deferred. At the same time the American Government was invited to take part in the discussions of these questions at the forthcoming Council meeting. The Government, however, did not accept this invitation, but during the following year and a-half, negotiations regarding the terms of the Mandates took place between the American Government and the individual Mandatory Powers. By the spring of 1922 agreements had been reached on the outstanding points; and formal treaties between the United States and the other Manda-

tory Powers have been concluded, or are still in process of negotiation.

Certain differences which had developed between the United States and Japan with respect to the Island of Yap in the North Pacific were adjusted by a treaty between these countries of February 11, 1922, relating to Yap and also the other islands under Japanese Mandate.

On July 17, 1922, when preliminary agreements between the United States and the Mandatory Powers had been reached, the "B" Mandates were confirmed by the Council and entered into force at once.

The Mandates for Palestine and Syria were also approved on the same occasion, but with the understanding that they should not come into force until the President of the Council had been notified by the Governments of France and Italy that the negotiations then pending between them in regard to certain questions relating to the Mandate for Syria had resulted in final agreement. On September 29, 1923, the Council was duly informed by the representatives of France and Italy that these negotiations had been successfully concluded, and took note of the fact that the Mandates for Syria and Palestine would thereby automatically and simultaneously come into force.

With regard to the terms of the Mandate for Mesopotamia (Iraq) which have not been defined by the Council, Mr. Fisher, British representative on the Council, informed the Council in November 1921 that the British Government had come to the conclusion that its obligations vis-a-vis the League could be most effectively discharged if the principles on which they rested were embodied in a treaty between Great Britain and the King of Iraq. There was an overwhelming desire on the part of the people of Iraq for the formation of a national government under an Arab ruler. The statements made publicly by the King of Iraq on his accession to the throne showed clearly that he was ready and willing

to include in the treaty all proper provisions to ensure that the government should be carried on in strict conformity with the spirit of the Covenant of the League. Mr. Fisher's statement concluded :

"It will be understood that the proposed Treaty will serve merely to regulate the relations between His Majesty's Government, as Mandatory Power, and the Arab Government of Iraq. It is not intended as a substitute for the Mandate which will remain the operative document defining the obligations undertaken by His Majesty's Government on behalf of the League of Nations."

A Treaty was subsequently concluded between Great Britain and Iraq on October 10, 1922, a copy of which was communicated on October 11 of that year to the Council of the League. A Protocol accessory to the Treaty was signed on April 30, 1923, and a copy communicated to the Council in the following month, and four Agreements subsidiary to the Treaty concluded on March 25, 1924, were communicated to the Council in May 1924. In communicating these documents the British Government drew attention to the fact that under the Protocol provision was made for the Treaty to terminate upon Iraq becoming a Member of the League of Nations, and in any case not later than four years from the date of ratification of peace with Turkey.

The Treaty and connected documents appeared to the British Government to render to Iraq administrative advice and assistance in accordance with the terms of Article 22 of the Covenant of the League and to provide a practical and comprehensive basis for giving effect to the principles of the Covenant. On the assumption that the Treaty, Protocol, and the subsidiary documents were accepted by the Iraq Constituent Assembly, the British Government stated that it was its intention, after obtaining the assent of the British Parliament, to invite the Council of the League to adopt an instrument defining the obligations of the British Govern-



ment to the League in respect to Iraq in accordance with the terms of the Treaty, Protocol, and Agreements.

The Council was informed by the British representative at its meeting in June 1924 that the Treaty, Protocol and Agreements had been accepted by the Iraq Constituent Assembly, but as the assent of the British Parliament had not by that time been obtained, consideration of the matter by the Council was adjourned until its next meeting.

### *B. The Principal Provisions of the Mandates.*

The "Mandates" contain a series of provisions reaffirming with greater detail and precision the principles laid down in the Covenant. It is not possible to deal with all these provisions in detail, but the following will give a general idea of their contents.

Certain clauses are common to all the Mandates. Full power of legislation and administration is given to the Mandatory, subject to the provisions of the Mandate. The Mandatory is to present to the Council of the League an annual report containing full information concerning the measures taken to carry out the provisions of the Mandate. The Mandatory agrees that disputes arising with other Members of the League regarding the interpretation or the application of the Mandate which cannot be solved by negotiation shall be submitted to the Permanent Court of International Justice. The consent of the Council is required for any modification of the terms of the Mandate.

The other clauses contained in the Mandates vary according to the three classes of territory to which they apply.

For all the "C" Mandates (former German South-West Africa and the Islands in the Pacific), the terms of the Mandates are almost identical and fairly simple. The Mandatory is given the right to administer the territory as an integral

portion of its home territory, and may apply its laws, subject to the necessary local modifications.

As a general principle, it is laid down that the Mandatory "shall promote to the utmost the material and moral well-being and the social progress of the inhabitants of the territory subject to the present Mandate".

In accordance with the provisions of the Covenant, the Mandate particularly provides that the slave trade shall be prohibited and no forced labour be permitted except for essential public works and services, and then only in return for adequate remuneration. A strict control must be exercised over the traffic in arms and ammunition, and the supply of intoxicating spirits and beverages to the natives shall be prohibited. Military training of the natives, otherwise than for purposes of internal police and the local defence of the territory, military or naval bases and fortifications are not allowed. The Mandatory must ensure freedom of conscience and the free exercise of all forms of worship; all missionaries nationals of any Member of the League may enter into, travel and reside in the territory for the purpose of their calling.

The "C" Mandates contain no provisions regarding economic equality or freedom for trade and commerce of all Members of the League. On the other hand, the provisions regarding the liquor traffic are somewhat stricter than for the "B" Mandates. The "C" Mandates prohibit absolutely the supply of intoxicating spirits and beverages to the natives, while the "B" Mandates only lay down that the Mandatory shall "exercise a strict control" over the sale of spirituous liquors.

The provisions contained in the "B" Mandates are more elaborate. The Mandatory, which is responsible for the peace, order and good government of the territory, and invested with full powers of legislation and administration, may constitute the territory into a customs, fiscal, and admin-

nistrative union with the adjacent territories, provided that such measures do not infringe the provisions of the Mandate. The Mandatory is to apply to the territory any general international conventions already existing, or concluded hereafter, with the approval of the League, respecting such matters as the slave trade, liquor traffic, freedom of transit, etc.

The military clauses (forbidding the establishment of fortifications and organisation of native troops except for local police force purposes and the defence of the territory) are virtually the same as for the "C" Mandates. The only exception is in the French Mandates for the Cameroons and Togoland. "It is understood that the troops thus raised may, in the event of general war, be utilised to repel an attack, or for defence of the territory outside that subject to the Mandate."

The Mandatory is to provide for the eventual emancipation of all slaves and for as speedy an elimination of domestic and other slavery as social conditions will allow. All forms of slave trade must be suppressed, and forced labour prohibited except for essential public works and services, and then only in return for adequate remuneration. Labour contracts and the recruiting of labour must be carefully supervised so that the natives shall be protected from abuse, fraud and force. The arms traffic is to be strictly controlled. Regarding the important question of the holding or transfer of native lands, it is laid down that the Mandatory, in the framing of laws relating to this problem, shall take into consideration native laws and customs and respect the rights and safeguard the interests of the native population. No real rights over native land in favour of non-natives may be created without the previous consent of the public authorities. Strict regulations against usury are to be promulgated.

The provisions regarding freedom of conscience and free exercise of worship are much the same as for the "C" Mandates. It is always understood that the Mandatory may exer-

exercise such control as may be necessary for the maintenance of public order and good government.

The principle of the "open door" is carried out in detail. The Mandatory is to secure to all nationals of States Members of the League the same rights as are enjoyed by its own nationals in respect of immigration, acquisition of property, exercise of profession or trade. Freedom of transit and navigation, and complete economic, commercial, and industrial equality is to be ensured. Concessions for development of the natural resources of the territory are to be granted without distinction on grounds of nationality, but concessions having the character of general monopoly are not to be granted. This provision does not affect the right of the Mandatory to create a monopoly of a purely fiscal character in the interests of the mandated territory, or in certain cases to carry out the development of its natural resources either directly by the State or by a controlled agency.

The "A" Mandates for Syria and Palestine are rather different from the "B" and "C" Mandates. Here the Mandatory has to deal with more developed populations which will probably in time become self-governing, and it will therefore be expected to promote the capacity of these populations for self-government. For the Syrian Mandate it is expressly laid down that the Mandatory must, within three years of the coming into force of the Mandate, frame an "organic law" for Syria and Lebanon, taking into account the rights, interests and wishes of the population. The progressive development of Syria and Lebanon as independent States is to be facilitated, and local autonomy as far as possible encouraged.

The Mandatories for Syria and Palestine respectively are entrusted with the exclusive control of the foreign affairs of the country and are responsible for preventing any part of the territory from being placed under the control of a foreign power. The privileges and immunities of foreigners, including the benefits of consular jurisdiction and protection, as

formerly enjoyed in the Ottoman Empire, are not applicable in Syria or Palestine; the Mandatory has, however, to see that the judicial system established assures to foreigners as well as to natives a complete guarantee of their rights.

The respective Mandatories are to adhere on behalf of Syria and Palestine to any general international conventions already existing, or which may be concluded, in respect of certain important matters such as the slave traffic, the traffic in arms and ammunition, or the traffic in drugs, or relating to commercial equality, freedom of transit and navigation, aerial navigation, postal, telegraphic, and wireless communication, or literary, artistic, or industrial property.

Complete freedom of conscience and free exercise of all forms of worship consistent with public order and morality is to be ensured and no discrimination of any kind made between the inhabitants on the ground of difference of race, religion, or language. Each community may maintain its own schools for the instruction and education of its own members in its own language. The supervision exercised by the Mandatory over religious missions in Syria and Lebanon is limited to the maintenance of public order and good government.

The Mandatories are to see that there is no discrimination in Syria and Palestine against the nationals of any State Member of the League of Nations in matters concerning taxation, commerce, navigation, exercise of industries or professions, or the treatment of merchant vessels. Freedom of transit is to be ensured and no tariff differentiation is allowed.

For Syria it is laid down that the Mandatory may maintain its troops in the territory for its defence, and is provisionally empowered to organise such local militia as may be necessary for the defence of the territory and to employ it for defence and the maintenance of order. This militia is later to come under the local authorities. The Palestine Mandate provides that "the administration of Palestine may organise on a voluntary basis the forces necessary for

the preservation of peace and order, and also for the defence of the country" subject to the supervision of the Mandatory. Except for such purposes, no military, naval, or air forces are to be raised or maintained by the Administration of Palestine. The Mandatories have the right to make use of the ports, railways, and means of communication for the passage of their troops and of all materials, supplies and fuel.

The Mandatories are to draw up and put into force a law for the protection of antiquities which will ensure equality of treatment in the matter of excavations and archaeological research to the nationals of all States Members of the League of Nations.

In the determination of the Mandate for Palestine, certain particular circumstances had to be taken into account. By what is known as the Balfour Declaration of November 2, 1917, the British Government had declared itself in favour of the policy of the establishment in Palestine of a National Home for the Jewish People, it being clearly understood that nothing should be done which might prejudice the civil and religious rights of existing non-Jewish communities in Palestine, or the rights and political status enjoyed by Jews in any other country. These principles had been agreed to by the Principal Allied Powers. When it came to the actual drafting of the Mandate, it was evident that it must, on the one hand, contain the necessary provisions to carry out this policy, and, on the other hand, be in agreement with the general provisions of the Covenant regarding the "A" Mandates.

The Palestine Mandate states that "the Mandatory shall be responsible for placing the country under such political, administrative, and economic conditions as will secure the establishment of the Jewish National Home and the development of self-governing institutions". A special organisation, known as the "Jewish Agency" is recognised as a public body for the purpose of co-operating with the administration in

such matters as affect the Jewish National Home and the interests of the Jewish population in Palestine. The Zionist Organisation, so long as its organisation and constitution are appropriate, is recognised as such agency but is to take steps to secure the co-operation of all Jews who are willing to assist in the establishment of the Jewish National Home. The administration is to facilitate Jewish immigration under suitable conditions and encourage settlement by Jews on the land, and the nationality law of Palestine is to facilitate the acquisition of Palestinian citizenship by Jews who take up their permanent residence in the country.

On the other hand, the Mandate emphasises that the administration must ensure that the rights and position of other sections of the population will not be prejudiced by this policy, and that the civil and religious rights of all the inhabitants of Palestine, irrespective of race and religion, must be safeguarded.

The control of the Holy Places and religious buildings or sites in Palestine has in the past given rise to considerable difficulties and conflicts. The Mandate confers all responsibility in connection with this important question upon the Mandatory, which is responsible solely to the League of Nations. According to Article 14 of the Mandate, a special commission is to be appointed by the Mandatory to study, define and determine the rights and claims in connection with the Holy Places and the different religious communities in Palestine. The method of nomination, the composition and the functions of this commission have so far been left open, but must be submitted to the Council of the League for its approval. The British Government has drafted several proposals regarding the establishment of the commission, but these plans have as yet not met the views of all the Powers represented on the Council. The British Government expressed the hope that the Powers which had been unable to accept

its suggestions would themselves endeavour to formulate a generally acceptable scheme for the Council's consideration.

According to Article 25 of the Mandate for Palestine in the territories lying between the Jordan and the eastern boundary of Palestine (Trans-Jordania) the Mandatory is entitled, with the consent of the Council of the League, "to postpone or withhold application of such provisions of this mandate as he may consider inapplicable to the existing local conditions". During its meeting in September 1922 the Council approved a proposal made by the British Government to the effect that the articles of the mandate which deal with the establishment of the Jewish National Home in Palestine should not be applied in Trans-Jordania. The Mandatory administration of this territory provides for a large measure of autonomy.

## V. The League and the Administration of the Mandated Territories.

### *A. The Machinery.*

The mandated areas are administered on behalf of the League as a whole, and this implies the indirect responsibility of all its Members. The supervision of the observance of the Mandates is, however, a matter which is in the first instance entrusted to the Council of the League. Within the general lines of the League system, as evolved in practice, the Assembly is free to discuss any questions relating to Mandates, but the reports of the Mandatory Powers are, according to Article 22 of the Covenant, submitted to the Council, which formulates any particular recommendations to be addressed to the Mandatory Powers on these matters.

Under paragraph 9 of Article 22, "A permanent commission shall be constituted to receive and examine the annual reports of the Mandatories, and to advise the Council on all matters relating to the observance of the Mandates." (With



the exception of the Permanent Advisory Commission on Military, Naval, and Air Questions mentioned in Article 8 of the Covenant, the Permanent Mandates Commission is the only advisory committee expressly provided for in the Covenant.

The Permanent Mandates Commission is a purely advisory body; it has no power to render any decisions or to make direct recommendations to the Mandatories. On the other hand, the decisions of the Council will naturally to a great extent be based upon the considerations and recommendations presented by the Advisory Committee.

On December 1, 1920, the Council approved the constitution of the Permanent Mandates Commission, providing that it should be appointed by the Council and consist of nine members, the majority of whom should be nationals of non-Mandatory Powers. The members, who are appointed for an indefinite period, are not Government representatives for the States of which they are nationals. They are selected on the grounds of their personal merits and competence, and it is expressly laid down that they shall not hold any office of direct dependence on their Governments while members of the Commission. This last clause is understood to exclude the appointment of any civil or military servant of any Government, even one of the non-Mandatory Powers, but not the appointment of such officials as professors at a State University, who could not be said to occupy a position of direct dependence on their Governments.

The International Labour Organisation has the right to appoint an expert who may attend in an advisory capacity all meetings of the Permanent Mandates Commission at which matters relating to labour are discussed. The Commission itself may, moreover, summon technical experts to act as advisers in special questions.

The Commission meets ordinarily once a year, at Geneva. Its "advisory" capacity does not mean that it must limit

itself to the consideration of questions which have been expressly referred to it by the Council; it may, also, on its own initiative, put forward its views on other questions. It is expected to consider the whole administration from the standpoint of the principles laid down in the Covenant. The Commission, therefore, does not content itself with the negative task of ascertaining whether the Mandatory has remained within the limits of the powers conferred upon it, but also examines whether good use has been made of these powers and whether the administration has conformed to the interests of the native population.

The material at the disposal of the Permanent Mandates Commission consists, first, of the reports of the Mandatory Powers. According to the Covenant, "In every case of a Mandate, the Mandatory shall render to the Council an annual report in reference to the territory committed to its charge." The Commission examines and discusses each individual report in the presence of duly accredited representatives of the Mandatory Power, who offers any supplementary information required. When this discussion is at an end, and the representative has withdrawn, the Commission decides on the observations to be submitted to the Council. These observations are communicated to the Mandatory Power which is entitled to add any comments of its own, and such comments are published at the same time as the reports of the Mandatory Powers and the observations of the Commission.

The Commission also keeps itself informed of such things as relevant debates in the Parliaments of the Mandatories, and at its first session instructed the Mandates Section of the League Secretariat to furnish it with all useful material of this kind.

Of capital importance, is the regulation of the right of petition of the inhabitants of the mandated territories, in

favour of whom the whole Mandate system has, in the first place, been established.

On the one hand, it is in accordance with the principles of the Covenant that the population of the mandated areas should be secured the opportunity of laying before the League of Nations any grievances against the Mandatory Administration, and that every serious petition should be impartially investigated. Such petitions may also be of assistance to the Permanent Mandates Commission when examining the official reports. On the other hand, it is desirable that petitions of an obviously trivial or seditious character should, in the general interest, be discouraged. The elaboration of a procedure which would correspond to both these principles was a rather difficult task. It was discussed at length by the Assembly in September 1922, and later by the Council and the Permanent Mandates Commission. The resolution adopted by the Council on January 31, 1923, provides that all petitions to the League emanating from the populations of mandated areas should be forwarded through the Mandatory Governments concerned, which should attach to these petitions such comments as they might think desirable. Petitions from inhabitants received through other channels should be returned to the signatories with the request to resubmit them through the Mandatory.

—This procedure is not intended to curtail the right of petition but only to secure that the Mandates Commission, which will deal with the petitions, shall at the same time be in possession of the views of the Mandatory Powers.

Petitions regarding the mandated territories emanating from any other source than that of the inhabitants themselves are communicated to the Chairman of the Mandates Commission, who decides whether—by reason of the nature of their contents, or the authority or disinterestedness of their authors—they claim attention, or whether they should be regarded as trivial. Those which are considered to claim

attention are communicated to the Government of the Mandatory Power with a request for such comments as it may consider desirable. The Chairman submits a report upon the others. All petitions sent to the League in conformity with this procedure are held over until next session of the Permanent Mandates Commission. The Commission, after discussing such petitions, decides which, if any, accompanied by the observations of the Mandatory Power and the minutes of the meeting at which they were discussed, shall be circulated to the Council and the Members of the League. This elaborate procedure is an important safeguard for the interests of the inhabitants of the mandated areas, and, on the other hand, it takes into account the particularly difficult position of the Mandatory Governments and the desirability of not diminishing their authority.

The Mandates Section, which is part of the General Secretariat of the League, serves as the secretariat for the Mandates Commission.

### *B. The Working of the Machinery.*

The Mandates system is an entirely new institution, and its legal basis and necessary machinery have only recently been established. It would therefore be premature to try to draw any definite conclusions as to its working. What may usefully be considered is the nature of the task which has fallen to the League and the manner in which it has been approached by the organs of the League, more especially by the Permanent Mandates Commission.

On February 22, 1921, the Council decided that the following persons should be invited to be members of the Permanent Mandates Commission :

M. BEAU, former Governor-General of  
French Indo-China. . . . . France

- Mme. ANNA BUGGE-WICKSELL, Doctor of Law . . . . . Sweden
- Mr. W. CAMERON FORBES, former Governor of the Philippines. . . . . United States of America
- M. FREIRE D'ANDRADE, former Governor of Laurenço Marques, former Governor-General of Mozambique, and former Minister for Foreign Affairs. . . . . Portugal
- The Hon. W. ORMSBY-GORE . . . . . Great Britain
- M. PIERRE ORTS, former Secretary-General of the Department of Foreign Affairs. . . . . Belgium
- M. VAN REES, former Vice-President of the Council of the Dutch East Indies, Secretary-General of the Dutch Colonial Institute . . . . . Netherlands
- The Marquis THEODOLI, former Under Secretary of State of the Ministry for the Colonies. . . . . Italy
- M. KUNIO YANAGHITA, former Secretary-General of the House of Peers . . . . . Japan

All agreed to serve, with the exception of Mr. Cameron Forbes, whose place was taken by M. Ramon Pina, former Under Secretary of State of the Ministry for Foreign Affairs, Spain.

The selection of Mme. Bugge-Wicksell responded to the wish, expressed by several women's organisations and supported by a resolution of the First Assembly, that a woman should be appointed as a member of the Commission especially in order to look after the interests of the women and children in the mandated areas.

Since February 1921, there have been two changes in the personnel of the Commission: M. Pina and Mr. Ormsby-Gore were subsequently appointed to Government positions, and,

in accordance with the constitution of the Commission, resigned office. Their places have been taken by Count de Ballebar (Spain), former Consul at Jerusalem, and Sir Frederick Lugard, former Governor of Nigeria (Great Britain).

The first session of the Mandates Commission was held at Geneva from October 4 to 8, 1921. On this occasion the Commission adopted its rules of procedure, elected a Chairman (M. Theodoli) and a Vice-Chairman (M. Van Rees), who are still in office, and discussed its general competence and programme of work. It further considered the preliminary reports which had been submitted to it by some of the Mandatory Powers. Finally (it drew up questionnaires intended to facilitate the preparation of the annual reports of the Mandatory Powers and dealing in detail with such questions) as slavery, labour, arms traffic, trade and manufacture of alcohol and drugs, liberty of conscience, military clauses, economic equality, education, public health, land tenure, public finance, demographic statistics, and the moral, social, and material welfare of the natives in general. Since these questionnaires were submitted to the Mandatory Powers for "B" and "C" Mandates, the majority of these have either forwarded to the League a collection of specific answers to the questions as an annex to their reports or drawn up the reports on the lines suggested by the questionnaires.

The Commission met again for its second session from August 1 to 11, 1922. The "C" Mandates had by this time been in force for more than a year; the Commission was accordingly in possession of annual reports, dealing with all these territories and was entitled to make its observations to the Council on the questions arising out of them. Various preliminary reports relating to the administration of territories under "A", and "B" Mandates were examined in a more summary way. The Commission further drew up questionnaires for the use of the Mandatories of Palestine, and Syria and discussed several administrative questions.

Among the more important problems dealt with during this session were: the national status of the inhabitants of mandated territories; the employment of imported foreign labourers in the Pacific Islands, and the conditions in the Island of Nauru (especially the relations between the administration, the exploitation of the phosphate deposits in this island, and the welfare of the native inhabitants).

When the Commission met for its third session, all "B" and "C" Mandates had been in force for more than a year and the Commission was in possession of official annual reports dealing with the administration of each of the mandated areas. It had also received certain special reports dealing with the so-called "Bondelzwarts affair"—a conflict between a tribe in South-West Africa and the local administration, which had been a subject of discussion during the Third Assembly. The Commission held no fewer than thirty-three meetings from July 20 to August 10, 1923, and examined these reports in the presence and with the assistance of accredited representatives of all the Mandatory Powers.

As a result of its deliberations, the Commission, on the one hand, formulated a large number of special observations regarding the various reports, mainly containing requests to the Mandatory Governments for supplementary information on dubious points. On the other hand, it drew up a series of general observations and recommendations dealing with important questions applying to several or all of the Mandates. As examples of the important and varied subjects dealt with by the Commission, it made a recommendation in favour of the equalisation of duties on liquor imported in the British and French mandated areas in West Africa; raised the question of the desirability of the application to mandated areas of special international conventions concluded by the Mandatory Powers (in particular with a view to securing for those territories the benefit of the "most-favoured-nation clause"); expressed its desire for more definite information regarding

the financial administration of mandated areas, and the prevalence of, and the measures taken against, venereal disease; noted the prejudicial effects upon the health of native workers transferred from one region to another in which climatic conditions appreciably differ; gave its views regarding the application of the principles of freedom of conscience and of the clauses regarding military recruitment of natives contained in Article 22 of the Covenant; suggested that information should be collected regarding the conditions created by the nature of the frontier between the British and French Cameroons; and expressed the hope that the Council would take steps to clear up certain doubts regarding the legal status of government loans and advances to mandated territories and the investment of private capital in these areas.

The Commission brought these questions to the notice of the Council in order that the Council might take such action as it considered advisable. The important problem of the ownership of public domain in the mandated areas was discussed, but the Commission agreed to postpone any action in this matter till its next session.

During its third session, the Commission was able to record an important practical achievement, which was primarily due to its activity, for the benefit of the inhabitants of a mandated territory, namely, the readjustment of the Ruanda frontier.

On July 20, 1922, the Council of the League had defined the terms of the British and Belgian Mandates in the former colony of German East Africa. Article 1 of the Mandates determined the frontier-line between the two territories in accordance with the Orts-Milner Agreement concluded between the Governments of Belgium and Great Britain in 1919. By this Agreement, the Belgian Mandate should comprise the "kingdoms" of Ruanda and Urundi, while the rest of the former German East Africa was placed under British admini-



nistration. The north-eastern portion of Ruanda (the district called Kisaka) was, however, given to Great Britain to secure the possibility of establishing an uninterrupted railway communication from the north to the south of Africa. It afterwards became evident that such communication could be secured without the partition of the kingdom of Ruanda.

During the second session of the Mandates Commission, it was brought to the attention of the Commission that the frontier-line had created trouble for the natives. It divided up a tribal area and deprived the local King Musinga of much prestige. Considerable economic difficulties also ensued. Many families of Ruanda had pasture areas in Kisaka, and the free intercourse with these areas was now cut off. Cattle raids and conflicts of all kinds resulted. These facts were communicated to the Commission by two disinterested persons, a Swiss and a French missionary.

In its report to the Council, the Commission called attention to the prejudicial effects of the actual boundary-line on the welfare of the natives, and the Council, at its meeting on September 4, 1922, instructed its President to transmit these observations to the Governments of Belgium and Great Britain. After having considered the suggestions of the Mandates Commission, these Governments entered into negotiations, with the result that an agreement was concluded modifying the frontier-line and restoring the unity of Ruanda under the Mandate of Belgium.

On August 31, 1923, the Council took note of this agreement. During the discussion, the representatives of Great Britain and Belgium—Lord Robert Cecil and M. Hymans—joined the Rapporteur, M. Branting, in congratulating the Permanent Mandates Commission on having taken the initiative in drawing the Council's attention to the unhappy consequences of the frontier-line, which would now be readjusted to the advantage of the native communities.

This in general terms, is the history and working, up to the present time, of the League's part in the operation of the Mandate system.

As to the spirit in which the terms of the Mandates have been observed, the Chairman of the Commission, speaking at its public meeting on August 8th, 1923, said :

"The territories administered on behalf of the League of Nations by the Mandatory Powers under Article 22 of the Covenant have, generally speaking, been governed by these Powers with unremitting solicitude. During our consideration of the reports we have noted with satisfaction that the guarantees which are laid down in the Covenant in the interests of the native populations and of the League as a whole have in the main been scrupulously respected in spite of the difficulties of the task, which are particularly great at a time when no Government can obtain abundant supplies from its budgetary resources. The mandated territories are profiting by the advantages which the authors of the Covenant desire to secure to them."

The Fourth Assembly expressed its satisfaction with the extensive work which this Commission had so conscientiously accomplished and with the notable progress made in the mandated territories since the previous Assembly; and voiced its confident hope that the Commission would continue to enjoy the co-operation of the Mandatory Powers in the work of effecting a continuous improvement in the moral and material condition of the natives.

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ANNEX

ARTICLE 22 OF THE COVENANT OF THE LEAGUE OF NATIONS.

To those colonies and territories which as a consequence of the late war have ceased to be under the sovereignty of the States which formerly governed them and which are inhabited by peoples not yet able to stand by themselves under the strenuous conditions of the modern world, there should be applied the principle that the well-being and development of such peoples form a sacred trust of civilisation and that securities for the performance of this trust should be embodied in this Covenant.

The best method of giving practical effect to this principle is that the tutelage of such peoples should be entrusted to advanced nations which, by reason of their resources, their experience or their geographical position, can best undertake this responsibility, and which are willing to accept it, and that this tutelage should be exercised by them as Mandatories on behalf of the League.

The character of the mandate must differ according to the stage of the development of the people, the geographical situation of the territory, its economic conditions and other similar circumstances.

Certain communities formerly belonging to the Turkish Empire have reached a stage of development where their existence as independent nations can be provisionally recognised subject to the rendering of administrative advice and assistance by a Mandatory until such time as they are able to stand alone. The wishes of these communities must be a principal consideration in the selection of the Mandatory.

Other peoples, especially those of Central Africa, are at such a stage that the Mandatory must be responsible for the administration of the territory under conditions which will

guarantee freedom of conscience or religion, subject only to the maintenance of public order and morals, the prohibition of abuses such as the slave trade, the arms traffic and the liquor traffic, and the prevention of the establishment of fortifications or military and naval bases and of military training of the natives for other than police purposes and the defence of territory, and will also secure equal opportunities for the trade and commerce of other Members of the League.

There are territories, such as South-West Africa and certain of the South Pacific Islands, which, owing to the sparseness of their population, or their small size, or their remoteness from the centres of civilisation, or their geographical contiguity to the territory of the Mandatory, or other circumstances, can be best administered under the laws of the Mandatory as integral portions of its territory, subject to the safeguards above mentioned in the interests of the indigenous population.

In every case of mandate, the Mandatory shall render to the Council an annual report in reference to the territory committed to its charge.

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

A permanent Commission shall be constituted to receive and examine the annual reports of the Mandatories and to advise the Council on all matters relating to the observance of the mandates:

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