

C O N T E N T S .

Permanent Mandates Commission: 1928-1934.

Report to the Council

1. Fourteenth Session of the Commission, (Geneva, October, 26th to November 13th, 1928. (1928.VI.A.13.) 13pp.
2. Minutes of the Fourteenth Session held at Geneva from Oct.26th to Nov.13th,1928 including the Report of the Commission to the Council. (1928.VIa.14.) 286pp.
3. Minutes of the 25th Session held at Geneva from May 30th to June 12th,1934 including the Report of the Commission to the Council.(1934.VI.A.1.) 162pp.
4. dto Report to the Council. 10pp.
5. Minutes of the 26th Session held at Geneva from Oct. 29th to Nov.12th,1934, including the Report of the Commission to the Council.(1934.VI.A.2.) 222pp.
6. dto Report to the Council. 10pp.

LEAGUE OF NATIONS

Geneva,
November 13th, 1928.

PERMANENT MANDATES COMMISSION

FOURTEENTH SESSION OF THE COMMISSION.

(Geneva, October 26th to November 13th, 1928.)

I

REPORT TO THE COUNCIL OF THE LEAGUE OF NATIONS ON THE WORK OF THE
SESSION.

The Permanent Mandates Commission met at Geneva from October 26th to November 13th, 1928, for its fourteenth session, during which it held twenty seven meetings, one of which was public. All its members — except M. Freire d'Andrade — and the representative of the International Labour Organisation were present.

The Commission examined the annual reports on the administration of seven mandated territories, as well as several petitions and questions of a general nature. The annual reports were considered in the following order, with the assistance of the accredited representatives of the mandatory Powers, whose names are given below :

1. *Togoland under British Mandate, 1927.*
Accredited representatives : Sir A. RANSFORD SLATER, K.C.M.G., C.B.E., Governor of the Gold Coast.
Mr. T. I. K. LLOYD of the Colonial Office.
2. *Western Samoa, 1927-28.*
Accredited representatives : Sir James PARR, K.C.M.G., High Commissioner for New Zealand in London, and Major-General Sir George S. RICHARDSON, K.B.E., C.B., former Administrator of Western Samoa.
3. *South-West Africa, 1927.*
Accredited representative : Mr. A. J. WERTH, Administrator of South-West Africa.
4. *Ruanda-Urundi, 1927.*
Accredited representative : M. Halewyck DE HEUSCH, Director-General at the Belgian Ministry for the Colonies.
5. *Cameroons under British Mandate, 1927.*
Accredited representatives : Mr. E. J. ARNETT, C.M.G., Resident in the Cameroons.
Mr. T. I. K. LLOYD of the Colonial Office.
6. *Iraq, 1927.*
Accredited representatives : Mr. B. H. BOURDILLON, C.M.G., Counsellor to the High Commissioner for Iraq.
Mr. T. I. K. LLOYD of the Colonial Office.
7. *Islands under Japanese Mandate, 1927.*
Accredited representative : His Excellency M. N. SATO, Director of the Imperial Japanese Office for the League of Nations.

GENERAL QUESTIONS

LIQUOR TRAFFIC.

I. In pursuance of a Resolution of the Assembly dated September 23rd, 1927, the Council on December 6th, 1927, passed a Resolution in the following terms :

“ The Council requests the Permanent Mandates Commission in collaboration with the mandatory Powers, to continue to give serious consideration to the causes of the increased importation of spirituous liquors into those territories under B Mandate where such an increase is taking place, and to the steps to remedy this situation. ”

The Permanent Mandates Commission has accordingly devoted special attention to this subject when examining the annual reports of the Mandatories with the Accredited Representatives.¹

¹ See also the full memoranda on this subject prepared by the Secretariat, documents C.P.M. 711 and 723.

With regard to the *cause* of the increase of the import of spirits into South-West Africa ; this is attributed chiefly to the growing wealth and purchasing power of the natives, and secondly to the opening up of the country by railways and motor transport.

As to the " steps to remedy the situation ", the Permanent Mandates Commission has discussed various methods of restriction, in the hope that each mandatory Power may adopt such of these as it may consider suitable in its mandated territory.

(a) *Increase and Equalisation of Duties.*—The duties have been increased in both French and British mandated territories, but apparently a much greater increase is necessary in order to be effective.

So long ago as August 1923 the Permanent Mandates Commission at its third session made the following recommendation to the Council :

" Recognising that dissimilarity in the import duties imposed on spirituous liquors imported into mandated territories gives rise to smuggling from contiguous territories and may be a cause of friction :

" Recommends that the Governments of France and Great Britain be invited to agree that the duties on all spirituous liquors imported into the territories placed under their respective mandates in Africa should not be less than the duties in the adjoining territories on similar spirits of equal strength ;

" And further that, in order to maintain this uniformity of duties, it is desirable that the two Powers should consult with each other from time to time with a view to assimilating their laws and regulations applying to the duties on the import of spirituous liquors. " ¹

The Council accepting this suggestion invited the two Powers to discuss the question with a view to the equalisation of the duties.

The Permanent Mandates Commission would be glad to know whether any agreement has been reached. The stabilisation of the French franc would appear to have removed the chief difficulty.

(b) *The Prohibition of the Sale of Spirits except under Licence.*— It is suggested that these licences should be more sparingly issued ; that the licence fees may be increased ; and that the hours during which sale is allowed may be curtailed.

Mandatories may perhaps consider whether this system should not be extended to the sale (not to the manufacture or possession) of intoxicating beverages made by natives.

(c) The strict observance of the absolute prohibition of the manufacture, sale or possession of spirits by natives of the zones of prohibition, laid down by the Convention of September 10th, 1919. The limit of this zone should be indicated on a map of the territory.

(d) The imposition of railway rates on the carriage of spirits on a sharply ascending scale, and the extension of this system, as far as may be practicable, to conveyance of spirits by motor transport.

II. The Liquor Traffic Convention of September 10th, 1919, Article 3, pledges the High Contracting Parties to endeavour to arrive at identical terms of nomenclature. In this connection at its tenth session the Permanent Mandates Commission at the request of the Council submitted definitions of the terms used in the Mandates and in the Convention. These were referred to the Mandatories by the Council. They involve a decision as to the minimum amount of alcohol which constitutes a spirituous liquor. Replies have now been received from all the mandatory Governments (documents C. 234 and 234 (a) 1928.VI). All approve the definitions unconditionally except France and Belgium, which desire that any beverage containing less than 22° of pure alcohol shall not be considered to be spirits. The inclusion of wines fortified by the addition of spirits up to an alcoholic content of 22° appears high. The Permanent Mandates Commission's original proposal was fixed at 20° as a minimum at the suggestion of the British Government.

The Permanent Mandates Commission holds that without the final decision of the Council there can be no common basis for comparison in regard to the importation of spirits.

III. In order to give effect to the decisions of the Signatories of the Convention, in the matter of common nomenclature, the Permanent Mandates Commission recommends the Council :

(a) To request the Mandatories to use only those terms which have been specially defined ;

(b) In the tables furnished to the Brussels Bureau in accordance with Article 7 of the Convention, and in their annual reports to the League, to state the alcoholic content of the spirits imported, in terms of the amount of pure alcohol by weight (and not by volume) as proposed by the British Government ; and also of any wines or other beverage fortified by the addition of spirits.

¹ Document C.519.1923.VI, page 309.

OBSERVATIONS CONCERNING CERTAIN TERRITORIES UNDER MANDATE.

The following observations have been formulated by the Permanent Mandates Commission after consideration of the situation in each territory, in the presence of the accredited representative of the mandatory Power concerned. In order to appreciate the full significance of these observations, reference should be made to the Minutes of the meetings at which the questions concerning the different territories were discussed.¹

TERRITORY UNDER A MANDATE.

Iraq.

1. *Relations between Great Britain and Iraq.*

The Treaty between the United Kingdom and Iraq signed at London on December 14th, 1927, has been communicated by the mandatory Power to the Secretary-General of the League of Nations with the report on Iraq for 1927, with covering letter from the Foreign Office dated August 28th, 1928.

The Commission noted that this Treaty would not be put in force before the Council of the League had approved it, and that this approval had not yet been sought. As, however, the Treaty had been communicated to it so to say, as an annex to the annual report, the Commission has taken cognisance of it. Nevertheless the Commission refrained from formulating any observation or recommendation on the subject until it is expressly invited to do so by the Council (pages 166-170, 173-175, 191-196, 222-225, 226-227).

2. *Political Development.*

The Commission noted with satisfaction the progress made with regard to the settlement of the nomadic tribes. It recognised that the recommendation made in 1925 by the Mosul Commission in favour of the Assyrian communities has become inoperative so far as Iraq is concerned. Indeed the information contained in the annual report and the statement made by the Accredited Representative show that the district in which the homelands of the Assyrians were situated was allotted to Turkey by the Council resolution of December 16th, 1925, and that the Assyrians who have taken refuge in Iraq are not prepared to return to Turkey. It also noted with interest the measures taken with a view to the final establishment of these refugees on lands which the Government of Iraq will put at their disposal (pages 172, 173, 176).

3. *Foreign Relations: Frontiers.*

The Commission noted the discussion in the Sixth Committee of the ninth session of the Assembly regarding the relations between Iraq and Persia, and also certain supplementary details furnished by the Accredited Representative with regard to this matter. The Commission renew the expression of regret contained in its Report to the Council on its Twelfth Session, concerning the continuance of the difficulties which still appear to exist in the relations between Iraq and Persia. It once again expresses the hope that satisfactory relations will be established between these two countries in the near future (pages 176-181).

The Commission was informed by the Accredited Representative that the defining of the boundary between Iraq and Syria would in all probability be postponed until an agreement had been reached between the French and Turkish Governments with regard to the Turco-Syrian frontier. It also noted the intention of the mandatory Power, indicated by the Accredited Representative, to insert in the next annual report a complete statement with regard to the trouble in 1928 on the Nejd frontier and the relations of Iraq with that country (pages 181-182).

4. *Public Health.*

The Commission hopes that measures to improve the health services of the territory, which are still inadequate, will be actively pursued (page 182).

5. *Education.*

Referring to the concluding remarks on education of the report for 1927, p. 159, the Commission trusts that every effort will be made in schools and training colleges to promote religious and political toleration (pages 185-186, 190).

6. *Public Finance.*

The Commission would be glad to find, in future annual reports, a statement of the financial position of the Government at the end of the year (assets and liabilities). It also desires to be kept informed of the progress towards the establishment of Iraq currency (pages 182-183).

7. *Economic Development.*

The Commission has considered the documents which the mandatory Power forwarded to it as regards the extension in 1926 of the Anglo-Persian Oil Company's concession for a period of thirty-five years. While expressing no opinion as to whether the balance of advantage lay on the side of an immediate or a deferred renewal it is satisfied that the Iraq Government acted within the terms of Article 11 of the Treaty of October 10th, 1922, concerning economic

¹ The pages indicated after each observation are those of the Minutes of the session (document C.568 M.179.1928.VI).

equality, in adopting the course it selected. The Commission fully relies upon the Iraq Government to make use of its rights under the concession in favour of the territory in the way it may consider the best possible (pages 188 and 213-214).

8. *Labour.*

The Commission noted that the regulation of labour conditions was not included in the functions of any particular Ministry in Iraq, and that according to the Accredited Representative no person on the High Commissioner's staff had a special experience in this matter. In view of the industrial development which is taking place, and which in all probability will advance rapidly in the future, it seems to the Commission that much advantage might be gained if the experience of the mandatory Power in regard to the regulation of conditions of labour might be made more fully available to the Iraq Government (page 187).

9. *Auqaf Property.*

The Commission hopes that it will be possible to improve the administration of Auqaf property and the conditions relating to the disposal of the revenue from this property (page 188).

TERRITORIES UNDER B MANDATE.

Cameroons under British Mandate.

1. *Public Finance.*

The Commission was glad to find that in accordance with its request, statistical tables had been included in the annex attached to the Report (page 143).

2. *Trade Statistics.*

The Commission would be glad if statistical tables were included in the next annual report showing the origin and destination of the imports and exports (page 149).

3. *Social Condition of the Natives.*

The Commission notes the opinion expressed by the Mandatory Power that the scarcity of foodstuffs which occurs periodically in certain parts of the territory will disappear when the communications at present being organised are improved (pages 149-150).

4. *Labour.*

The Commission noted with interest the detailed information contained in the Report on labour conditions in the territory. It hopes to find precise information in the next Report concerning the procedure followed with regard to compensation for accidents occurring in the course of employment (pages 150-151).

5. *Liquor Traffic.*

The Commission noted that the situation in regard to the liquor traffic is not so disquieting as in Togoland under British mandate. It invites the attention of the Council to the discussion which took place with the Accredited Representative regarding the liquor traffic (pages 153-154).

6. *Public Health.*

The Commission would be glad to find more complete information in the next annual report concerning the auxiliary medical staff and particularly the professional training of young natives recruited for this staff (pages 154-155).

7. *Population.*

The Commission trusts that the next report will contain as precise information as possible concerning the increase or decrease of the population in the various districts of the territory (pages 156-157).

Ruanda-Urundi.

GENERAL OBSERVATIONS.

The Commission desires to congratulate the Mandatory Power on the arrangement and drafting of its highly lucid and instructive report.

SPECIAL OBSERVATIONS.

1. *General Administration.*

The attention of the Commission was specially drawn to a passage in the Annual Report which describes a proposal for the transfer to neighbouring areas in the Belgian Congo of inhabitants of the territory under mandate. From the additional explanations on this matter given by the Accredited Representative, and the discussions to which it gave rise, it did not appear to be clearly demonstrated that the realisation of this proposal would bring about the result aimed at by the mandatory Power. Without pronouncing upon the merits of a measure which is brought to its attention only as a proposal, the Commission was inclined to doubt whether a better solution of the economic and social problems arising from the fact that the

territory under mandate is over-peopled would not be found in another direction. The Commission will attach a special interest to information concerning the results of the examination of this proposal which is now being undertaken (pages 127-130).

2. *Public Finance.*

The Commission notes the Accredited Representative's statement that it was being considered what percentage of the profits derived from the circulation of notes of the Belgian Congo Bank should be assigned to the Treasury of Ruanda-Urundi (page 119).

3. *Public Health.*

The Commission notes with satisfaction that the mandatory Power intends to continue its efforts to develop the medical service of the territory (page 134).

4. *Land Tenure.*

The Commission notes with satisfaction the declarations of the Accredited Representative, according to which demands for concessions of lands on the part of European enterprises will always be the object of attentive examination. It expresses anxiety in this connection as to the unfortunate consequences to the prosperity and development of the natives which must inevitably follow upon the attribution to Europeans of vast areas of land in an over-populated country, the cultivable surface of which seems hardly to suffice for the present needs of the population. This anxiety would be removed if, as the Commission hopes, future reports are able to state that concessions for long periods or cessions of land in full ownership to Europeans are only granted as an exceptional measure when special circumstances justify it in the interest of the natives (pages 134-135).

5. *Labour.*

The Commission notes that the recruiting of workers for the mines of Katanga has been again authorised in Ruanda-Urundi after having been temporarily suspended because of the excessively high death-rate in the first contingent of these workers. The Commission appreciates the measures taken by the mandatory Administration to facilitate the adaptation of the workers to the circumstances in which they will be called upon to live and to improve the conditions of their transport. It is confident that the mandatory Power will continue to exercise over this recruiting the same vigilant supervision as in the past (pages 130-131).

The Commission will be glad to know the amount expended in 1927 for construction of both secondary and main roads, the average cost of construction per kilometer, and the proportion of this cost expended on the wages of native workers. It desires further to know how workers are recruited for this work and the daily wages paid to them (pages 124 and 131).

Togoland under British Mandate.

1. *Frontiers.*

The Commission notes with satisfaction the fact that in defining the boundary between Togoland under British mandate and Togoland under French mandate, the tribal frontiers had been taken into account ; it hopes that it will be possible for the mandatory Power to attach the report of the Mixed Franco-British Boundary Commission to the next annual report (page 20).

2. *Public Finance.*

The Commission noted with interest the full statistical tables concerning public finance in the territory which were contained in the report. It was gratified to note that Togoland had been relieved of that portion of the Gold Coast loans which had been charged to the mandated territory. It noted also that a due proportion of the profits made by the West African Currency Board is being credited to Togoland with retrospective effect (page 22).

The Commission would be glad to receive further information as to the results of the establishment of native treasuries which have been recently introduced.

It noted the Accredited Representative's intention of giving, if possible, in the next annual report, detailed information regarding the tribute levied by the native chiefs (page 22).

3. *Labour.*

The Commission would be glad to receive a clear explanation of the difference which exists, in the view of the Administration, between " forced " and " compulsory " labour (page 25).

It also desires to point out the drawbacks inherent in the system of remunerating native labour through the chiefs (pages 26-27).

4. *Education.*

The Commission would like the next report to give full information with regard to the effect of the introduction of the Education Ordinance of 1926, more especially in regard to the subsidies granted to the missions for training teachers. It would also be glad to have definite details regarding the extent to which teachers for Togoland are trained in the college at Achimota (pages 30-32).

5. *Liquor Traffic.*

The Commission regrets to note the considerable increase, notwithstanding the efforts made by the Administration, in the quantities of spirits imported. It takes this opportunity of once again urging the mandatory Power to consider the advisability of introducing preventive measures which will prove more effective. (pages 32-35).

TERRITORIES UNDER C MANDATE.

Islands under Japanese Mandate.

GENERAL OBSERVATIONS.

The Commission desires to thank the mandatory Power for its full and interesting report and for the replies which it has endeavoured to give to the observations made by the Commission at its twelfth session.

In future, it would prefer the replies to its observations to be given in a separate chapter or an index to these replies to be added to the report (pages 201-202).

The Commission thanks the mandatory Power for its interesting and detailed memoranda on the Angaur mines and on the Saipan Island sugar industry.

SPECIAL OBSERVATIONS.

1. *Public Finance.*

The Commission having noted the very considerable surplus obtained in recent financial years although the budget estimates suggested no such probability, would be glad to receive information as to the use which the mandatory Power proposes to make of the capital reserve represented by this surpluses (pages 198-200).

2. *Economic Regime and Trade Movement.*

The Commission hopes to find in the next report detailed information as to the reasons which have led the mandatory Power to make a considerable reduction in the grants allotted to the natives to encourage economic development (page 201).

3. *Judicial Organisation.*

The Commission would be glad to receive supplementary information regarding the statistics of offences and crimes included in the annual report (page 202).

4. *Instruction and Education.*

The Commission much appreciated the part of the report dealing with measures taken by the Administration to improve school hygiene. It noted that the proportion of native children attending school during the school age (8 to 11 years) is not altogether satisfactory and it hopes that the mandatory Power will endeavour by every possible means to increase school attendance (pages 203).

5. *Liquor Traffic.*

The Commission noted with satisfaction the importance attached by the mandatory Power to the strict observance of the prohibition of the consumption of alcohol by natives, and it appreciated the information furnished with regard to the quantity and alcoholic strength of the beverages imported (pages 203-204).

6. *Population.*

The Commission was concerned at the considerable decrease in the population of the island of Yap and noted the statement of the Accredited Representative, who said that this concern was shared by the Japanese Government. The Commission will be glad to receive any information with reference to this phenomenon and to the excessive mortality, principally among women and in general from 15 to 30 years of age (page 204).

Western Samoa.

GENERAL OBSERVATIONS.

In the observations concerning Western Samoa inserted in the report on its thirteenth session, the Commission expressed itself as follows :

“ The Commission is assured that adequate means for that essential purpose (*i.e.*, maintaining law and order in accordance with the mandate) are now at the disposal of General Richardson's successor, and it trusts that the Samoans, when they realise that they have been misled, will resume their former attitude of confidence in the Administration, and that the mandatory Power will soon be able to re-establish peace and prosperity in Western Samoa by a policy both firm and liberal.”

At the present session the mandatory Power was good enough to present to the Commission, together with the annual report of the Administrator for the year ending March 31st, 1928, a “ Statement by the New Zealand Government on Political Agitation ”.

The Commission noted from this statement, as well as from the body of the annual report, that the passive resistance organised by the "Mau" acts as an obstacle to the Administration and has gone so far as to paralyse its action in some departments. On the other hand, the continuation of this unrest will result in a very serious check to the prosperity of the country. The Commission hopes that when examining the next annual report it will find that the Administration has regained complete control of the situation and that a normal condition of affairs will have been re-established.

SPECIAL OBSERVATIONS.

1. *Ex-Enemy Property.*

The Commission notes from page 31 of the Report that no decision regarding the valuations connected with ex-enemy properties has yet been taken. It hopes that a final settlement of this matter will soon be made (pages 46-47).

2. *Public Finance.*

The Commission, while appreciating the statement which the mandatory Power has been good enough to furnish regarding the loan accounts, was unable to get a clear idea of all details of the present situation. It notes the promise of the Accredited Representative that the necessary explanations will be furnished later (pages 49-50).

3. *Arms and Ammunition.*

The Commission will be glad to have statistics concerning the issue of licences for carrying arms (page 53).

South-West Africa.

1. *Status of the Inhabitants.*

In view of the uncertainty concerning the exact meaning of certain clauses of the :

- (a) "British Nationality in the Union and Naturalisation and Status of Aliens Act 1926"; and the
- (b) "Act to define South African Nationality and to provide for a National Flag for the Union of South Africa 1927",

and the great importance which attaches to the general question of the national status of all the inhabitants of mandated territories, the Permanent Mandates Commission would be glad to receive from the mandatory Power full information about the national status of all the inhabitants.

In particular, the Commission would like to know, according to the provisions of the above-mentioned Acts :

- (a) Whether all persons born within the mandated territory of South-West Africa are assumed to be naturally-born British subjects.
- (b) Whether any distinction is made between persons born before the law of 1926 came into force in South-West Africa, *i.e.*, July 1st, 1926, and after this date.
- (c) Under what conditions a person born in South-West Africa or a person domiciled in South-West Africa, who has become a naturalised British subject becomes a Union national ; and
- (d) Under what conditions can a person in South-West Africa having become a Union national and wanting to renounce his status as a Union national make a declaration renouncing his status as a Union national. Is it correct to say that he can only effectively renounce that status by such a declaration on coming of full age if he is not domiciled in South-West Africa, *i.e.*, if he leaves the territory (pages 80-83, 208-211).

2. *International Relations.*

The Commission hopes that if the boundary line fixed by the agreement for the delimitation of the frontier between South-West Africa and Angola should leave, on one side of the boundary line, lands which have been used for grazing or cultivation by natives domiciled on the other side of the line, the customary usages of the natives of such lands will be taken into consideration (page 79).

3. *Public Finance.*

The Commission hopes that future reports will contain a complete statement as regards the financial assets and liabilities of the mandated territory, and also fuller explanations as regards the "Loan Account".

The Commission notes that the actual receipts from the diamond taxation has considerably decreased. As the revenues of the mandated territory are largely based on the receipts from the diamond taxation the Commission hopes that the administration of the mandated territory will succeed in obtaining a more satisfactory arrangement to improve the situation (pages 88-89, 92).

4. *Labour.*

The Commission notes with regret that the measures taken by the Administration and by the mining companies to safeguard the health of natives from tropical areas employed in the mines do not appear to have been completely successful, that a high mortality amongst these workers is again recorded, and that the most careful precautions appear to provide no guarantee against a recurrence of epidemics and high rates of mortality. Under these circumstances the Commission asks how the Administration intends to deal with this situation (page 106).

The Commission notes the statement of the Administrator that the Colour-Bar Act of the Union of South Africa is applied in South-West Africa in so far as employment under the Administration and in the railways is concerned. The Commission considers that this Act, the effect of which is to limit the occupations open to native and coloured workers and thus place them at a disadvantage with white workers in the area under mandate, is based upon considerations which are not compatible with the principles laid down in the mandate (page 106).

5. *Liberty of Conscience.*

In the report on its ninth session the Commission expressed some doubt as to whether the practice of requiring the mission operating in Ovamboland to give a written undertaking; (a) to assist and support the policy of the Administration, and (b) to encourage all natives under their influence to seek employment in South-West Africa, was in conformity with the spirit and letter of Article 5 of the Mandate. The Commission was glad to note from the statements of the Accredited Representative that these conditions are no longer in force (pages 107-108).

6. *Education.*

The Commission hopes that the Administration will continue to increase its efforts to develop the system of native education and that it will consider the question whether a larger financial support could not be given to the educational work of the missions (pages 108-109).

7. *Public Health.*

The Commission appreciates greatly the full information given in the report concerning the health conditions and medical work of the Administration. It hopes that the mandatory Power will continue to give its attention to possible improvements in this respect, especially by way of larger grants in support of the medical work of the missions, in the territories outside the police zone (page 110).

8. *Land Tenure.*

The Commission hopes to find in the next report a more complete account of the measures taken in regard to the settlement of the 'Angola Boers' in the territory. It will follow with interest the results of this experiment (pages 93-95).

9. *Railways and Harbours.*

The Commission heard with considerable interest the detailed information given by the Accredited Representative as regards the legal and financial status of the railways and harbours of the territory — a question to which the Commission has had occasion to refer repeatedly in previous years — and also concerning their working and economic importance.

The Commission hopes that the mandatory Power will now find it possible to amend the South-West Africa Railways and Harbours Act (No. 20) of 1922, in order to bring the legal regime of the railways and harbours into conformity with the principles of the mandate and the Treaty of Versailles and the decision adopted by the Council of the League of Nations on June 9th, 1926. On the other hand, it trusts that future annual reports will always contain a special statement concerning the working of the railways in South-West Africa and its financial results (pages 71-79, 115).

OBSERVATIONS ON PETITIONS.

The Commission, in the course of its fourteenth session, considered the petitions mentioned below, together with such relevant observations or information as were furnished in writing by the mandatory Powers or, orally, by their Accredited Representatives. The petitions were reported on in writing, or orally, by a member of the Commission. After discussion, the conclusions of the reports, which are reproduced as annexes to the Minutes, were adopted by the Commission.¹

1. *Iraq.*

(a) *Letter, dated January 3rd, 1928, from Mr. B. S. Nicolas* (document C.P.M. 689).

Observations from the British Government, dated July 26th, 1928 (document C.P.M. 768).
Report (see Minutes, Annex 7).

CONCLUSIONS.

The documents in the possession of the Permanent Mandates Commission show that Mr. B. S. Nicolas was not born in Iraq and that, on August 6th, 1924, he did not have his habitual residence there.

¹ As regards those petitions and observations of the mandatory Powers relating thereto, which the Commission has not considered necessary to annex to its Minutes, it recommends that copies should be kept in the League Library at the disposal of persons who may wish to consult them.

In these circumstances, the mandatory Power and the Government of Iraq did not consider that the provisions of Article 30 of the Treaty of Lausanne and Article 3 of the Nationality Law of Iraq were applicable to his case.

In taking this view the mandatory Power and the Government of Iraq did not infringe any of the provisions of the mandate, and the claim of Mr. B. S. Nicolas against the mandatory Power appears to be unfounded.

The Permanent Mandates Commission, not being responsible for settling individual questions of nationality, considers that it is not its duty to ascertain whether, in view of the fact that Mr. B. S. Nicolas was born at Jelu, he has or has not remained a Turkish subject, or whether he can or cannot acquire Iraq nationality by applying to the Government of Iraq for naturalisation.

(b) *Petition, dated September 11th, 1928, of the Bahai Spiritual Assembly of Bagdad* (document C.P.M.784).

Observations of the British Government, transmitted on October 17th, 1928 (document C.P.M.784).

Report (see Minutes, Annex 13).

CONCLUSIONS.

The Commission draws the Council's attention to the considerations and conclusions suggested to it by an examination of the petition of the Bahai Spiritual Assembly of Bagdad and of the documents accompanying it.

It recommends that the Council should ask the British Government to make representations to the Iraq Government with a view to the immediate redress of the denial of justice from which the petitioners have suffered.

Moreover, the Commission proposes to the Council that the petitioners be answered in the following terms :

“ The Permanent Mandates Commission, recognising the justice of the complaint made by the Bahai Spiritual Assembly of Baghdad, has recommended to the Council of the League such action as it thinks proper to redress the wrong suffered by the petitioners. ”

2. Palestine.

(a) *Telegram from the Arab Congress of Palestine dated June 20th, 1928* (see Minutes, Annex 9A).

Observations from the British Government, dated July 24th, 1928 (see Minutes, Annex 9B).

Report (see Minutes, Annex 9C).

CONCLUSIONS.

The Commission feel bound to state that, as responsible for supervising the enforcement of the principles and rules of the Covenant and the mandates, it is not called upon to recommend any particular form of government in the mandated territories. It is for the mandatory Power alone to determine the regime applicable within the terms of Article 22 of the Covenant.

(b) *Petitions relating to the incident which occurred at Jerusalem, on September 24th, 1928, at the Wailing Wall; from the Zionist Organisation and from the Chief Rabbis Kook and Meir* (see Minutes, Annex 11 A).

Observations from the British Government, dated October 29th, 1928 (see Minutes, Annex 11B).

Report (see Minutes, Annex 11C).

CONCLUSIONS.

The Commission, having heard the Rapporteur's statement, adopts the following conclusions :

The Permanent Mandates Commission, while regretting the incidents that have taken place, has noted with great satisfaction that the Palestine Government has already approached both parties with a view to facilitating an agreement. It hopes that the mandatory Power will thus succeed in allaying public feeling and that neither party will, through unreasonable demands or intolerant refusals, assume the responsibility of provoking public disturbances.

3. Syria and the Lebanon.

Petitions, dated March 8th and June 4th, 1928, from the Emir, Chékib Arslan and M. Riad El Souh (documents C.P.M. 702 and 748).

Observations from the French Government, dated October 19th, 1928 (document C.P.M. 794).

Report (see Minutes, Annex 8).

CONCLUSIONS.

The Permanent Mandates Commission considers that these petitions call for no observation and is of opinion that the petitioners should be informed accordingly.

4. Togoland under French Mandate.

Petitions, dated November 4th, 1926, December 1st, 1927, June 18th and September 6th, 1928, from Mr. Casely Hayford (documents C.P.M. 709, 743, 780 and 800).

Observations from the French Government, dated June 13th, March 31st, October 4th and November 2nd, 1928 (documents C.P.M. 709, 743, 780 and 800).

Rapporteur's observations (see Minutes of the twenty-second meeting).

CONCLUSIONS.

Having regard to the Rapporteur's statement, the Commission is of opinion that these petitions call for no action.

5. Western Samoa.

Petition, dated June 8th, 1928, from the Anti-Slavery and Aborigines Protection Society (document C.P.M. 739).

Observations from the New Zealand Government, dated September 27th, 1928 (document C.P.M. 819).

Report (see Minutes, Annex 14).

CONCLUSIONS.

The Commission notes that the New Zealand Government proposes to take steps to make the relations between the League and the natives as clear as possible in the territory. It considers that the petitioners should be so informed.

6. South-West Africa.

(a) Petition from certain members of the Rehoboth Community, dated November 26th, 1926 (document C.P.M. 546).

Observations from the Government of the Union of South Africa, dated December 21st, 1926, February 17th, 1928, March 19th, 1928 (documents C.P.M. 546, 700 and 705, and Report of the Rehoboth Commission ; see also the documents C.P.M. 710, 746 and 773).

Report (see Minutes, Annex 6).

CONCLUSIONS.

The Commission is of opinion that the petitioners should be informed that the Permanent Mandates Commission understands that their grievances have been fully investigated, and considers that they have now lost their relevance.

(b) Petition, dated March 5th, 1926, from the Kaoko Land- und Minengesellschaft (see Minutes, Annex 12 A).

Observations from the Government of the Union of South Africa, dated July 4th, 1928 (see Minutes, Annex 12 B).

Report (see Minutes, Annex 12 C).

CONCLUSIONS.

The Commission considers that a reply should be sent to the Company petitioning to the effect that its claim, whatever view may be taken of its title and rights, or of the arguments advanced by the mandatory Power, does not come within the competence of the Commission.

Nevertheless, the Commission is of opinion that the attention of the Council of the League should be drawn to the existence of considerable landed estates in South-West Africa, which had constituted ex-enemy property. It hopes that the Council will request the mandatory Power to explain its declaration of February 19th, 1926, which appears to the Commission to be clearly inconsistent with the statements made, with reference to the status of the said properties and their disposal, by the Accredited Representative at the Commission's meeting, November 2nd, 1928, and by the mandatory Power itself in its observations of July 4th, 1928.

II

COMMENTS OF CERTAIN ACCREDITED REPRESENTATIVES SUBMITTED IN ACCORDANCE WITH SECTION (c) OF THE CONSTITUTION OF THE PERMANENT MANDATES COMMISSION¹.

(Council Resolutions of December 1st, 1920, January 10th, 1922, and September 8th, 1927).

LETTER FROM THE ACCREDITED REPRESENTATIVE FOR SOUTH-WEST AFRICA, DATED NOVEMBER 19TH, 1928.

I should like to thank you for kindly submitting to me, for any comments I may wish to make, an advance copy of the observations of the Permanent Mandates Commission. Availing myself of the privilege thus graciously accorded me, I wish to draw attention to the Commission's observations on the Colour Bar Act (page 8) and to make the following comments :

When the question about the application of a colour bar in South-West Africa was put to me by a member of the Commission, the Chairman indicated to me in no mistakable way that the Commission was sorely pressed for time and that a full statement was not wanted. I concluded from this that no important principle was involved and therefore briefly replied that a colour bar was being observed, but only with regard to work done by the Administration and the Railway Department. I now find that this brevity has led to a misunderstanding which I feel it my duty to correct.

The true position is as follows :

The Colour Bar Act of the Union is not in force in South-West Africa. There is therefore no statutory colour bar. Owing, however, to the present low state of civilisation among the natives, no native is at present employed either by the Administration or by the Railway Department on work involving the risk of human life, such as driving a motor-car or working an engine. A certain colour bar is therefore being observed in practice, but it is certainly not a statutory enactment and is purely temporary, that is, until such time as the native is sufficiently advanced to be able to undertake this responsible work.

I hope that this explanation will satisfy the Commission and remove all ground for the observation which it has made on page 8.

(Signed) A. J. WERTH,
Administrator.

LETTER FROM THE ACCREDITED REPRESENTATIVE FOR THE ISLANDS UNDER JAPANESE MANDATE, DATED NOVEMBER 27TH, 1928.

[Translation.]

... I have no comments to offer except on paragraph 4, dealing with instruction and education. On this point I attach my comments, and would ask you to take steps to bring them to the notice of the Council simultaneously with the Commission's report.

(Signed) N. SATO,
Representative of the Japanese
Government accredited to the Permanent
Mandates Commission.

Comments.

The South Seas Bureau has always attached the highest importance to encouraging the education and instruction of the natives. Hitherto the results achieved in this direction have never failed to gain the approval of the Permanent Mandates Commission. At the Commission's tenth session, one of its members, the late Madame Bugge-Wicksell, referring to the school attendance statistics, which she regarded as satisfactory, was kind enough to observe that this was an extremely remarkable result if account were taken of the rapidity with which it had been achieved, the number of the Islands and the large distances between them. She would like to congratulate the Japanese Government publicly on this achievement (Minutes of the Tenth Session, page 41). I would point out that the Japanese Government's Annual Report for 1927 gives very full statistics of the school attendance percentage among natives, which averages 43.61 per cent.

In comparison with the populations of civilised countries, the number of native children attending school is not yet, of course, very large, though the South Seas Bureau has already increased the number of state schools to twenty for a population of about 49,000 natives. Having regard to the low civilisation, and more particularly to the fact that the Islands are scattered, which necessarily makes it very difficult to bring children living in the remote Islands to school, we must realise that only time can produce better results. In order to meet the special situation in the Islands, the South Seas Bureau has introduced the boarding-school system in certain State

¹ The accredited representatives for Iraq, the Cameroons under British mandate and Western Samoa (New Zealand mandate) have stated that they have no comments to make on the observations contained in the report of the Permanent Mandates Commission to the Council.

schools, so that native children coming from the distant Islands can be more easily received. As in the past, the Bureau will continue to devote its particular attention to the problem of native education, and will constantly endeavour to bring about every possible improvement which the peculiar circumstances of the Islands under mandate allow.

LETTER FROM THE ACCREDITED REPRESENTATIVE FOR RUANDA-URUNDI,
DATED DECEMBER 3RD, 1928.

[*Translation.*]

... I have the honour to forward you my comments on the observations of the Permanent Mandates Commission regarding the administration of Ruanda-Urundi in 1927, and would ask you to append them to the observations when the latter are submitted to the Council of the League.

(Signed) HALEWYCK DE HEUSCH,
*Director-General in the Belgian
Ministry of the Colonies.*

Comments.

In its report, the Permanent Mandates Commission "expresses anxiety as to the unfortunate consequences to the prosperity and development of the natives which must inevitably follow upon the attribution to Europeans of vast areas of land in an over-populated country, the cultivable surface of which seems already too small to suffice for the present needs of the population".

In order to forestall any inaccurate and false impressions or conclusions, the accredited representative of the Belgian Government thinks it desirable to point out that the situation described by the Commission is not general, and does not occur in all parts of the mandated territory. In the tropical region along the shores of Lake Tanganyika and the River Ruzizi, there are large areas in which native occupation is rare and the population sparse. The original inhabitants of the high plateaux in the centre of the country fear the climatic conditions of this district, which are very different from those of their own mountains. They do not come down, or if they do it is only for very short periods. Consequently, the apprehensions expressed in regard to the results of the establishment of European plantations cannot apply to this area.

Similar remarks would apply in respect of certain districts in the eastern part of the territory.

(Signed) HALEWYCK DE HEUSCH.

LETTER FROM THE ACCREDITED REPRESENTATIVE FOR TOGOLAND UNDER BRITISH MANDATE,
DATED DECEMBER 24TH, 1928.

I have the honour to acknowledge the receipt of your letter No. A/7009/5381 of November 23rd, forwarding an advance copy of the observations of the Permanent Mandates Commission drawn up as a result of the examination, at its recent session, of the administration of Togoland under British mandate.

I offer the following comments on the observations :

Frontiers.

Since returning to the Gold Coast, I have seen the members of the Mixed Franco-British Boundary Commission. They have practically finished their work in the field, but the production of the final maps will take time, and it is unlikely that the approval of the respective Governments to such minor modifications of the frontier line as the Commissioners may recommend (*vide* Article 1 (1) of the Franco-British Declaration of July 10th, 1919) will have been secured by the end of March 1929.

I doubt, therefore, whether it will be possible to attach the report of the Commissioners to the *next* Annual Report (which will cover the year 1928), but, if the British and French Governments have no objection, it will be attached to the report for 1929.

Public Finance.

The system of native treasuries recently established in Ashanti is developing in an encouraging manner. I have just approved of such a treasury being established in the important Kumasi State, of which ex-King Prempeh is Paramount Chief, and there are now some grounds for hope that some of the important Chiefs in the Gold Coast Colony will before long agree to the introduction of the system in their States. I am enquiring whether there is any real likelihood of such treasuries being successfully established in Togoland at present, but, as I informed the Commission in October, most of the Togoland Chiefs' Divisions are at present very small and the Chiefs there are very "lowly" persons.

Labour.

I desire to reserve the desired explanation under this head for the next report.

Education.

I note the desire of the Commission for full information with regard to the effect of the introduction of the Education Ordinance, 1926, more especially in regard to the subsidies

granted to the Missions for training teachers. This request will be complied with in the next report, and I will only record here that I have just approved of a grant of some £1,150 being made to the Roman Catholic Mission to enable it to convert certain buildings at Bla into a training college for teachers. Other Missions have been notified that I am ready to consider sympathetically any similar definite proposals from them.

As to the extent to which teachers from Togoland are being trained in the Prince of Wales's College at Achimota, I have ascertained from the Principal (Mr. A. G. Fraser) :

- (a) That eight teachers or prospective teachers for Togoland have just completed their course at Achimota ;
- (b) That twenty-two such teachers are in training there ; and
- (c) That thirteen more such teachers are about to enter the training classes at Achimota.

Liquor Traffic.

The Commission will be interested to learn that, at a meeting of the Legislative Council of the Gold Coast held at Accra on December 17th (when the fees for liquor store licences were at the instance of Government drastically increased and the hours of sale materially curtailed), I announced my intention to appoint a Commission of Enquiry to take evidence and advise as to whether, and if so what, further steps should be taken to control the consumption of spirits in the Gold Coast. The measure to which reference is made above will apply to Togoland, and the Commissioners will be empowered to include conditions in the mandated areas within their purview.

(Signed) A. R. SLATER,
Governor of the Gold Coast.

Genève, le 9 mars 1929.

SOCIETE DES NATIONS.

RAPPORT DE LA COMMISSION PERMANENTE DES MANDATS SUR
LES TRAVAUX DE SA QUATORZIEME SESSION.

ERRATUM.

Page 2:

Lire, à la première ligne:

"En ce qui concerne la cause de l'accroissement des importations de spiritueux dans l'Afrique occidentale" au lieu de "dans le Sud-Ouest africain".

LEAGUE OF NATIONS.

REPORT OF THE PERMANENT MANDATES COMMISSION ON ITS
FOURTEENTH SESSION.

ERRATUM.

Page 2:

First line, read:

"With regard to the cause of the increase of the import of spirits into West Africa" instead of "South-West Africa".

*[Distributed to the Council
and the Members of the League.]*

C. 568. M. 179. 1928. VI.

Geneva, November 13th, 1928.

LEAGUE OF NATIONS

PERMANENT MANDATES COMMISSION

MINUTES

of the

FOURTEENTH SESSION

HELD AT GENEVA

FROM OCTOBER 26TH TO NOVEMBER 13TH, 1928

Including the

Report of the Commission to the Council

and Comments by Various Accredited Representatives of the
Mandatory Powers

Publications of the League of Nations

VI.A. MANDATES.

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1928. VI.A. 14.

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LEAGUE OF NATIONS

PERMANENT MANDATES COMMISSION

MINUTES OF THE FOURTEENTH SESSION

Held at Geneva from October 26th to November 13th, 1928.

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

The Marquis THEODOLI (*Chairman*) ;
M. VAN REES (*Vice-Chairman*) ;
Mlle. DANNEVIG ;
Dr. KASTL ;
Lord LUGARD ;
M. MERLIN ;
M. ORTS ;
M. PALACIOS ;
M. RAPPARD ;
M. SAKENOBE.

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

Secretary : M. V. CATASTINI, Chief of the Mandates Section (replaced at certain times by Mr. F. Friis, member of the Mandates Section).

M. FREIRE D'ANDRADE was not present at the session. The following members were absent from certain of the meetings : Dr. KASTL from the first meeting ; M. ORTS from the sixteenth meeting ; Lord LUGARD from the twenty-seventh meeting.

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

Mr. E. J. ARNETT, C.M.G., Resident in the Cameroons ;
Mr. B. H. BOURDILLON, C.M.G., Counsellor to the High Commissioner for Iraq ;
M. HALEWYCK DE HEUSCH, Director-General at the Belgian Ministry for the Colonies ;
Mr. T. I. K. LLOYD, of the British Colonial Office ;
Sir James PARR, K.C.M.G., High Commissioner for New Zealand in London ;
Major-General Sir George S. RICHARDSON, K.B.E., C.B., former Administrator of Western Samoa ;
His Excellency M. N. SATO, Director of the Imperial Japanese Office for the League of Nations ;
Sir A. Ransford SLATER, K.C.M.G., C.B.E., Governor of the Gold Coast ;
Mr. A. J. WERTH, Administrator of South-West Africa.

All the meetings of the Commission, except the first, were held in private.

FIRST MEETING

Held on Friday, October 26th, 1928, at 11 a.m.

Chairman: Marquis THEODOLI.

902. Opening Speech by the Chairman.

The CHAIRMAN spoke as follows: I have the honour to declare open the fourteenth session of the Permanent Mandates Commission.

I am glad to note the presence of M. Orts, whose valuable co-operation we missed at our last session.

We all of us regret the absence of our colleague, General Freire d'Andrade. Illness kept him away last summer, but the news of his recovery had led us to hope that he would be able to be present on this occasion, as indeed was his intention. We were therefore exceedingly sorry to hear some days ago that, owing to a relapse, he had had to abandon the idea. We wish him a speedy and complete recovery.

WORK OF THE COUNCIL AND THE ASSEMBLY.

Unfortunately, the Commission was not represented at the last sessions of the Council and the Assembly when its work was discussed. I myself was unable to come to Geneva, and M. Van Rees, who, with his usual devotion, had stated his readiness to represent the Commission, was unhappily prevented from doing so at the last moment by illness—from which I am glad to see he has completely recovered.

Council.

At its meeting on September 1st, 1928, the Council took note of the documents relating to our last session. The subject was introduced by a report (document C.434.1928.VI) from the Netherlands representative, M. Beelaerts van Blokland, emphasising the most important points dealt with in the Commission's report. Lord Cushendun, the representative of the British Empire, made an important declaration (document C.51st Session/P.V.3 (1)) on the observations in the report on our last session with regard to the recent Treaty between Great Britain and the Emir of Transjordan. Lord Cushendun's statement concludes as follows:

“ . . . At the same time, in saying this, there should be no doubt at all in the minds of the members of the Council that my Government regards itself as responsible to the Council for the proper application in Transjordan of all the provisions of the Palestine Mandate, except those which have been excluded under Article 25. ”

I consider that this part of the declaration constitutes a very satisfactory reply to the apprehensions of the Commission. At any rate, this was the point of view of the Council regarding this question.

It is interesting to note that Lord Cushendun expressed the opinion that the agreement should be treated in the same way as any other legislative measure taken in mandated territories; that is to say, it should be examined by the Permanent Mandates Commission, but its coming into force is not subject to the Council's approval. The Council did not touch on this point, and it adopted a resolution acknowledging that the agreement is in conformity with the principles of the mandate, which remains fully in force.

With regard to the Commission's observations on the preparation of the Organic Law of Syria and the Lebanon and the general situation in the territories from a constitutional point of view, M. Paul-Boncour, representative of France on the Council, stated that his Government was “entirely in agreement with the principles laid down, on behalf of the League, with regard to the aim and the execution of the international mandates, and particularly of the A and B mandates”.

Further, Baron Lehmann, representative of Liberia, and M. Paul-Boncour showed a conciliatory spirit with regard to the negotiations in progress between France and Liberia concerning the treatment of Syrians and Lebanese in Liberia. This question occupied the Commission's attention at its last session.

In accordance with its customary procedure, the Council instructed the Secretary-General to forward the Commission's observations on the annual reports to the Governments of the mandatory Powers concerned, with the request that they should take the necessary action. Our requests for information with regard to the liquor traffic and economic equality were treated in the same manner, and we hope that this information will be forwarded to us shortly and that it will be as complete as possible. The Council also approved the Commission's conclusions on the petitions considered at its thirteenth session and instructed the Secretary-General to bring them to the notice of the mandatory Power and the petitioner concerned in each case.

Finally, with regard to the general question of the treatment of persons belonging to territories under the mandate of States Members of the League of Nations and the treatment of products and goods from these territories, the Council drew attention to its resolution of September 15th, 1925, on the extension of special conventions to mandated territories, and expressed the hope that the States Members of the League would take the necessary action. At the same time, it requested the Permanent Mandates Commission to make a general study of the question and to inform it of the results.

At an earlier meeting in the same session, the Council decided, on the proposal of the British Government, to communicate the Convention for the Suppression of the Circulation of and Traffic in Obscene Publications to the Iraq Government for its accession.

Assembly.

On the proposal of the Portuguese delegation, the Assembly decided, in accordance with precedent, to send to the Sixth Committee for consideration the various documents concerning mandates questions circulated to the Members of the League since the last session of the Assembly.

The Sixth Committee debate on this subject took place on September 14th and 15th. My colleagues have all received the Minutes of these meetings. I will not, therefore, refer to all the speeches made in the course of this very interesting discussion. The interest shown by many members of the Assembly in the League's work in this field is remarkable. The Rapporteur, Count de Penha Garcia, in the Sixth Committee's report to the Assembly (document A.61.1928.VI), also emphasised the part played by the Assembly in regard to mandates. The members of the Mandates Commission who participated in the meetings of the Sixth Committee as delegates of their countries (M. Palacios and M. Rappard) must have observed with satisfaction the general approval given by the Assembly to the work of the Commission.

The Persian delegate, referring to certain remarks of the accredited representative of Great Britain during the consideration of the annual report on Iraq for 1926, gave a long account of the relations between Iraq and Persia. The British delegate replied to him by a detailed declaration. These documents have been brought to your notice and will certainly be useful when the Iraq report for 1927 is examined.

The Rapporteur, in submitting the Sixth Committee's report to the Assembly, emphasised the importance which the Assembly attaches, in particular, to the question of : (a) economic equality ; (b) liquor traffic ; (c) methodic and scientific organisation of the work of the Mandates Commission and the Mandates Section of the Secretariat.

It is of interest to note that the Commission is being increasingly urged by the Assembly to make a more thorough study of the first two questions. With regard to the last (the methodic and scientific organisation of work on mandates), I think we should bear in mind the Assembly's desire that analytical indexes should be made of the points dealt with in the annual reports of the mandatory Powers, and that the latter should be urged to supply the necessary material to keep up to date the important document containing general statistics.

During the discussion on the budget, the Fourth Committee reduced by 100 francs the credit for publications of the Mandates section. The discussion showed that the only object of this reduction was to indicate clearly the Assembly's wish that the mandatory Powers should, in future, increase the number of copies of the annual reports sent free to the League of Nations, in order that these may be distributed to officials in the mandated territories without thereby constituting a charge upon the League budget.

As the Rapporteur of the Sixth Committee pointed out, more and more interest is being shown in various quarters in the League's work on mandates. This interest has been manifested by both scientific institutions (International Colonial Institute, Institute of International Law) and political institutions (Inter-parliamentary Union, International Socialist Congress).

In concluding my statement, which I have tried to make as concise and objective as possible, I would welcome all the accredited representatives of the mandatory Powers who will be present when the various annual reports are considered. The Commission attaches great importance to the co-operation of those accredited representatives who come directly from the territories under mandate. At the present session we are able to welcome as collaborators two Governors still in office, one late Governor and two high officials in mandated territories.

903. **Statement by the Chief of the Mandates Section.**

M. CATASINI spoke as follows : Since the last session of the Commission, the work of the Mandates Section has followed its normal course. The Section has, as usual, communicated various documents to the members of the Commission with a view to keeping them informed, as far as possible, of the political, administrative and economic situation in the territories under mandate. Since July 1928, the members of the Commission have also been in receipt of a monthly bulletin of the Arabic Press. This bulletin is an experiment, and I should be grateful to the members of the Commission if they would give me their opinion on the subject.

The Mandates Section has duly carried out the instructions issued by the Commission at its thirteenth session. In conformity with the Commission's desire, the Minutes of this session were circulated on August 15th. Shortly afterwards, the Secretariat decided to print, as a separate document, those parts of the discussion and of the report on the work of the thirteenth session which referred to the administration of Western Samoa, with a view to informing public opinion in countries which were particularly interested in the events which occurred in this territory in 1926 and 1927.

The members of the Commission have doubtless observed that, in most of the recent reports received from the mandatory Powers, the latter have furnished data which will greatly help the Secretariat to keep its statistics up to date. It should be noted in this connection that, during the discussions on mandate questions which took place in the Sixth Committee of the Assembly, attention was drawn to the value of these statistics by the Portuguese delegate, Count de Penha Garcia.

Lists of official documents transmitted to the Commission by the mandatory Powers have been prepared for each of the territories with which the Commission has to deal at its present session. These lists will be distributed very shortly (Annex 1).

The members of the Commission will certainly have noted with satisfaction that most of the reports to be examined at this session were received before the date fixed, namely, September 1st. They reached the Secretariat in the following order :

Territory	Administration Period	Date of receipt by the Secretariat
South-West Africa	1927	June 20th, 1928.
Western Samoa	1927-28	August 17th, 1928.
Iraq	1927	August 30th, 1928.
Ruanda-Urundi	1927	August 30th, 1928.
Cameroons under British Mandate ..	1927	September 8th, 1928.
Togoland under British Mandate ..	1927	September 8th, 1928.
Islands under Japanese Mandate ..	1927	September 27th, 1928.

The Commission will doubtless be interested to learn that a mission of the Health Organisation of the League has been instructed to conduct a preliminary enquiry into present health conditions in the Pacific Islands. In particular, this mission will visit New Guinea. In this connection, mention should also be made of the Second International Conference on Sleeping-Sickness, which will meet in Paris on November 5th, 1928. It is hardly necessary to point out that this Conference is of great importance to several of the mandated territories.

GENERAL QUESTIONS : PRESENT POSITION.

Definition of Terms concerning the Liquor Traffic.

All the mandatory Powers have sent their replies regarding the interpretation of certain terms concerning the liquor traffic used in B and C mandates, and in the Convention of Saint-Germain, regarding which the Council requested them on March 7th and December 6th, 1927, to be good enough to give their opinion (documents C.234 and C.234 (a).1928.VI).

The members of the Commission will have noted that the definition proposed by the Commission has been well received. They will, I imagine, wish to examine the Belgian Government's suggestion—supported by the French Government—concerning the fixing of the maximum alcoholic strength of beverages regarded as wines.

Postal Rates.

The Commission, having expressed a desire to study postal rates from the point of view of economic equality, at its twelfth session requested the Council to invite the mandatory Powers to furnish particulars concerning the present position of the question in the territories for which they held a mandate. The Council approved the Commission's recommendation, and its request was transmitted to the mandatory Powers on March 13th, 1928. Up to the present, only the Belgian Government (document C.543.1928.VI. CPM.783) has replied.

The British Government has, however, stated that it will reply as soon as it has collected the necessary documentation (document C.369.1928.VI).

Status of the Inhabitants of Territories under B and C Mandates
(document C.543.1928.VI. CPM.780).

The Commission long ago reached its conclusions on the status of the inhabitants of the territories under B and C mandates. On April 23rd, 1923, the Council adopted the Commission's views on this subject, and at the request of the Commission it asked the mandatory Powers on March 5th last to inform it what action had been taken as a result of its resolution.

The Belgian Government states that it took note of the rules laid down in the first three paragraphs of the resolution. Also, in conformity with the recommendation made in the fourth paragraph, it now described the native inhabitants of the territory over which it exercises its mandate as nationals (*ressortissants*) of Ruanda-Urundi. This term was employed for the first time in Article 5 of the Organic Law (August 21st, 1925) of the Government of Ruanda-Urundi.

The Japanese Government has replied as follows :

“The native inhabitants of the territories under Japanese mandate do not, *ipso facto*, acquire Japanese nationality under the mandate. With a view to drawing a clear distinction between the status of natives and that of subjects of the Japanese Empire, the natives are referred to as inhabitants of the islands. They may, however, acquire Japanese nationality by naturalisation or marriage.”

The British Government states that the question of legislation to enable the inhabitants of B and C mandated territories to obtain Imperial naturalisation was discussed at the Imperial Conferences of 1923 and 1926. The terms of the Bill to give effect to the conclusions reached by these Conferences are still under consideration by the various Governments concerned. As regards the descriptive title to be accorded to native inhabitants, the British Government, which holds that the matter is of importance to it only from the point of view of the issuing of passports, has decided that these persons are to be described on passports as “British protected person, native of the mandated territory . . . of British Cameroons, British Togoland or Tanganyika”.

Replies on this point have not yet been received from the South African, Australian, French and New Zealand Governments.

General and Special International Conventions.

At its twelfth session, the Commission expressed a desire to be supplied with a revised list of the general and special international conventions applied to the territories under mandate. In March last the Council forwarded this request to the mandatory Powers. Up to the present, only the Belgian Government has supplied such a list (document C.543.1928. VI), though the British Government has stated that it will do so later (document C.369.1928. VI).

904. Comments on the Communications made by the Chairman of the Commission and the Head of the Mandates Section.

(a) Distribution of Mandates Documents. Form of Reports of the Mandates Commission. Replies of Mandatory Powers on General Questions.

M. RAPPARD fully associated himself with the observations of the Chairman in regard to the attitude shown by the Assembly at its last ordinary session towards the Permanent Mandates Commission.

The Sixth Committee of the Assembly had discussed mandates questions far more fully than was usually the case, and Count de Penha Garcia, the Rapporteur, had made a very comprehensive report to the Assembly. The German delegate, had also made a speech in the Sixth Committee commenting very favourably on the activities of the Permanent Mandates Commission.

With regard to the reduction of 100 francs made by the Fourth Committee in the budget of the Mandates Section, M. Rappard explained that its object had not been to reduce the number of documents circulated by the Permanent Mandates Commission, but, on the contrary, to induce the Governments of the mandatory Powers to send more copies of their reports to the Secretariat.

In reply to M. Orts, M. Rappard explained that this proposal had been made in the Fourth Committee of the Assembly by the Indian delegate, who had expressed astonishment that the League budget should have to bear the expense of circulating the reports of the mandatory Powers. Various delegates of mandatory Powers had allowed it to be understood that their Governments would send a larger number of free copies in the future, but, as no definite offer was made, the Fourth Committee had reduced the credit by the sum in question in order to draw attention to the present charge on the League budget.

M. Rappard wished next to express his great satisfaction that M. Catastini had succeeded in distributing the Minutes of the Permanent Mandates Commission at the same time as its report to the Council. In view of the fact that the report and the Minutes had been

circulated on August 15th, those responsible for the issue deserved congratulation, since the period of time elapsing between that date and the date of the last meeting of the Commission had been very short.

M. VAN REES, referring to the delay which frequently occurred in the receipt of the replies of the mandatory Powers to general questions, said that it was sometimes impossible for the Commission usefully to examine certain of the general questions upon which information had been requested from the mandatory Powers. He feared that, when the documentation was finally collected, its value would be considerably diminished, because the elements constituting it would have been composed at very different times. He thought therefore that it would be useful for the Commission to discover means to hasten as much as possible the communication of the replies of mandatory Powers on general questions.

The CHAIRMAN thought that every member of the Commission would agree with the observations of M. Van Rees. Means must be found to induce mandatory Powers to give speedier answers to the Commission's questions.

M. VAN REES, resuming his speech, entirely associated himself with the observations made by M. Rappard regarding the fact that M. Catastini had been able to distribute the Minutes and the report on the work of the last session simultaneously. He hoped that in future this would always be the case. In addition, however, to this simultaneous circulation, he would suggest that marginal references to the Minutes should be inserted in the Commission's report to the Council, in order to make it possible to see at a glance which passages were referred to in the different parts of the report. He added that, although he had followed the discussions from the beginning, he sometimes experienced difficulty in finding again in the lengthy Minutes the text of the discussions of the Commission on which the observations submitted to the Council were based. With a view to stimulating the interest of the public in the work of the Commission, the addition of marginal notes to the reports would be of use.

M. CATASTINI replied that the suggestion of M. Van Rees might be carried out, not only by the insertion of marginal references, but also by making the index to the Minutes cover the matters dealt with in the report of the Commission.

M. RAPPARD agreed, but pointed out that, if the report and the Minutes were always to be sent simultaneously to the Council, a delay might occur, for the Minutes necessarily took longer to prepare than the report. Sometimes, therefore, the report would have to be sent to the Council without the Minutes. The proposal of M. Van Rees, however, in such cases, could still be adopted, for, when the Minutes were ready, a second edition of the report containing the marginal references could be issued.

M. CATASTINI assured the Commission that this would be done.

(b) *Visits of Members of the Permanent Mandates Commission to Colonial and Mandated Territories.*

M. ORTS, with reference to the allusion made by the Chairman to his absence during the thirteenth session, said that his absence had had some connection with the duties of a member of the Permanent Mandates Commission. He had just completed a voyage of several months in the different colonies of tropical Africa, and had been able to study on the spot the principal problems with which the colonies, like the mandated territories, were faced. They were the same problems as those with which the Commission had had to deal since its creation: native policy, land tenure, concessions, labour, education, the organisation of the health service. Wherever he had gone, M. Orts had studied the methods adopted in these matters, and their application. Such a study on the spot was a great education and it was of the utmost value for a member of the Mandates Commission to be able to add to his experience by getting into touch again from time to time with the colonies where the situation developed rapidly. The observations he had made on the journey would, he hoped, enable him more usefully to collaborate in the work of the Commission.

The CHAIRMAN felt sure that he was interpreting the feelings of his colleagues in expressing the satisfaction of the Commission at the tour made by M. Orts, who had by this means increased his already large experience in connection with countries in tropical Africa, and would thus be enabled to give the Commission still better advice concerning the questions with which it dealt.

Lord LUGARD, while being unable to speak for the British Government, felt sure that that Government would grant every possible facility to any member of the Permanent Mandates Commission who might desire to travel in any of its colonies, possessions or mandated territories.

M. MERLIN said that, while he was no more able to speak for his Government than Lord Lugard, he was sure that the French Government would be equally ready to grant every facility as regards the territories under French mandate.

M. SAKENOBE associated himself with the observations of Lord Lugard and M. Merlin. Japan would grant every possible facility to members of the Commission who desired to visit the islands under Japanese mandate, in spite of the fact that they were very far distant from this part of the world.

The CHAIRMAN thanked his colleagues and indirectly their Governments for these declarations, of which the Commission would take note.

(c) *Replies to the "List of Questions" included in the Report on Ruanda-Urundi for 1927.*

The CHAIRMAN reminded the Commission of the list of questions which it had drawn up and of which it made use when examining the various annual reports. In regard to the usefulness of such a document, he would point out that among the reports before the Commission was that submitted by the Administration of Ruanda-Urundi, under Belgian mandate. That report contained an annex giving a list of replies corresponding to the questions put by the Commission.

On behalf of the Commission, he wished to thank the mandatory Power for its courtesy in this respect and for this fresh proof of its desire to co-operate with the Commission.

905. **Adoption of the Agenda.**

After a short exchange of views, *the agenda was adopted (Annex 2).*

It was understood that the petition from the International Bureau for the Protection of Native Races would be considered by the Commission, at any rate, in so far as the procedure to be followed for the discussion was concerned.

In this connection, the CHAIRMAN pointed out that certain replies from mandatory Governments had not yet been received.

906. **Telegram to General Freire d'Andrade.**

On the proposal of M. RAPPARD, *the Commission unanimously asked the Chairman to send on its behalf a telegram of good wishes to General Freire d'Andrade for his speedy recovery to complete health.*

SECOND MEETING.

Held on Friday, October 26th, 1928, at 3.30 p.m.

Chairman : The Marquis THEODOLI.

907. **Togoland under British Mandate : Examination of the Annual Report for 1927.**

Sir Ransford Slater, Governor of the Gold Coast, and Mr. Lloyd, British Colonial Office, accredited representatives of the mandatory Power, came to the table of the Commission.

The CHAIRMAN, on behalf of the Commission, thanked the British Government for having appointed as its accredited representative Sir Ransford Slater, Governor of the Gold Coast. The Commission had on several occasions expressed its satisfaction at the valuable collaboration of the high officials of the mandated territories with the Commission at Geneva. The practice followed by the British Government was in accordance with the desires expressed by the Commission. He enquired whether Sir Ransford Slater wished to make a preliminary statement before the Commission began its detailed examination of the report.

General Statement by the Accredited Representative.

Sir Ransford SLATER : I should like to say first of all that I regret that the Togoland report was slightly delayed. I notice from the observations made this morning that the report

was not received by the League until September 8th, whereas it should have been in your hands on September 1st. I hope that next year it will be forwarded with absolute punctuality.

Secondly, I should like to apologise for the errors in the report. Copies of a list of corrections have, I think, been circulated to the members of the Mandates Commission. The corrections look numerous, but they really almost all refer to one mistake in the financial part of the report. The remaining corrections are consequent on the one mistake in the Customs revenue.

Next, I should like to remind the Commission that I have only comparatively recently assumed the Governorship of the Gold Coast. I assumed that Governorship in July 1927, but I have been on leave from the colony since May of this year. The report before you was written during my absence.

In the course of my first year's administration of the Gold Coast, I have paid two visits to Togoland—one visit to Southern Togoland and one to Middle and Northern Togoland. I think I am right in saying that I am the first Governor of the Gold Coast to have visited the middle part of Togoland, *i.e.*, the Keté-Kratchi district. As a result of my two visits, two extra means of communication have been opened up. The first is a road from Keté-Kratchi, in the middle of Togoland, to Atabubu, in Ashanti, which is in the middle of the Gold Coast. The other is a bridge over the river Kulkpini, near Yendi, in the northern part of Togoland. These extra means of communication will greatly facilitate future visits of Governors of the Gold Coast to the mandated territory.

The policy of the Government of the Gold Coast in administering the mandated territory is the same as the policy observed in administering our own colony; that is to say, we endeavour as far as possible to rule through the native chiefs. This is exceptionally difficult in the southern portion of the British sphere of Togoland because there are no big head chiefs in that part of the territory. The whole of Southern Togoland has a population of only 90,000, and yet it has no fewer than fifty-eight so-called head chiefs, all those fifty-eight being absolutely independent of each other. As if that division was not enough, there are, in that area, fifteen distinct languages, so that the problem of ruling through big head chiefs is peculiarly difficult in Southern Togoland, which, in that respect, differs very conspicuously from the British Colony of the Gold Coast.

I have referred to fifteen different languages. I am glad to say that the two principal languages—Ewe and Awuna—are gradually supplanting the others, and as these two languages spread it will be possible to envisage the amalgamation of some of the petty head chieftainships. We are doing our utmost to encourage the head chiefs to meet together and themselves discuss the possibility of such amalgamation.

The Commission may no doubt remember that one effect of the Anglo-German Treaty of 1890 was to divide tribes which had previously been united. One happy result of the great war and the subsequent peace terms has been that in the north we have been able to reunite tribes which had previously been divided. Thus the important Kingdom of Dagomba is now completely reunited under one head chief, who is called the Na of Dagomba. His capital is at Yendi, and the Na of Dagomba rules not only over Togoland natives but over the Gold Coast natives around Tamale, the capital of the Northern Territories.

I do not think there have been any specially remarkable events in Togoland during the past year. I have already referred to the improvement of communications. I might perhaps mention that the cultivation of cocoa, the chief product of the neighbouring Gold Coast, is extending in Togoland and enriching the people.

Another feature to which I might perhaps draw attention is the success of the Leper Settlement. Dr. Cooke, the Gold Coast doctor who is in charge of the settlement near Ho, has achieved a real success in inducing a large number of lepers in Togoland to come to the settlement quite voluntarily for treatment. Particulars are given in the report, and I need not refer to them now.

I should like to take this opportunity of saying that the boundary delimitation between the British and French spheres is practically complete, and I hope that the report will be out in the course of next year. The two Boundary Commissioners, M. Bouché on the French side and Captain Lilley on the British side, have worked with complete cordiality, and there have been no serious differences of opinion.

I notice in the report on the twelfth session of the Commission, when the last Togoland report was discussed, that the question was asked whether there were likely to be any radical changes in the frontier consequent on the delimitation. There will be only one such change, and even that is not of any serious character. The change which is proposed by both Commissioners is the exchange of a small area in the British territory for another small area in the French territory, approximately of equal size, and the effect of the change, if it is adopted by the respective Governments, will be to make the frontier more in accordance with the actual desires of the tribes.

We have endeavoured in the present report to meet some at least of the observations that were made by this Commission during the consideration of the last report. In particular, I would note that we have now credited Togoland under British mandate with a share of the profits from the currency. We have also decided that no debit shall be raised against Togo and in respect of the past loans raised by the Gold Coast Government. In the present report the debit still appears, but in future reports it will disappear, and credit will be given to Togoland for the amounts that have been debited against it in the past on this account.

The result of these changes is to bring the British sphere of Togoland much nearer to the point when it can pay its own way. It still is a charge on the Gold Coast Government, but when credit is given to it for its share of the currency profits, and when it is relieved of the debit on account of the loan, the budget will very much more nearly balance.

I hope that, if there are any points in the report which are not clear, I may be able to answer them, but the Commission will, I trust, understand that my own personal knowledge of the territory is limited. Togoland only forms a portion—and a comparatively small portion—of the territory under my administration. It is an area one-seventh of the Gold Coast, in population about one-eleventh, and members will no doubt understand that in my first year of administration of my colony I have had to devote the major part of my time to the Gold Coast proper.

The CHAIRMAN thanked the accredited representative for his statement and asked whether the members of the Commission had any observations to make on it. If not, the Commission would examine the report.

Replies of the Mandatory Power to the Observations of the Commission.

The CHAIRMAN wished first to thank the Government of the mandatory Power for having taken into account the observations made by the Commission in the previous year. In the report for the present year replies to the questions asked had been included. He would ask, however, whether it would not be possible in future for the answers to questions put by the Commission to be arranged in one chapter, or at least for some indication to be given where the answers could be found in the report. He would refer in this connection to the practice adopted in the 1927 report for the Cameroons under British mandate, in which the answers to the special observations of the Commission relating to the 1926 report were combined in one paragraph on page 4.

Sir Ransford SLATER undertook to comply with this request.

Question of the Preparation of an Analytical Index to the Reports of the Mandatory Powers.

Lord LUGARD referred to a recommendation made by the Sixth Committee to the last ordinary session of the Assembly that an analytical index to the reports of the mandatory Powers should be prepared, if possible by the authors themselves. He asked whether the accredited representative would find any difficulty in the compiling of such an index.

Sir Ransford SLATER saw no insuperable difficulty in the case of Togoland, but wondered whether such an index would be uniform with the indices for the reports concerning other mandated territories.

Lord LUGARD thought that the Sixth Committee had been referring to past reports and had desired to have an index relating to all subjects dealt with in the reports.

Sir Ransford SLATER said that he would see whether it was possible to compile such an index. It would, however, be rather an elaborate business.

Lord LUGARD pointed out that the recommendation emanated, not from the Mandates Commission, but from the Assembly.

Interpretation of the Statistical Table of Foreign Trade.

Lord LUGARD wished also to refer to the statistical abstract now being prepared by the Secretariat and to which the Sixth Committee and the Assembly had drawn attention. In this connection, he would ask whether under the heading "Trade", on page 78 of the Togoland report, the figures for exports and imports included goods in transit and specie. This point needed explanation in order to make the statistics comparable with those of other mandated territories.

Sir Ransford SLATER pointed out that a note on the same page of the report explicitly stated that the trade figures did not include specie. They also did not include goods in transit. This would be made clear in the report for the following year.

Measures taken to Protect the Natives.

M. RAPPARD observed that, according to paragraph 3, measures were taken to protect the natives of the Northern Section against themselves. He presumed that the measure referred to on page 4 with regard to the restriction of the sale of land was one of the steps in question. The report, however, did not seem to refer to any other measures of that kind and he would be glad to know whether any other such measures existed.

Sir Ransford SLATER said that the only point which occurred to him was the prohibition in regard to the sale of liquor in the northern section. He could not recall any other measure of the kind at the moment.

Status of the Inhabitants of the Territory.

M. PALACIOS said that British Togoland was a very characteristic example of mandated territories which, for purposes of administration, were attached to the colonies of the mother-country. It was clear by merely looking at the map of the roads which had been included in the report that the country was divided between the different administrative sections of the Gold Coast and the Northern Territories. The Mandates Commission had always wished to be sure that the status of the inhabitants of the mandated territory would not suffer from this mingling and from the resulting dislocation of the tribes. Did the mandatory Power really establish a difference between the status of the inhabitants of the mandated territory and that of the inhabitants of the colonies to which he had referred?

M. RAPPARD pointed out that the Permanent Mandates Commission had always attached importance to the fact that the inhabitants of the territories under mandate were not the subjects of the mandatory Power but were in a special position. He understood that the British Government had adopted the Commission's point of view in regard to this matter.

Sir Ransford SLATER observed that it would be rather difficult to say in what way the status of the inhabitants of the two territories differed in practice. There were, however, two main distinctions. First, no native of Togoland was enlisted for military service. That was certainly the most important difference. Secondly, a native of Togoland would be differently described on passports, but the practical effect of that difference would be very small.

Frontier between Togoland under British and Togoland under French Mandate.

M. PALACIOS said that the same question of the unity of the tribes arose as regards the territory and also in connection with the delimitation of the frontiers. On page 65 of the report reference was made to the work of a Delimitation Commission concerning the frontier between Togoland under British and Togoland under French mandate. Reference had been made to this work of delimitation on several occasions and also to the arrangements of 1914-18 and the Milner-Simon Agreement of 1919. The Press and public opinion had often criticised the boundary line on the ground that, when it had been traced, sufficient account had not been taken of natural considerations such as divisions of language, race, tribe, local custom, etc., in connection with which the requirements of justice were more important than the convenience of the Powers. Although the report contained information on this question of the delimitation of the frontiers, M. Palacios would be glad if the accredited representative could give further details.

Sir Ransford SLATER referred to what he had said in his opening statement. It had been hoped that, as a result of the war and of the subsequent division of Togoland, it would be possible to eliminate entirely any division of the tribes. As far as the northern section of Togoland was concerned, he believed that the division of territory had been successful in this respect, but he could not pretend that all the tribes in the southern section were satisfied. It was, however, the British Government's policy to restrain the tribes from reopening questions which must be regarded as having been finally settled in 1919 and 1922, and he had always presumed that it would be improper for the local Government to do so.

M. PALACIOS thanked the accredited representative for his reply, and said he was content merely to have raised the question of principle.

The CHAIRMAN said that the Commission noted with satisfaction the information in the report regarding the exchange of certain portions of territory between French and British Togoland, according to which the wishes of the natives were taken into account.

M. ORTS, referring to page 65 of the report, asked that the next report might be accompanied by a copy of the final Protocol drawn up by the mixed Boundary Commission, unless it were preferred to give in the report itself details regarding the new frontier line, which might be of interest to the Commission.

Sir Ransford SLATER said that he would comply with M. Orts' request if possible.

General Customs Policy of the British Government and the Application of the Most-favoured-nation Clause to Produce of Territories under A and B Mandates.

M. VAN REES wished to ask a general question in connection with the Customs policy of the British Government. Was the most-favoured-nation clause applied to the natural products of the territories under A and B mandates and destined for Great Britain ?

Mr. LLOYD drew attention to the difference between the fiscal practice of Great Britain and that of other Powers. While other countries had several tariffs, Great Britain had only two : (1) the preferential tariff for the Dominions and Dependencies ; and (2) a general tariff applicable to other countries. When the British Government undertook to apply the most-favoured-nation clause it thereby signified that it would apply the second of these tariffs. With regard to the mandated territories, British Imperial Preference was granted to Togoland and the Cameroons under British mandate and to Tanganyika, but not to Palestine, Iraq or to mandated territories under French or Belgian administration.

M. VAN REES thanked Mr. Lloyd for his reply, but said that he was not referring to the system of Imperial Preference resulting from the Imperial Preference Order (No. 2) of 1922. He had merely asked what was the treatment accorded to goods from the territories under A and B mandates as a whole, including those placed under the administration of other Power upon their entry into Great Britain, and whether they were given the benefit of the most-favoured-nation clause.

Mr. LLOYD replied that such territories would in all cases receive most-favoured-nation treatment, except Tanganyika, the British Cameroons and British Togoland, which received the additional benefit of Imperial Preference.

LORD LUGARD said that, though, of course, he could not speak in the name of his Government, he thought he could throw some light on the question raised by M. Van Rees, which he understood to be whether by any means compatible with the mandate it would be possible to obtain in all States Members of the League most-favoured-nation treatment for the inhabitants and produce of the mandated territories. That treatment had been secured to a certain extent in the British mandated territories by including in treaties of commerce recently concluded between Great Britain and foreign countries provision for the accession thereto of those mandated territories which chose to accede ; they would thus enjoy most-favoured-nation treatment in those countries, while there was also a provision in such treaties whereby, if the mandated territory did not accede to the treaty, goods produced or manufactured in the territory would nevertheless enjoy complete most-favoured-nation treatment on importation into the foreign country concerned so long as corresponding treatment was accorded in the mandated territory to the goods produced or manufactured in the foreign country. In cases where no such clause existed in treaties concluded before the institution of the mandates, the British Government was content to take up the question with the Power concerned.

M. MERLIN recalled that M. Van Rees had asked how products exported from the territories under A and B mandates were treated on their arrival in the territory of the mandatory Power and how the preferential tariff operated. It had been explained that there was no Customs frontier between the mandated territory of Togoland and the Colony of the Gold Coast. Goods coming from Togoland were exported from the Gold Coast and therefore on arrival in London were presumably shown to have come from the Gold Coast and not from Togoland. They therefore benefited from the preferential tariff. Was it possible to give any indication of the real origin of such goods ? He did not think that it was, but he would like assurances on this point.

SIR RANSFORD SLATER replied that there was no difference made in regard to the application of the preferential tariff between goods coming from the Gold Coast and those coming from Togoland, for it was impossible to make such a distinction. There were no ports in Togoland, and the main product, cocoa, was consequently exported from the Gold Coast ports ; both in practice and in law, Togoland cocoa enjoyed the same preferential treatment as Gold Coast cocoa.

Application to the Mandated Territory of International Conventions.

LORD LUGARD said that in the previous year, in answer to a question concerning the adoption of conventions on behalf of the territory (a question which had been put by the Chairman on behalf of Lord Lugard since he had been unable to attend the session). Mr. Ormsby Gore had referred solely to labour conventions, while Lord Lugard had been referring to conventions in general. He reminded the accredited representative that, in 1925, the Council had passed a resolution asking for a complete list of conventions which had been applied to territories under mandate, and that the question had been recalled to the attention of the mandatory Powers in a circular letter from the Secretary-General dated last September.

Sir Ransford SLATER said that he understood that a complete list of all international conventions applied not only to Togoland but to all territories under British mandate was now in course of preparation at the Colonial Office and would be forwarded when ready.

Public Finance.

M. RAPPARD said that the Commission had every reason to be especially gratified this year because its suggestions had given rise to real administrative improvement in three important points : the first was that of the tables of statistics ; the second, and the most important, was that of the refund of loans for public works. This matter was particularly important because, in the first place, it was not clear in what way Togoland benefited by these loans, and, secondly, they raised the question of ownership. The third point was the decision of the Mandatory that a due portion of the credits of the West African Currency Board would now be credited to Togoland. The fact that these three measures had been made retrospective afforded very tangible proof of the efficacy of the Commission's work.

He wished to raise the three following points :

1. It appeared that the entire revenue of the territory was derived from indirect taxation. Did the Administration consider the possibility of introducing either an income tax or a capitation tax? He realised that it might be difficult to establish an income tax in so poor a country as Togoland.

2. He wished to draw attention to the heavy decrease in expenditure indicated in paragraph 214 of the report. This decrease appeared somewhat strange in a country which was progressing as fast as Togoland.

3. He would be glad to have further information concerning the establishment of native treasuries.

Sir Ransford SLATER, referring to the question of the revenue obtained from the comparatively poor population of Togoland, said that to a certain extent the revenue figures were perhaps illusory. It was certainly the case that the trade of Togoland was very small compared with that of the Gold Coast, and in this connection he pointed out that the division of the currency profits had been made according to population, and not according to the volume of trade. If it had been made on the latter basis, Togoland's share would have been very much smaller, as the trade of Togoland was only about one-hundredth part of the trade of the Gold Coast.

In answer to M. Rappard's first question, he said that he did not contemplate introducing direct taxation—at any rate, in the immediate future. It had always been the policy of the Gold Coast Government to raise revenue by indirect rather than direct taxation, and that policy was being followed in Togoland.

In answer to the second question, he must admit that he himself had been surprised on reading paragraph 214, and he found some difficulty in explaining the reduction in expenditure without consulting his local officers. He pointed out, however, that expenditure in the last five or six years had been exceptional. The new Administration had put up buildings for its officers, hospitals, post offices, etc. On his tour he had inspected many of these buildings, particularly in Ho, and they were of such a substantial character that they would not have to be replaced for several years to come. The cost of their construction had been defrayed from current expenditure.

In answer to M. Rappard's third question, Sir Ransford Slater had nothing to add to paragraph 219 of the report. The mandatory Administration had to proceed cautiously. Even in the Gold Coast it had so far been possible to start native treasuries only in one chief's division, and the Mandatory would have to decide, according to the experience gained there, whether it would be possible to extend this movement where conditions were much more primitive.

Lord LUGARD asked, in regard to loans, whether the loans made to Togoland were recoverable or non-recoverable. The Commission had always understood that they were of the nature of free grants, and were non-recoverable.

Secondly, apart from native treasuries, were there any stool levies, as in the Gold Coast?

Sir Ransford SLATER, in reply to Lord Lugard's first question, said that he personally had never contemplated the possibility of the recovery of any of the deficits paid by the Gold Coast on behalf of Togoland. The decision in this matter would lie with the British Government rather than with the Gold Coast Government, but he hardly expected that the British Government would press for repayment by Togoland.

In answer to Lord Lugard's second question, he did not think that Togoland chiefs made such heavy levies as the Gold Coast chiefs; but he could not say that they made no such levies. He would endeavour to give information on the point in the next report.

The CHAIRMAN asked whether the errors in the financial figures included in the report, and regarding which an erratum slip had been circulated to the Commission, were merely printers' errors.

Sir Ransford SLATER said they were certainly not printers' errors, but he was unable to explain how the main mistake had arisen. He had himself been the first person to discover the errors, as he had been greatly surprised when he had read the figure for Customs Import Revenue, and he had been unable to discover in the report any adequate explanation for the decrease. A telegram of enquiry sent by the Colonial Office had elicited an immediate reply from the Acting Governor that the figures in the report were wrong, for which the accredited representative could only apologise, while regretting that he was not in a position to afford any explanation.

M. RAPPARD suggested that the mistake might be due to a slip in the calculation of the coefficient of allocation.

Sir Ransford SLATER agreed that that might well have been the case.

M. VAN REES pointed out that the mandatory Power had shown great liberality in that it had not burdened the mandated territory with any part of the services of the loans issued to the Gold Coast. If this policy were continued, he wondered what would be the legal status in the future of the public works carried out in Togoland thanks to the capital resulting from the loans to the Gold Coast. In view of the fact that the mandated territory had not been debited with its share of the loan charges, would the public works in question become the property, not of the territory under mandate, but of the Gold Coast which had paid for them?

M. RAPPARD pointed out that the observation of M. Van Rees was purely theoretical since, as far as he was aware, there were no public works in the mandated territory which had been paid for out of the Gold Coast loan.

Sir Ransford SLATER replied that this was the case. If the Government of the Gold Coast borrowed money for the construction of public works in the mandated territory of Togoland, then that territory would be debited with its share of the loan.

Cultivation and Export of Cocoa and Rubber.

M. MERLIN, with reference to page 55, noted that the report said :

“ There can be no doubt whatever that what all classes of the people want is direct communication with the sea at Keta. The French cocoa card system and the uncertainty about the import tax are restrictive of trade, and Keta has been the natural inlet and outlet for this area of the country for many years. ”

From this statement it would appear that the system used in Togoland under French mandate for the export of cocoa was no longer satisfactory, although on page 61 of the report for 1926 on Togoland under British mandate it was said :

“ The price of cocoa, the principal article of export, kept fairly steady during the year ; the preferential treatment given by the French Government to a portion of the crop grown in the British Sphere again stimulating the export thereof into the French Sphere. ”

Was the explanation of this apparent contradiction to be found in paragraph 253 of the present report, which stated that the export figures of cocoa for the year 1927 “ do not show any appreciable increase, but this can be accounted for by the lateness of the 1927-28 crop, as a less proportion of it would be exported in 1927 compared with previous years ” ? Were there any complaints in British Togoland in regard to the French card system for the export of cocoa ?

Sir Ransford SLATER was not quite certain of the meaning of paragraph 253. Certain complaints had, he believed, been made by British merchants in regard to the French cocoa card system. A further explanation would be given in the next report. He was under the impression that the French system only allowed a limited quantity of cocoa to be exported across the French border under the system of preferential treatment, and the general feeling in British Togoland was that that quantity was too small.

M. MERLIN said that, if this were the case, the quantity of cocoa allowed to be transported across French Togoland could easily be increased. He would refer to the statement made by Mr. Ormsby Gore at the fifteenth meeting of the tenth session, which was to the following effect :

“ The economic side, I take it, is a matter of considerable interest to the Permanent Mandates Commission. As will be seen from the map, the natural outlet for produce from Southern Togoland, especially from the important cocoa-belt, which is so rapidly developing, is by the French railway to Lome. Although a certain amount is exported through the Gold Coast via the ferry at Senchye, the bulk of the produce goes through French territory. Owing to the special consideration of the French Administration, the preference which France gives to the produce of

French Togoland has been extended to any produce of British Togoland which is transported by the railway in French Togoland. Consequently, there are intimate economic relations between the French and British Administrations, and the action of the French Government in giving this special consideration to the native produce of British Togoland is much appreciated by them and by the mandatory Power."

M. RAPPARD thought that the difficulty arose from the nature of the coastline of Togoland. It appeared that for thirty miles inland the country was almost unapproachable owing to the number of lagoons.

Sir Ransford SLATER said there was a large lagoon north of Keta. The river flowing into the sea at Ada was navigable for barges only as far as Akuse. The country behind Keta was a coconut country, and the shore near that place was very thickly populated. It consisted of a narrow strip of land between the lagoon and the sea. A great deal of trade was carried on between this area and the main portion of the territory beyond the lagoon. At present, that trade was forced to go round the lagoon via Denu, but if a causeway could be built across the lagoon, trade would be much facilitated, and it was this that the merchants and the Gold Coast natives of Keta as well as the Togoland natives desired.

M. MERLIN, with reference to page 58, paragraph 256, noted that the amount of rubber exported from the mandated territory in 1927 had been very small, a matter only of 946 lb. This was a very large decrease as compared with 11,312 lb. exported in 1926. The report accounted for it by the fall in the world's market price. If, however, the report for the Cameroons under British mandate, page 93, paragraph 307, were consulted, it would be seen that that mandated territory, which was administered by the same mandatory Government as Togoland under British mandate, had largely increased its exports of rubber during that same year. How could the world price for rubber be given as a reason for a very large decrease in the exports of Togoland under British mandate, whereas there had been a large increase in those of the Cameroons under British mandate, although the world price had remained the same?

Sir Ransford SLATER said that the rubber exported from the Cameroons under British mandate came, as far as he was aware, from the large plantations worked by European companies who had to export the rubber produced whatever the world price. In Togoland, however, the rubber grew wild and the natives only collected it when the price was sufficiently high to make the trade attractive.

M. MERLIN thanked the accredited representative for this explanation, but thought that the increase of exports in the Cameroons was very high. Were the natives in Togoland perhaps devoting their attention to cocoa rather than to rubber?

Sir Ransford SLATER agreed that temporarily, at any rate, this might be the case. In general, rubber on the Gold Coast and Togoland was a product of comparative insignificance and was only collected when the price was good.

Exports of Palm-Oil.

M. RAPPARD thought that there was some uncertainty in regard to the facts and figures for the export of palm-oil. It would appear to have decreased from 37,725 gallons to 2,990 gallons (page 52). This decrease was in the proportion of 12 to 1 and was more than considerable—it was enormous. In paragraph 255 it was stated that it was doubtful whether the fall in the quantity of palm-oil exported to Togoland under French mandate indicated a falling-off in the quantity produced, since that oil might have been exported by other routes. The officials in Togoland must surely have more detailed information than was indicated from this passage in the report. What was the exact position?

Sir Ransford SLATER agreed that a fuller explanation would be desirable. It would be very difficult to know exactly how much palm-oil was produced in Togoland. The figures quoted related only to exports via Togoland under French mandate and such exports might represent only a small proportion of the total quantity produced.

In reply to a further question from M. Rappard, he said that the passage in the report in question had been written in the Gold Coast.

Judicial Organisation.

Dr. KASTL, referring to page 13 of the report, noted that a native tribunal "has no jurisdiction to hear any case where any of the parties concerned is not a native of the British sphere". In view of the very close relationship between the mandated territory and the territory of the Gold Coast, was this provision really strictly applied so that the native tribunals had no competence even in cases where a native of the Gold Coast proper was a party?

Sir Ransford SLATER replied that the legal position was as stated in the report. Whether the native tribunals strictly applied the law was another matter. A native of the Gold Coast, if brought before a native tribunal in Togoland, could, if he so desired, appeal to the District Commissioner and that official would hear the case. Possibly some Gold Coast natives would consent to be judged in the Togoland native courts, but this would be a voluntary act on their part.

The CHAIRMAN noted that a distinction was therefore made before the courts between a protected subject of Togoland and a British subject native of the Gold Coast.

Sir Ransford SLATER agreed.

Lord LUGARD noted that, in paragraph 58, it was stated that the native tribunals had no jurisdiction to try criminal cases. In the same paragraph, however, it was also stated that no native tribunal could impose a fine exceeding £5. There would appear to be some contradiction between these statements, for the right to impose such a fine implied a certain degree of criminal jurisdiction.

Sir Ransford SLATER agreed that the passages seemed to be inconsistent. His impression was that native tribunals in Togoland exercised a very limited jurisdiction in criminal cases, but he felt unable to give a definite reply to the question in view of the uncompromising nature of the statement in the report that native Courts had no jurisdiction in such cases.

In reply to a further question from Lord Lugard, Sir Ransford Slater said that the table on page 16 dealt solely with cases which had appeared before the European tribunals.

There was no record of the number of cases dealt with in the native courts, and this was true even of the more civilised native courts in the Gold Coast. It would be impossible for such a record to be kept, since, as far as he was aware, there was not one chief in Togoland who was literate.

Lord LUGARD asked whether it might be possible to appoint a native clerk to keep a record of the cases appearing before the native court.

Sir Ransford SLATER replied that this could be done, but that the value of statistics so kept would be very doubtful.

M. ORTS enquired what court was competent to try political offences such as rebellion, sedition or mutiny.

Sir Ransford SLATER replied that such offences were tried by the District Commissioner in the European tribunals.

In reply to a further observation of M. Orts, with reference to the feud between two villages mentioned on page 7 of the report, Sir Ransford Slater said that the arrests reported were made by the police and the offenders tried by the District Commissioner or the Superior British Court. This was evident from the fact that sentences amounting to from nine to twelve months' imprisonment had been imposed. No native court had the right to impose such sentences.

In reply to a final question from M. Orts, Sir Ransford Slater said that such cases were not tried by courts-martial.

Lord LUGARD enquired whether chiefs were elected or selected, since the statements in paragraph 63 appeared to be contradictory.

Sir Ransford SLATER replied that the chiefs were not elected but selected by the elders.

M. SAKENOBE asked :

1. Was there any written code in use in the native tribunals ?
2. If not, was there any possibility of introducing such a code ?

Sir Ransford SLATER replied to both questions in the negative.

Licences for Fire-arms.

M. SAKENOBE noted that the increase in fire-arm licences from 1926 to 1927 seemed somewhat considerable. The report explained that it was " not entirely due to new licences, but is very largely accounted for by renewals ". The report predicted that next year's statistics would show a very considerable increase, in view of the fact that the five-year period for many licences would expire. This explanation, however, did not apparently apply to 1927 ; why, then, had the increase been so considerable ?

Sir Ransford SLATER said that it was possible that in some cases the five-year period had expired in 1927. This would explain the large number of licences for renewal to which the report referred. Perhaps, also, the District Commissioners were showing greater strictness in requiring licences for fire-arms.

Question of the Enlistment of Togoland Natives in the Military and Police.

M. PALACIOS reminded the Commission that he had asked what difference there was as regards their status between a native of British Togoland and a native of the Gold Coast. Sir Ransford Slater had replied that the native of the mandated territory was not required to perform any military service. This was definitely stated in paragraph 112 of the report. There also appeared to be no troops in the mandated territory, which was policed, according to paragraph 113, by detachments of the Northern Territories Constabulary and the Gold Coast Police. He presumed that the Constabulary in question was composed of Gold Coast natives. Although natives of Togoland could not enlist, could they become members of the police force ?

Sir Ransford SLATER replied in the affirmative.

M. PALACIOS concluded that the natives of Togoland could not be used even for the defence of the territory, which was ensured by the Gold Coast Regiment composed of Gold Coast natives.

Sir Ransford SLATER said that this was the case. Natives of Togoland could enlist in the Constabulary and police but not in the Gold Coast Regiment.

Labour.

Mr. GRIMSHAW, with reference to paragraph 75 of the report, pointed out that this paragraph had appeared for several years in similar reports, invariably in the same form of words. Had not the time come to change the wording somewhat, especially in view of the fact that the British Government had stated that two at least of the conventions adopted by International Labour Conferences had been applied, with the modifications necessary to meet local circumstances, on the Gold Coast ? The report on British Togoland itself, in paragraph 79, referred to the employment of women on night-work, which was the subject-matter of one of these conventions. The question was of considerable importance, as the Labour conventions were playing an ever-increasing part in the regulation of labour conditions in colonial areas.

He would next refer to the paragraphs dealing with labour contracts on pages 19 to 21. On page 24 it was stated—paragraph 97—that no recruiting for private enterprises had taken place in the territory during the year. Did that mean that no labourer had been employed under a “ foreign ” contract, or did native labourers engage themselves voluntarily under such contracts ?

Sir Ransford SLATER explained that the meaning of the paragraph was that no licences for recruiting had been issued during that year.

Mr. GRIMSHAW asked whether the labour for the Government Departments was covered by “ home ” contracts or was it casual labour.

Sir Ransford SLATER replied that most of it was labour engaged on a monthly basis, and he thought was “ home ” contract labour.

Mr. GRIMSHAW thought this point an important one, in view of the fact that there was virtually no labour legislation in the territory and therefore the only protection which the labourer possessed was in the terms of his contract.

In paragraph 78 it was stated that the duration of “ foreign ” contracts could not exceed thirteen months. Why had this particular period of time been chosen ?

Sir Ransford SLATER replied that the labourer was engaged for a full twelvemonth, and an extra month allowed for the journey.

Forced and Compulsory Labour. Method of remunerating Native Workers through the Chiefs.

Mr. GRIMSHAW wished to refer to the question of forced labour. Paragraph 80 stated that there was no forced labour in the mandated territory. Paragraphs 89 to 93, however, dealt with the manner in which compulsory labour was imposed. What distinction did the mandatory Power make between forced labour and compulsory labour ?

Sir Ransford SLATER said that he had two points to make in this connection. First, in Togoland and in the Gold Coast territories, no kind of compulsory labour existed for the purposes of private enterprise. Secondly, there was, in the strict sense of the term, no compulsion by the Government upon natives to work for the Government. The only compulsion was that exercised by the chiefs solely for works of public utility, which works were practically confined to the making and maintenance of roads. That was the distinction recognised in the Gold Coast between forced labour and compulsory labour.

Mr. GRIMSHAW observed that the distinction thus made was dependent upon the authority exercising compulsion. If, in Togoland, the Administration governed directly through its own officials and not through the chiefs, would not the labour employed on the roads be called forced and not compulsory labour?

Sir Ransford SLATER replied that he supposed that, if there were direct rule and if the administration were not carried on through the chiefs, there would have to be a definite Ordinance legalising the calling out of labour.

Mr. GRIMSHAW repeated that the distinction made in the mandated territory between forced labour and compulsory labour was dependent upon the method of administration. He dwelt on this question solely because it was the subject of very careful study by a Committee of the International Labour Office, on which certain members of the Permanent Mandates Commission sat, and because that Committee had so far been unable to find any distinction between forced and compulsory labour.

He would further point out that a reading of paragraph 80 of the report gave the impression that, in the mind of the official who drafted that paragraph, there was no forced labour in the territory, because all labour was paid and that such labour would only be forced labour if it were not paid. Mr. Grimshaw would remind Sir Ransford Slater that this interpretation was not compatible with the terms of the mandate.

Furthermore, in the paragraphs dealing with compulsory labour, it was said that such labour was invariably paid and that remuneration was made through the chief, while, in paragraph 93, it was stated that this form of remuneration was according to native custom and had proved satisfactory. Mr. Grimshaw did not know what Sir Ransford Slater might have to say on this point, but he wished to point out that the system of direct payment to the worker had a certain psychological value, because it taught the worker something about the value of money in his own scheme of life, and connected labour directly with personal benefit. Moreover, it seemed likely that payment through the chiefs might not be always entirely equitable to their subjects, since it could not be absolutely certain that the chiefs would always be capable of dividing all the money equitably.

Sir Ransford SLATER replied that he took a considerable personal interest in this question, because it had engaged his attention when he was Governor of Sierra Leone. The advantage of paying labour through the chiefs was that it maintained the authority of the chiefs, but the points which Mr. Grimshaw had raised certainly deserved consideration. In Sierra Leone, he had introduced the system of direct payment, but he was unable to state the results, since the system had actually come into force only after he had left the colony. As was indicated in the report, direct payment would involve a great deal of extra work, and it remained to be seen whether it really offered sufficient advantages. In theory, however, he entirely agreed that it was better to pay the money direct into the hands of the men who earned it.

Mr. GRIMSHAW said that it was precisely because he was aware that Sir Ransford Slater had made the change referred to in Sierra Leone that he had pressed him on this question. As to the point whether direct payment was calculated to maintain the authority of the chief, he had sometimes thought that, if the men realised that the money paid to the chiefs did not reach them, the authority of the chiefs might be seriously compromised.

THIRD MEETING

Held on Saturday, October 27th, 1928, at 10.30 a.m.

Chairman : The Marquis THEODOLI.

908. **Togoland under British Mandate : Examination of the Annual Report for 1927** (continuation).

Sir Ransford Slater, Governor of the Gold Coast, and Mr. Lloyd, of the British Colonial Office, accredited representatives of the mandatory Power, came to the table of the Commission.

Labour (continuation) : Slavery.

Lord LUGARD, with reference to paragraph 93 on page 23 of the report, noted that the payments made to labourers for work on roads were made by the District Commissioner to the chiefs concerned, and it was stated that it was out of the question for the District Commissioner to make the payments to each individual worker. He endorsed Mr. Grimshaw's

hope that Sir Ransford Slater would eventually find it possible to do so, as he had done in Sierra Leone, for it was well known that a chief or other person receiving payment for labourers was apt to deduct a certain amount before handing it on to them, and in some cases kept it entirely, in which case the labourer was forced to work without a wage.

The term "free labour" to be found in paragraph 87 should be discarded because of the ambiguity of its meaning. It was intended to mean labour for which no wages were paid and not voluntary labour.

Sir Ransford SLATER took note of these suggestions.

Lord LUGARD asked whether, in addition to the terms of the Roads Ordinance, whereby each adult male might be required to perform twenty-four days' work *per annum* on the roads, he could also be required to work on the repairing of rest-houses.

Sir Ransford SLATER replied in the affirmative. Work on the rest-houses was additional to work on the roads, but it amounted to very little.

Lord LUGARD noted that compulsory labour for private purposes was prohibited. Did this apply to labour for the benefit of chiefs? Owing to the fact that the chiefs derived their authority from the Government, such labour was indirectly Government labour and should be remunerated. Was it not possible to call on them to pay for all labour, giving them a subsidy if necessary? Would chiefs call out labour for what they might consider to be a public purpose at their own discretion?

Sir Ransford SLATER explained that the chiefs had the right to obtain levies for work on their farms but for no other form of labour. No specified period of time for such work had been established. It was settled by native custom.

Lord LUGARD, with reference to paragraph 76, noted that a home contract, if written, could be concluded for as long as three years and, if oral, for six months. This seemed a very long time. Contracts in Tanganyika did not, he thought, exceed six months in duration.

Sir Ransford SLATER said that the period was indeed a long one, but in practice no home contract was ever concluded for as long a period as three years.

In reply to a further question from Lord Lugard, he said that he knew of no domestic slaves in the territory. There was a certain amount of voluntary servitude, but every slave knew quite well that he could leave his master at any moment.

Lord LUGARD observed that Togo was unlike the Gold Coast and Ashanti, in which, being colonies, the natives were British subjects and the possession of a slave was punishable by penal servitude.

Sir Ransford SLATER said that in practice nothing resembling "slavery" existed in the territory.

M. RAPPARD had the distinct impression that the influence of the Administration in Togoland was still weak, especially in the northern districts. For example, it appeared that, in theory, the chiefs could require the natives to work for them, but the control exercised by the Administration over the chiefs did not appear to be very close. The Administration maintained in the report that the work done for the chiefs was not excessive, but he wondered whether the Administration was really in a position to prove this. The Administration also maintained that the people of Togoland were happy and law-abiding. This might well be so, but was it not due to the fact that they were not greatly interfered with and that, there being no law, there was no possibility of breaking it?

Was it not true that the penetration of the Administration north of the cocoa belt had not yet proceeded very far and that, in consequence, no detailed questions in regard to the behaviour of the chiefs, domestic slavery, etc., could in fairness be asked of the Administration?

Sir Ransford SLATER agreed. Togoland was lightly administered and he had often found it difficult to give a definite answer to some of the very precise questions put. Some of his replies had been based on his experience in the Gold Coast. As regards the degree of administration, he would emphasise the fact that the density of the population of Togoland was much less than that of the Gold Coast.

M. RAPPARD, with reference to paragraph 79, in which it was stated that "the employment of women on night-work is prohibited, excepting where exceptional circumstances demand it", thought that it represented a paraphrase of an Ordinance rather than an actual record of fact. What exceptional circumstances could, for example, arise in an agricultural country which might result in night-work for women?

Sir Ransford SLATER agreed. This paragraph was intended to show that the Ordinance of the Gold Coast was applicable in Togoland in so far as conditions necessitated its application.

Mlle. DANNEVIG asked whether there were any Togoland women employed on contract labour in or outside the territory.

Sir Ransford SLATER said that there was no night-work for women in Togoland, and it was, he thought, very unlikely that any Togoland women were employed outside the territory.

Construction and Upkeep of Roads.

M. RAPPARD noted that, according to paragraph 92, the people were not required to work outside the village boundaries, and in the majority of cases were then within a few minutes' walk of their portion of the road required to be kept in order. If this were so, how would those portions of the roads which were between the villages and far away from them be maintained?

Sir Ransford SLATER said that for this very reason progress in road-making was slow, and the number of the roads few compared with those of the Gold Coast. The main road from Ho to Keté-Kratchi, for example, was not maintained throughout its entire length as a motor road. Under the German Administration it had been so maintained but only by means of labour transported for the purpose.

M. RAPPARD concluded that the Administration was in favour of the construction of roads, but since the villagers were not required to leave their villages, how was it possible to build roads or maintain them?

Sir Ransford SLATER said that the principle that villagers should never leave their villages for work on roads could not be entirely maintained in practice. Gangs of road labourers were used for those portions of the road far away from the villages, but these gangs were specially organised for that purpose and were paid.

M. ORTS noted that the construction and upkeep of roads depended solely on village labour. Were there, however, no separate gangs of navvies to construct roads and of labourers to maintain them? He could quite understand that the native tracks were maintained by the villagers, but the construction and upkeep of the main roads required a certain degree of technical skill which would appear to necessitate the employment of permanent road-labourers.

Sir Ransford SLATER replied that, though the bulk of the labour on roads was supplied from local resources, a nucleus of road labour gangs had been formed. Some of the new roads had been constructed by these road gangs, who also maintained them. The gangs constructing the roads were paid.

Mr. GRIMSHAW desired to return to the question of labour for chiefs. It was stated on page 55 of the report that the Chief of Dzolo, although not encouraged by the Government, had built a road towards Ho. Presumably he had built this with the labour of his own subjects, and there was no mention of wages. By the terms of the mandate, labour on public works such as roads had to be remunerated. It did not seem, therefore, that the Administration kept a sufficiently tight control over the chiefs. For example, who decided that a road of that kind was an essential work of public character?

Sir Ransford SLATER replied that half the roads of the Gold Coast had been constructed on this principle. The people were anxious to build roads, because they realised that new roads meant an increase in their prosperity. They frequently subscribed large sums to employ Italian and Greek contractors to build the roads. The contractors used paid labour gangs.

Mr. GRIMSHAW asked that particulars of this system should be given in the next report.

Missions.

M. PALACIOS noted from the report that the Government was strictly fulfilling the terms of the mandate. The Bremen Mission, it appeared, had been transferred to the Ewe Presbyterian Mission. On the whole, however, the work of evangelisation was not very far advanced. On page 28 of the report it was stated that there were no missionaries in the Kusasi District, nor in the Eastern Dagomba District, nor in the remaining Districts of the Northern Section. The information given on this same page of the report regarding the paganism of the inhabitants was interesting. The missions were very little developed in the Krachi District and in the southern section. In these circumstances, M. Palacios could not understand the reduction of £3,375 which had been effected in the budget owing to the fact that no further payments were being made to the schools of the Bremen Mission (Expenditure, page 77, last column). He would ask what steps had been taken by the British Government to foster the spread of civilisation and to deal with this painful situation.

Sir Ransford SLATER said that missionary activities in the north were limited. It was not the policy of the Administration to direct missions to take up work in any particular district. The Government could be relied upon to encourage any missionary work in whatever part of the territory it was carried on, but it did not consider it to be its duty, definitely to

request missionaries to work in the northern districts. If they so desired, they could do so without any interference.

The explanation of the saving of expenditure on education would be found in the 1926 report. When the British Government had taken over Togoland, the Bremen Mission had practically ceased to exist, and the Government therefore assumed responsibility for the mission schools. The missionaries had now been allowed to return, under the Ewe Mission, which had resumed the control of the schools. The direct expenditure of the Government on these schools had therefore now ceased, though it accorded the usual grant to the schools of the mission.

M. PALACIOS still maintained his question.

M. SAKENOBE asked for further particulars to be furnished with regard to the work done by the missionaries in connection with education. How many converts had the missions made, and with what feelings did the population regard the missionaries?

Sir Ransford SLATER said that the Government had no information with regard to the number of converts made by the missions. Both the Ewe Mission and the Catholic missions were much respected by the people. It was difficult, however, to say exactly how much progress they had made. The Catholic missions were doing splendid work in regard to infant welfare.

Education.

Mlle. DANNEVIG said that, in paragraph 4 of the report, it was stated that education and the training of character were the most vital needs of Southern Togoland at the present moment. The most remarkable features of the report before the Commission were, on the one hand, the introduction into the mandated territory of the new education rules adopted by the Gold Coast, and, on the other, the great decrease in expenditure on education in Togoland. Expenditure had in fact fallen from £58,000 to £24,000, a decrease of nearly 60 per cent. It seemed, therefore, that there was a certain degree of incompatibility between the aims of the Administration and its actual practice.

Sir Ransford Slater had informed M. Rappard that the decrease in expenditure might be due to the fact that many schools had been built in the previous years, thus making it unnecessary for any additional schools to be constructed at the moment. This, however, could hardly be the case, for, on page 77 of the report, it was stated that the decrease in expenditure on education was due to the cessation of payments for the upkeep of schools formerly under the Bremen Mission.

In paragraph 124 it was stated that the Bremen Mission schools had been removed from the Government administration and placed in the hands of the Ewe Presbyterian Mission; in paragraph 126 that this mission had built six new schools, and in paragraph 128 that there had been a slight increase of pupils. The number of pupils was much lower, however, than previously, because of the policy of the mission, which preferred fewer but better-educated children. She did not understand the position, and would therefore ask if the Ewe Presbyterian Mission did not desire subsidies from the Government of Togoland.

Sir Ransford SLATER replied that originally the British Government had had to assume entire responsibility for education in Togoland. In the last few years, however, the Bremen Mission, as had already been explained, had returned under another name, and had reassumed the management of its schools. The old system had therefore been revived, and the missions now supervised the education of the country, assisted by the Government.

The Ewe Mission certainly required Government assistance, and would always obtain it, provided that the education supplied was of a satisfactory standard. The reason why some of the schools had closed was that it was the Government's aim to raise the standard of education. There had been too many inefficient schools in Togoland and in the Gold Coast, with the result that the progress of education had been impeded and not advanced.

Mlle. DANNEVIG could find no mention in the report of any subsidies paid to missions for educational purposes except a small grant to school teachers.

Sir Ransford SLATER undertook to supply the figures in the next report.

Mlle. DANNEVIG was unable to understand how the Government schools could be maintained out of the very small sum spent on education, especially as 25 per cent of the sum was expended on headquarters administration staff. Were there any Government schools? If so, how many pupils attended them?

Sir Ransford SLATER said that there were no Government schools in Togoland. He would repeat that the Government's policy was to work through the missions. There were a few Government schools in the Gold Coast, notably the famous college at Achimota.

In reply to a further question from Mlle. Dannevig, Sir Ransford Slater explained that the item "messing" meant the subsistence allowance given to teachers attending the Government training college at Accra.

Mlle. DANNEVIG enquired whether this was the only college in which native teachers were trained.

Sir Ransford SLATER explained that the missions themselves possessed training colleges for native teachers, which were often very good, and were subsidised by the Government.

Mlle. DANNEVIG enquired whether there was any free elementary school in Togoland, or whether fees were invariably paid, as was the case in the mission schools.

Sir Ransford SLATER replied that there was no free education. The policy of the Government was to make the people pay small fees for education.

Reverting to the question of the training of native teachers, Sir Ransford Slater said that, in addition to various mission training colleges, there was a Government training college at Achimota, under the supervision of Mr. Fraser. He laid on the table of the Commission two issues of the *Teachers' Journal*, a new publication edited by the Education Department of the Gold Coast Government, but which circulated also in Togoland. It was issued chiefly in order to induce teachers to write articles for publication in the periodical and to make suggestions.

In reply to a further question from Mlle. Dannevig, Sir Ransford Slater undertook to give in the next report the figures of the number of Togoland native teachers in the training colleges.

Mlle. DANNEVIG enquired if there was any inspection of the mission schools.

Sir Ransford SLATER replied in the affirmative. There was a Government inspector in Togoland, who performed the same duties as similar officials in the Gold Coast.

Mlle. DANNEVIG asked what happened to the thousands of children, boys and girls, who received no European schooling. They appeared to obtain a certain amount of native education, and, if this were the case, what was its nature ?

Sir Ransford SLATER was unable to give a definite reply to this question. In all probability, however, the system of puberty education was prevalent in Togoland as in Sierra Leone, where two societies gave native education to boys and girls. On reaching the age of puberty, these were taught sex matters, and also the management of the home. Natives in West Africa in general took great care of their children at the time of puberty.

M. ORTS concluded that no subsidy was paid to any mission school which refused, from reasons of principle, to submit to inspection by the civil authorities.

Sir Ransford SLATER said that there was a certain number of mission schools in Togoland which received no subsidy. In general, the mission schools were divided into two classes, assisted and non-assisted. Only the assisted schools were inspected. Details were to be found in Section 127 of the report.

M. ORTS asked whether the fact that some mission schools escaped all control had not given rise to some inconvenience.

Sir Ransford SLATER explained that there had been no actual refusal on the part of the mission schools to be inspected. The schools, however, had to reach a certain standard, both in regard to their buildings and to the qualifications of their teachers, before qualifying for Government assistance. As soon as the required improvement in the school had taken place, the Government made a grant.

M. ORTS understood from this that there were no missions which had refused, for reasons of principle, to agree to inspection.

Sir Ransford SLATER replied that, as far as he was aware, there had been no cases of refusal.

Mlle. DANNEVIG could not understand how the missions could improve their schools before they were in receipt of a grant.

Sir Ransford SLATER said that the Government was most sympathetic towards the missions. The standard that they required before giving a grant was not high.

Mlle. DANNEVIG had thought that it might be possible to make grants to facilitate the improvement of the schools.

Lord LUGARD asked whether there were any schools which did not belong to the missions and whether such schools were subject to Government inspection.

Sir Ransford SLATER replied that there were very few "bush schools" of the kind existing in Nigeria. He thought that almost every school in Togoland would be under the aegis of one of the recognised missions.

M. RAPPARD said that the Mandates Commission could not fail to have received the impression that very little was being done to promote education. Taking into consideration the great effort that was being made to develop the college at Achimota in the Gold Coast, the Commission was led to the conclusion that practically nothing was spent on education in Togoland, either because too much insistence was laid on quality, as the accredited representative had said, or because there was a lack of staff and credits. The conclusion drawn was that one part of the work of the mandatory Power had barely been begun.

Sir Ransford SLATER said that the figures for 1926-27 gave an unfortunate impression of the importance attached by the Government to education. The figures in the tables on pages 76 and 77 of the report showed that, in 1925-26, 5 per cent of the total expenditure went to education. The decrease in expenditure on education in 1926-27 was due to the change of system which had been made and which took effect in 1927. The Government grants for education were paid in arrears. Hence the Government grant for 1927 did not appear in the financial statistics in the 1927 report. It would be included in the financial returns in the report for the next year.

M. SAKENOBE said that the result of the introduction of the Education Ordinance of 1925 had been to deprive hundreds of children of elementary education. He asked whether special measures had been taken to meet this situation.

Sir Ransford SLATER said that this question had been put to him many times by residents in the Gold Coast. They had observed that, if the Government closed those schools which it considered to be inefficient, it would be thereby depriving a large number of the population of education. He had recently appointed a Committee to enquire in what way this effect of the new Ordinance could be remedied. The Committee had not yet reported, but its recommendations were likely to be in the direction of an increase in the number of vernacular schools; that was to say, it would probably recommend that education in those schools should be up to the third standard, so that the children would obtain a good education in the vernacular though their English studies would be less advanced, as it was in the teaching of English that the native teachers were for the most part inadequately trained.

M. SAKENOBE said that he would be glad to have a copy of the Committee's report.

He understood that there were about fifty mission schools in the entire territory, but that there was no mission school in the northern section, as no mission station had been established there.

Sir Ransford SLATER replied that there was a mission station at Kete-Krachi in the middle of the territory, but that he had no knowledge of a mission school farther north.

Lord LUGARD referred to the statement made by the accredited representative in the previous year with regard to the appointment of an organiser of education and asked whether he had yet been nominated.

Sir Ransford SLATER replied in the affirmative. The organiser's duty was to superintend the trade schools, which did not exist in Togoland. The nearest trade school to Togoland was that at Tamale, which was attended by boys from Togoland.

Liquor Traffic.

Lord LUGARD said that the Council had repeatedly called the attention of the Permanent Mandates Commission to the importance of the question of alcohol, and last December the Rapporteur had suggested that the Permanent Mandates Commission should, in collaboration with the mandatory Powers, consider the causes of the present situation and take steps to remedy it. He would therefore apologise for going into this matter at some length.

In the first place, there was a continued increase in the liquor traffic in the Gold Coast Colony, to which he must refer, since the spirits imported into Togo came through the Gold Coast. The Secretary of State had in July given figures which showed an enormous increase in the traffic in spirits, and particularly in gin, which was the spirit mostly drunk by the natives. The gin imports alone had increased from 735,910 gallons in 1926 to 1,181,913 gallons in 1927. Further, figures supplied by the Anti-Liquor Traffic Association showed that the increase in imported spirits in the last five years as compared with the previous period of five years amounted to 120.7 per cent, while the increase for gin imports was 721.6 per cent. Though Lord Lugard had not verified those figures, he was assured that they had been very carefully prepared. Furthermore, the Gold Coast newspapers, in particular he believed the *Gold Coast Independent*, had deplored this increase in the liquor traffic and laid the blame for it upon the Government. One native newspaper had even advocated entire prohibition for the natives and had stated that liquor was largely consumed by young men and women. Under the mandate, the Permanent Mandates Commission was required to seek for means for curtailing the liquor traffic. The Commission fully realised that the large increase in the traffic was due in part to the increased wealth and purchasing power of the colony and in part to the construction of roads and railways. He (Lord Lugard) would be glad to know whether

the accredited representative had observed any ill-effects from this increased import of spirits. In any case, it seemed to be waste of money on an article which could not raise the standard of life, and was opposed to the mandate.

Lord Lugard suggested a few methods of combating the increase in the traffic, and asked to what extent they were already applied, or could be applied.

1. The duties might be increased. In an address to the Legislative Council in March, the Governor had said that the duties would be increased by 2s. 6d., and the duty per gallon now amounted to £1 7s. 6d. in the Gold Coast, as against £3 15s. in Great Britain. Was there any reason why the duty in the Gold Coast should not be still further increased to a figure nearer to that applying in Great Britain ?

2. Licences might be introduced for the sale of liquor, or, if they existed, might be made more expensive, while a measure might be introduced to restrict the sale of liquor to certain hours, including the sale of native liquor. In the previous year, the Commission had been told that it was the Governor's policy to restrict the issue of licences. Lord Lugard hoped that that policy was being carried into effect.

3. Was it possible that the amount of liquor to be imported into the colony could be fixed and rationed, as the French were doing in the Cameroons ?

4. The railway rates for the carriage of spirits might be increased by a rapidly rising scale. The same provision might also be applied to liquor carried by motor traffic.

In the next place, Lord Lugard would ask what was the frontier of the prohibited zone. The boundary of the prohibited zone was not marked on the map supplied to the Mandates Commission. Further, had the Administration been able to extend that zone farther south ?

Were natives in the prohibited zone who were not permanent residents able to obtain liquor ?

Another question was that of the equalisation of duties as between the French and British spheres. In the previous year, M. Duchêne had told the Commission that no effective measure could be taken pending agreement as to the equalisation of duties between the French and British Governments. The Commission had repeatedly asked whether that step was possible. As long ago as 1923, the Council had expressed a hope that the two Powers would agree on this matter. The Permanent Mandates Commission had suggested that the duties should be levelled up to the highest rate existing in the adjacent territories. Now that the franc had been stabilised, there seemed to be no reason why equalisation should not be effected ; so long as the duty was less in the French than in the British territory, smuggling between the two spheres would take place.

At the twelfth session, the accredited representative had informed the Commission that there was practically no smuggling of liquor between the British and French territories. On page 27 of the 1927 report, however, it was stated that, owing to the perfection of the French preventive measures, organised smuggling was now at an end. This seemed to indicate that smuggling had gone on between the two territories previous to 1927.

Another question to be considered was that of the revision of the 1919 Convention. At the thirteenth session, M. Duchêne had said that, without a revision of that Convention, which had become inapplicable and which provided for measures that had shown themselves in the light of experience to be quite insufficient, nothing practical could be done. The Convention contained a number of terms which required interpretation, and after three years' work the Mandates Commission had almost succeeded in obtaining agreement regarding the definitions. Did the accredited representative think that it would be advisable to revise the Convention ?

Sir Ransford SLATER said that he had not been warned that the general question of alcohol was to be raised with regard to the Gold Coast as well as to Togoland. He would, however, endeavour to answer Lord Lugard's questions.

It was quite true to say that there had been a large and almost dramatic increase in the importation of gin into the Gold Coast in 1927. Nevertheless, imports of spirits generally were still far below the pre-war figures. The figure of 1,200,000 gallons was nearly 500,000 gallons less than that for 1913. It must be remembered that 1927 had been a year of great prosperity for the Gold Coast natives, some £11,000,000 having passed into what represented their pockets. They no doubt spent a large part of their additional income on luxuries, one of which was alcohol, but it would be a great mistake to suppose that the Gold Coast native was spending the greater part of his newly earned wealth on spirits. Sir Ransford Slater had not at hand the actual figures, because he had not been warned that the question of the Gold Coast liquor traffic would come up before the Commission. He could, however, give striking figures of the proportionate expenditure on alcohol compared with that on other commodities. These figures had been given in his address to the Legislative Council to which Lord Lugard had referred.

Again, not only was the Gold Coast native a great deal more prosperous, but there had since 1912 been a large increase in the population. Nevertheless, the consumption of alcohol in the colony was 500,000 gallons less than in 1913.

In March of the current year he had appointed a special Committee to consider what measures could be taken to restrict the consumption of liquor in the Gold Coast. Any measures adopted would be automatically applied in Togoland. The method favoured by the Gold

Coast Administration was that which had been so successful in Great Britain, namely, to tighten up the licensing laws. The Committee had reported and the measures it had recommended were now embodied in a Bill. (In reply to a question by Lord Lugard, Sir Ransford Slater explained that this Bill did not apply to the sale of native liquor.) The provisions of the Bill included a proposal that the fee for licensed stores in the hinterland should be made the same as that for stores in the coast towns. With increasing prosperity, many big towns had now grown up in the hinterland, where the fee for licensed stores had previously been half that for stores in the coast towns. In future the fee would amount to £60 per annum, as against £20, and similar increases would be made in the licence fee for restaurants and wholesale stores. The Administration would have no difficulty in enforcing this measure.

With regard to the hours of sale, the Administration had encountered much opposition, not only from the traders, but from the natives themselves. Lord Lugard had referred to an article in the *Gold Coast Independent*; he might also have quoted a speech made by Sir Ofori Atta during his visit to England in the current year. Sir Ransford Slater must, however, point out that there was no unanimity either among the chiefs or among educated natives with regard to the restrictions. He was surprised to hear that the *Gold Coast Independent* had suggested prohibition, and thought that he could quote articles both from that and from other native newspapers protesting vehemently against such infringements of native liberty. The special Committee had suggested that liquor shops should be open from 7 a.m. till 5 p.m.—a considerable decrease from the present hours—but even this had been violently opposed in the native Press. The latest issue of the *Gold Coast Independent* to reach Europe contained a strong article on the subject with the heading “Iniquitous Legislation”.

Sir Ransford Slater then pointed out that the number of the *Gold Coast Independent* to which Lord Lugard had referred was dated July 1926, and that the article to which Lord Lugard had referred was not an editorial article but the report of a speech made by a chief in the Legislative Council. Sir Ransford Slater had himself been present at the debate in the current year when the question of alcohol came up, and he had been struck by the absence of any demand on the part of the native members for drastic measures. While they all agreed that something should be done, only one member had asked for prohibition.

Large quantities of liquor were drunk at the native ceremonies, and hitherto it had been possible for a native to obtain the liquor for use at such ceremonies on credit. It would now, however, be made an offence either to sell or to obtain liquor on credit. This measure also had aroused violent opposition, not only among the merchants, but also among native members of the Legislative Council.

Customs duties had been raised in March last from 25s. to 27s. 6d. a gallon. While agreeing with Lord Lugard that the duty might be still further increased, he must point out that before the war it had amounted to only 5s. a gallon. At its present rate the duty was considerably higher than in the French sphere, and the accredited representative gave figures to show that the difference in price of a bottle of gin sold in the British and French spheres was as high as 2s. The Mandates Commission would therefore realise that any raising of the duty on spirits would be an incentive to smuggling from the French sphere.

The suggestion that imports of spirits should be rationed was new to Sir Ransford Slater, and he would not care to express an opinion without further information as to the way in which such a policy could be carried out.

The question of railway rates was of special interest to him. Railway rates for the carriage of spirits in the Gold Coast were already very high, so high indeed that the Gold Coast railways had lost the entire spirits traffic. Spirits conveyed to Coomassie in Ashanti now went by road. The merchants had contended that the railway rates should be reduced, and from the Government point of view there was much to be said for that argument since the Government was the owner of the railways. Sir Ransford Slater, however, had consistently taken up the attitude that he would not reduce railway rates for liquor consignments. The question of rates for motor-borne liquor was the subject of enquiry, but Lord Lugard would agree that it was not easy for the Government to enforce definite rates for motor traffic.

The prohibition zone embraced the entire northern section, including the Province of Kete Krachi. Native clerks in Northern Togoland who come from the south were able to obtain very small amounts of liquor on the production of written permits from a District Commissioner.

As to the equalisation of Customs duties in the French and British spheres, Sir Ransford Slater had already explained that it had been impossible hitherto to take steps in this direction. He would welcome equalisation provided that the duties in French Togoland were raised to the rate obtaining in the British sphere. There had been no conversations on the matter between the local Administrations and the subject was, he thought, more one for negotiation between the home Governments. It had hitherto been the British Government's policy that the duties on alcohol in all West African territories should be identical.

In regard to smuggling, he had explained that the big difference in price between alcohol sold in the French sphere and that sold in the British sphere had up till 1927 undoubtedly given rise to smuggling. With the assistance, however, of the French Customs authorities, the British Preventive Service had for the time being put a stop to smuggling, but it might break out again at any time. The British Administration maintained a strong Customs force to prevent smuggling.

In reply to M. Orts, Sir Ransford Slater said that traders were at present allowed to sell liquor on credit to the natives, but under the new measures they would no longer be allowed to do so. This measure would not apply to all commodities, but only to spirits.

M. Orts observed that the courts could take cognisance of actions brought against natives for debts as a result of the purchase of spirits on credit.

Sir Ransford SLATER replied in the affirmative. On page 26 of the report it was stated that the consumption of imported spirits in 1927 per head of the population amounted to only 0.05 of a gallon. That was only one-fifth of a quart bottle of gin. In reply to M. Rappard, Sir Ransford Slater pointed out that it was stated in paragraph 103 that the liquor-consumption statistics must be understood to apply solely to the southern section.

Public Health.

Dr. KASTL said that the report contained no information concerning health conditions in the prisons. The Commission had asked for such information from the various mandated territories and it would be useful if a statement could be made in the next report.

Sir Ransford SLATER undertook to comply with Dr. Kastl's request.

Dr. KASTL referred to page 33 of the report, where it was stated that the full establishment of medical officers had been attained during the year and that, as a result, a gratifying increase in the number of cases attended by them was to be recorded. Was the mandatory Power of opinion that the present medical establishment was adequate for the needs of the territory? From other parts of the report (page 47), it appeared that the districts of Southern Mamprusi and Kusasi only received visits from medical officers at long intervals.

Further, on page 57, paragraph 252, it was reported that there had been a serious outbreak of yellow fever at Kpeve. Kpeve was situated in the hinterland and Dr. Kastl had always understood that, while yellow fever was common near the coast, it was very rare in the hinterland.

Sir Ransford SLATER said that it was not his experience that yellow fever was confined to coastal regions. At the same time, he had no hesitation in saying that the number of medical officers in the territory was not so high as he could wish. The same remark, however, applied to the Gold Coast. He would be glad to see the medical establishment five or six times as large as it was at present. The Administration, however, could only proceed to increase the medical establishment gradually. It was purely a question of expense. The step which the Administration was taking in the Gold Coast, and which would be automatically applied to Togoland, was to increase the number of "super-dispensers", that was to say, native medical assistants.

Lord LUGARD enquired whether the Administration encouraged private practice.

Sir Ransford SLATER replied that there was an abundance of private practitioners in the Gold Coast, but none, so far as he knew, in Togoland. The private practitioners were properly qualified native doctors who had been trained in Europe.

Dr. KASTL referred to the statement, on page 43 of the report, that a high percentage of the cases treated in the Konkomba country were from French territory. Was there any organised co-operation between the French and British medical officers working in the frontier districts? For instance, would the outbreak of disease in one territory be reported to the medical officer in the other territory, and would the frontier be closed?

Sir Ransford SLATER said that the medical officers of the two territories certainly co-operated in the case of infectious disease. It would be possible to close the boundary in the south, but difficult, if not impossible, to do so in the northern section.

M. RAPPARD said that he had always understood that the Gold Coast was particularly fortunate by reason of its large accumulated budgetary surpluses. If that were so, what was the difficulty in providing for an increased medical staff?

Sir Ransford SLATER replied that the number of medical officers was being increased every year in the Gold Coast, and that Togoland would share in the consequent benefits. He merely wished to impress upon the Commission the impossibility for the Administration to proceed with "ideal" rapidity, having regard to other claims on the revenue.

M. RAPPARD said that, for various reasons, British medical officers expected particularly high rates of pay. Had it ever been contemplated that it might be possible to draw on other countries where there was a large supply of medical officers who would require less high remuneration?

Sir Ransford SLATER said M. Rappard's suggestion raised a very big question, on which he would not care to express an opinion without further consideration.

Control of the Movement of Cattle between Togoland under British Mandate and Togoland under French Mandate.

Dr. KASTL, referring to the question of the veterinary service, said that, on page 64, the report complained that it was impossible to have any efficient control of the movement of cattle, because there was no veterinary staff in French Togoland, and that the outbreak of cattle plague in the Accra area had been traced to cattle coming from French Togoland via Ho and the Senchi Ferry. Had any negotiations been conducted with the French authorities in order to remedy that situation?

Sir Ransford SLATER was unable to state whether negotiations had taken place.

Land Tenure.

M. VAN REES congratulated the Government of the mandatory Power upon the fact that it had not extended to Northern Togoland the Land and Native Rights Ordinance of 1927 promulgated in the Gold Coast. He regarded the Government's action as expressive of its determination to maintain the land policy according to which the natives of Togoland under British mandate had been recognised as the owners of all the land, a system which was peculiar to Togoland, and did not exist in any other mandated territory. He would enquire whether this was the main reason for the fact that the Ordinance in question had not been applied. Page 4 of the report before the Commission gave another reason, which could not in itself, he thought, explain the determination of the Government in this matter.

Sir Ransford SLATER replied that there had been no change in the British Government's attitude towards the hearing of all cases relating to native land tenure by the native tribunals. In accordance with Article 5 of the mandate, no native land could be transferred to Europeans without the express authority of the Government, which, however, left native land questions in the hands of the natives.

Demographic Statistics.

M. RAPPARD observed that the statistics in the report were based on the 1921 census. He enquired whether there was any means of keeping track of the movements of population across the frontier.

Sir Ransford SLATER replied that there were no statistics of such movements, and that no control was practicable.

He was unable to say positively whether the movements were in the direction of the British sphere rather than in that of the French sphere, or vice versa.

In answer to M. Orts, he said that the 1921 census was the most recent; there would be another in 1931.

M. ORTS observed that the statistics would have been interesting if they had afforded some possibility of comparison. He asked whether the accredited representative had the impression that the population of Togoland was increasing, or stationary, or decreasing.

Sir Ransford SLATER thought that the population was increasing at much the same rate, about 1 per cent per annum, as in the Gold Coast. He had no reason to suppose that there was any marked difference between the two territories.

Close of the Hearing.

The CHAIRMAN said that it was his agreeable duty to thank Sir Ransford Slater for the valuable assistance which he had given to the Commission and for the clear and precise answers he had given to the questions put by the Commission. He was pleased to note the rapidity with which Sir Ransford Slater had become familiar with all the administrative problems affecting the territory which he had recently been called upon to administer. The Chairman thanked Sir Ransford Slater and expressed his gratitude to the British Government for permitting him to come to Geneva.

Sir Ransford SLATER thanked the Chairman for his kind remarks. He had attended the Commission's session with the greatest interest, and his knowledge of the questions put by the Commission would greatly facilitate the drafting of the next report.

FOURTH MEETING

Held on Monday, October 29th, 1928, at 10.30 a.m.

Chairman ; The Marquis THEODOLI.

909. **Western Samoa : Examination of the Annual Report for the Year 1927-28.**

Sir James Parr, High Commissioner for New Zealand, and General Sir George Richardson, former Administrator of Western Samoa, accredited representatives of the mandatory Power, came to the table of the Commission.

The CHAIRMAN, in welcoming Sir James Parr and Sir George Richardson, desired to thank the New Zealand Government for having accredited them to the Commission.

He would also, on behalf of the Commission, thank that Government for the photographs sent to the Secretariat and the special index accompanying the report.

Examination of the Present Position resulting from the Recent Unrest in Western Samoa.

The CHAIRMAN said it was difficult to appreciate the present state of public opinion in Samoa. The Commission had been assured that adequate means for the maintenance of order had been placed at the disposal of Sir George Richardson's successor. The Commission had stated in its report dealing with the events which had occurred in Samoa and which it had examined at its June session that "it trusts that the Samoans, when they realise that they have been misled, will resume their former attitude of confidence in the Administration, and that the mandatory Power will soon be able to re-establish peace and prosperity in Western Samoa by a policy both firm and liberal". Was the accredited representative in a position to inform the Commission whether these hopes had been fulfilled ?

M. ORTS had gathered from the report that active resistance to the Administration had now been transformed into passive resistance, in consequence of which serious unrest still existed. The trouble had originally arisen owing to the action of certain non-native elements. The persons in question had been deported, but their removal from the territory had not resulted in quelling a movement which from that time had become a native movement. Although he had read the previous reports and the Minutes of the Commission, M. Orts, who had not been present at the previous session, had not yet been able to understand the motives underlying the action of the Europeans who had caused the trouble, motives which were so strong that the authors of the trouble had not hesitated to expose themselves to heavy penalties. Neither could he understand by what means the spirit of opposition had been fostered in the minds of the natives, even after the leaders of the movement had been separated from them.

Sir James PARR said that the answers to M. Orts' questions were to be found in the record of the very full and exhaustive enquiry which the Commission had conducted at its session in June. The report now before it covered the period March 1927 to March 1928. Technically the Commission should confine itself to examining that report and the period it covered. It had already received information on all the events which had taken place up to June 1928 and had already discussed those events in June very fully. Both the accredited representatives were, however, only too willing to answer any question which the Commission might desire to put, irrespective of the strict limits of the present enquiry.

The CHAIRMAN agreed that the period covered by the report before the Commission did not extend further than March 1928. There were, however, numerous precedents justifying the Commission's action in asking questions concerning the present situation ; it would be all the easier to make a statement regarding that situation in that one of the accredited representatives had been the Administrator of the mandated territory under review.

Lord LUGARD did not wish to reopen the whole case concerning the causes of unrest in Samoa, with which the Permanent Mandates Commission had dealt at its previous session. Its examination had, however, been primarily concerned with the petition of Mr. Nelson. That was a *chose jugée*. There were, however, larger questions concerning the responsibility of the mandatory Power which arose in connection with the annual report and with the papers which had reached the Commission since its last session. It was upon these that Lord Lugard wished to comment.

He had received the report of a debate in the Legislative Council in New Zealand of July 5th, 1928, in the course of which Mr. Michel stated that the Conference at Geneva, by which was presumably meant the Permanent Mandates Commission, had found the Mandatory to be "practically blameless", but considered that there ought to have been more of "the big-stick policy". This statement, as far as Lord Lugard was aware, had not been contradicted, though it did not, he thought, correctly express the views of the Permanent Mandates Commission. Lord Lugard had consistently held the view that the New Zealand Government deserved the highest praise for the way in which it had executed the mandate, but as regards this particular matter he had one or two questions to ask.

Another speaker in the debate to which he had just referred had stated that, "when the critical position arose, the Administration was helpless". Early in 1926 (or even previous to that date), the Government of New Zealand had become aware of the unrest. Early in 1927, the position had become critical; the Mau had organised a police force hostile to the Government, together with a system of picketing and of boycott. Why, therefore, at that most critical moment in March 1927, had the Administrator been despatched to the New Hebrides on a Commission (page 35 of the report for 1927-28) and had been absent for a period of six weeks?

The New Zealand Government had passed a deportation law. Had it given the Administrator any means of enforcing that law and of dealing with any of its consequences? Not until 1928 was the contingent of white police sent to the mandated territory to enable the Administrator to enforce the law.

Obviously, when dealing with an organised hostile police force and boycott, arrests would have to be made. In point of fact, 400 men had been arrested (page 4 of the report). What steps had the New Zealand Government taken to provide a place in which these men could be confined or to extemporise means of confinement with the aid of the marines from the cruisers which had been despatched? Lord Lugard had understood that the only place of detention in the territory was an unenclosed area from which any prisoner could walk away if he so chose. There was, in fact, no proper prison or gaol. On page 18 of the report, however, it was stated that there was a gaol and prison staff. This seemed to him to create a misleading impression.

On page 4, and again on page 12, of the report, the Commission was told that the 400 men arrested had been tried by the High Court and sentenced to six months' imprisonment. No report of this trial, which must have taken place very rapidly indeed, had yet been received. Had the trial been regularly held in the Court? Had evidence been taken and had the defence been fully stated?

He understood that the Administrator had talked to the prisoners and had then set them free, although, as stated in the report, "they failed to respond in any degree". Under what legal authority had the Administrator acted in setting free 400 men who had been sentenced by the High Court to six months' imprisonment, and this though they had persisted in their offences? Had the Administrator acted in this manner because it had been impossible for him to give effect to the sentence since there was no gaol? Had anything since been done to remedy this state of affairs? Would the white police force remain until order had been thoroughly restored in the territory, and, further, would the Administrator be given adequate means for enforcing the law?

Sir James PARR respectfully submitted that all the questions put by Lord Lugard had already been answered at the June session of the Commission. Was it desired to cover old ground again?

The CHAIRMAN repeated that what the Commission desired to know was the present situation. It had been under the impression that calm had been restored; but it had learnt from various sources that this was not the case. On page 3 of the report, for example, the following passage occurred: "that influence has continued to be exercised from outside Samoa and, despite the efforts of the Administration, the Mau movement has not abated". That being so, Lord Lugard's questions could be regarded as quite justified, for they arose directly from the report which was before the Commission.

M. MERLIN, while agreeing that it would be superfluous for the Commission to cover once more the ground which had been so carefully explored in June, could not but notice that the political troubles were now in what might be described as a chronic state. While there was no open rebellion, hidden ill-will and dissatisfaction with the Administration continued and a kind of boycott was still in operation. Such a state of affairs would naturally have an adverse effect upon trade. In those circumstances, the Commission was perfectly justified in asking whether the situation from March 1928 onwards had grown worse or better. A knowledge of the present situation would enable the Commission far more easily to examine the report before it.

Sir James PARR repeated that all questions connected with the arrest of the 400 agitators had been fully answered already, and that indeed the Commission had passed judgment on these and other matters. Its June report had given a definite expression of its views

on these very points. It had indeed said that in certain respects the New Zealand Government had been uncertain in its policy, and it had also pointed out that Sir George Richardson had not been granted an adequate police force. In these circumstances it was difficult for him to understand why the Commission should seek to reopen a matter upon which it had already expressed its views.

The CHAIRMAN replied that, while the observations of Sir James Parr were correct, what the Commission desired was a statement as to the present position in Samoa.

M. RAPPARD agreed. The Commission at its June session had discussed conditions in Samoa as the result of a petition which had been submitted to it and the report of the Royal Commission. It was now discussing those affairs on the basis of the New Zealand Government's report for 1927-28. It was inevitable, therefore, that there should be a certain degree of overlapping and the Commission would have to be careful that none of the observations which it would make at this session should conflict with the observations that it had made at its last session.

There were, however, two general questions which he desired to put.

In the first place, it would appear from the evidence submitted to the Commission at its last session that the lack of discipline in Samoa called for more strictness and severity in the administration. That being so, M. Rappard was surprised to note that a reduction had been made in the administrative personnel. It appeared to him that an increase would have been necessary.

In the second place, the report stated that the Fono of Faipules had remained absolutely loyal, and details were given on page 39 of an address to the Administrator delivered by the Chairman of the Fono on February 11th, 1928. Did it not appear, however, that the Fono was somewhat over-loyal and did not really possess the confidence of the natives for whom it spoke? The terms it used, for example, in connection with its country were somewhat extraordinary. It referred to the Administrator's "diligence and earnest love for our insignificant country", and it went on to state that a number of lawyers should not be permitted to come to Samoa "until some future date when the youth of Samoa would be sufficiently educated to understand something of the law". Was not this exaggerated, and did not such subservient expressions give rise to suspicion? While making full allowance for native rhetoric, M. Rappard was inclined to believe that this was the case. If this were true, then the Fono of Faipules did not appear to enjoy the real confidence of the population.

Sir James PARR said these aspects could be explained, and that Sir George Richardson would reply to the questions put by Lord Lugard and M. Rappard.

Sir George RICHARDSON said, with regard to the point raised about the Royal Commission's visit to the New Hebrides, that he had been appointed a member of that Commission by the British Government on the recommendation of the New Zealand Government. At the time he had not raised the question of not leaving the territory, so perhaps he should take the blame for not saying that he did not think he should go on that mission. He had been away from four to six weeks, and the territory had been quiet meanwhile. His deputy had been an efficient officer, and Sir George Richardson knew, too, that the Minister was arriving in June. Consequently, he had thought that nothing unusual was likely to occur until the latter arrived.

With regard to the prison, he had hoped he had made it clear at the last session of the Mandates Commission that the prison arrangements were inadequate for the number of people that were arrested. There was one prison, which was merely a large prison farm intended to educate prisoners in agriculture. It was more or less open, consequently it was easy for prisoners to escape. There was a prison in Apia which was surrounded by a wall, but it was not big enough to accommodate the number of people who were arrested, and the Administrator had therefore been confronted with a difficult situation. These people had been arrested, and he could not deal with them. After he had spoken to them, in spite of what was stated in the report, he had had reason to believe that conciliation would bring about a different feeling; therefore he had released the prisoners. His power to suspend sentences was provided for under the Act, and it had been on the advice of the Judge of the High Court that these prisoners had been released.

The trial had been properly carried out by the Chief Judge. At that time the Administrator had had an inadequate police force, although six white police had been sent to assist the native police. The report stated that there were now seventy-four white military police, and the position to-day was satisfactory. After he had suspended the sentences of the 400 prisoners, the Mau police had dispersed and there had been quiet in the territory, except that there was a certain amount of passive opposition on the part of the Mau organisation.

M. Rappard had raised the question of personnel. Sir George Richardson thought the Commission would notice that the personnel in the Native, the Justice, and the Prison Departments had not been reduced. Some personnel of the other departments had been dispensed with, for instance, the Land and Survey Department. One surveyor had been sent away.

M. RAPPARD asked for what reason the surveyor had been sent away.

Sir George RICHARDSON replied that the surveyor in question had been appointed at the request of the natives themselves to survey and define the boundaries between villages. The arrival of the surveyor had caused trouble among the villagers, who had pulled up the survey pegs. Sir George Richardson could have dealt with the offenders, but while the Mau agitation was being carried on and there was opposition to the police he had considered it better to allow the survey to stand over for a time, and so avoid further trouble.

M. RAPPARD asked whether that was not a policy of defeat.

Sir George RICHARDSON replied that it was defeat only until he could be supplied with an adequate police force to deal with the situation.

With regard to the speeches of Faipules and Samoans generally, he could say that it was their custom to speak of their "insignificant little country". Their speeches were usually rather flowery, but it had been the wish of the Commission to receive the proceedings of the Faipules, and consequently their speeches as made in the Fono had been correctly translated and inserted in the report.

He would not say that the Faipules were over-loyal, but rather that they said what they meant. The Faipules had been extraordinarily loyal to him and to New Zealand, and they fully appreciated what had been and was still being done by the Government for Samoa; but they had been very angry over this agitation, as they had known all about it and its origin, and had realised that its real object was not the betterment of their country.

M. RAPPARD asked if the Faipules were loyal to their own country.

Sir George RICHARDSON replied in the affirmative. The majority of them appreciated that their country was backward, and that the Administration was trying to act for their good. They had difficulties in their own districts, and sometimes they had to face a good deal of opposition from other chiefs when they returned home from the Fono and explained the matters that had been discussed there and the decisions reached.

He was confident that they did consider the interests of their country as paramount to their personal interests, and that they would never agree to a decision that was not in the best interests of the people they represented.

M. PALACIOS agreed with the majority of the members of the Commission and with the accredited representative in thinking that there was no need to reopen the discussions that had taken place at the June session when the Commission had taken a decision on which M. Palacios had abstained from voting. As his opinion had not altered, he was in no danger, as M. Rappard had feared, of finding himself at variance with the observations then made by the Commission to the Council.

The Commission's debates at the present session, however, should bear on the report of the mandatory Power and on the facts contained in it. To be sure, the Commission would be glad to have any additional information which might be sent to it concerning the period subsequent to the preparation of the report, but the information given on pages 2-4 in the Statement on the political agitation sufficed for a methodical and entirely regular discussion of the situation regarding the policy of the opposition in Samoa. Furthermore, in view of the weight attached by the mandatory Power to the last declaration of the Mandates Commission, M. Palacios would always be entitled to ask what had been the effects of that declaration, which he himself had not approved.

He wished to put three questions only. The first question was connected with the passage in the report on page 4 reading "the evil and by no means disinterested guidance of certain Europeans". Were these Europeans still the same as those who had formed the Citizens' Committee? Was that Committee still carrying on active opposition?

Secondly, what had been the effects in Samoa of the decisions of the Royal Commission and of the Mandates Commission? The introduction of the censorship under the provision of February 18th, 1928, had caused the correspondent of the Press Association at Apia to say that all news from Samoa should be accepted with reserve. Was it true that in August there had been troubles which had compelled the troops to fire on the natives?

Thirdly, M. Palacios had read with close attention the extracts from the Parliamentary Debates of the New Zealand Legislative Council and the House of Representatives held in July. Reference had been made to the numerical importance of the Mau movement. The Government appeared to estimate that the movement affected 50 per cent of the population; but, according to the opinion of some party leaders and to various reports in the Press, the movement was gaining ground daily and counted 95 per cent of the inhabitants. Could the accredited representative give any information on this point?

The CHAIRMAN enquired whether the report of the Royal Commission and the conclusions of the Permanent Mandates Commission had been not only translated but explained to the natives.

A member of the New Zealand Parliament had stated that the Mandates Commission had shown partiality and had refused to hear petitioners, although it had heard the views of the Government representatives. Had it been explained to the natives that this injustice was only apparent?

The Chairman associated himself with the questions put by M. Palacios.

Sir James PARR replied that the procedure of the Mandates Commission was perfectly well understood in the New Zealand Parliament, but he could not, of course, be responsible for the criticisms made by a member of the Opposition party. Often, party politics influenced speeches. It was so in this case.

As regards the question of the explanation of the report of the Mandates Commission to the natives, he did not think that the natives even yet understood what the Mandates Commission had done. The usual channel of communication between the Government and the natives was through the chiefs, and many of the chiefs were concerned that the report should not reach the natives. It was very difficult to penetrate to the natives themselves individually. He personally was aware that some natives still heard from Mr. Nelson and that the latter was still telling them that he was coming back from Geneva with victory in his hands.

Sir George RICHARDSON, in reply to M. Palacios' first question, said that, according to reliable information, the Citizens' Committee had ceased to function officially. From private sources, however, he knew that some of those who had been associated with the Citizens' Committee were still influencing the natives. These people were lacking in honesty and refused to face the facts. There was in particular a lawyer, named Mr. Slipper, who was responsible for much of the trouble still existing in Western Samoa and who was inducing the native malcontents to hang on. Sir George Richardson was also aware that the malcontent natives were receiving letters from Mr. Nelson. They were foolish enough to believe that Mr. Nelson would be soon returning to Samoa and refused to take notice of what they were told concerning the findings of the Royal Commission. All loyal natives, on the other hand, were delighted at the findings of the Royal Commission and of the Permanent Mandates Commission.

It was true that a censorship did exist, but it only applied to telegrams. The regulations quoted on page 46 of the report showed that the Administrator was authorised to prohibit the transmission or delivery of telegrams in code. It had been ascertained that Nelson was sending telegrams in code for transmission to the natives and it had therefore been considered necessary to enforce a rule that telegrams should only be sent *en clair*. There was no censorship whatever of the Press or postal communications.

The trouble which had arisen in August was a matter solely between loyal natives and the Mau. During the period of the Mau there had been disobedience of the ordinary laws and customs of the Samoans on the part of the Mau, who had conferred titles on persons who were not entitled to them. This practice had given rise to resentment on the part of loyal natives.

As regards the number of persons in the Mau, this had always been difficult to establish. They probably amounted to about 50 per cent of the population, but the actual number of adherents would depend upon the number of chiefs in the Mau, since a chief who had been persuaded to join it brought in his own subjects with him and ordered them not to pay taxes and not to co-operate with the Administration. From private letters, however, it appeared that the number of members of the Mau was diminishing.

In regard to the explanation to the natives of the reports of the Royal Commission and the Mandates Commission, the Faipules certainly had a good understanding of the methods of the Mandates Commission and of the regulations regarding petitions. It was due to wilful obstinacy on the part of the malcontents that they refused to admit the true facts of the opposition to the Government.

Sir George Richardson could make no observations in regard to anything that might have been said in the New Zealand Parliament, but would take the opportunity to point out that speeches made in Parliament sometimes did an immense amount of harm and made things difficult for the Administration. They were frequently translated into the vernacular and distributed to the natives, the result being that they undermined the influence of the Administrator and counteracted his efforts to promote good feeling between the natives and the mandatory Power.

Sir James PARR wished to add a word concerning the effects of speeches by New Zealand politicians. He wished to explain that, unfortunately, the Samoan question was, or rather had been, a question of party politics in New Zealand. The Socialist Party was opposed to the Government and to the Administration of Sir George Richardson. The Socialist leader had even written a pamphlet taking up a strong line against that Administration. The Socialist Party included sixteen out of the eighty members in the New Zealand House. Since the issue of the reports of the Royal Commission and the Mandates Commission, however, the subject had ceased to be of interest from the party point of view, and Mr. Holland's party had rather abandoned this issue for the present. In any democracy the Opposition would always criticise the acts of the Government.

M. PALACIOS understood from Sir George Richardson's answer that the Citizens' Committee had ceased to exist officially. Nevertheless, there were still certain Europeans who were opposing the Government. What was the nationality of these Europeans? If they held meetings and carried on agitation, did they act in a constitutional manner or were they committing breaches of the law?

Sir George RICHARDSON replied that the operations of the Europeans in question were clandestine.

M. PALACIOS asked what measures the mandatory Power was taking or what policy it was adopting to put an end to the agitation by these Europeans.

Sir James PARR said that, so far as he was able to judge, the mandatory Power was still actuated by the policy of patience with regard to the natives, and that, provided the law was not infringed, it took no action except to enforce obedience to the law and to preserve the maintenance of order.

Europeans caught in the act would, of course, be dealt with severely, but the entire operation was carried on under the surface and it was difficult to get evidence that the persons concerned had committed breaches of the law. Nevertheless, the law in regard to the maintenance of peace and good government was being much more strictly enforced and the Court was functioning properly at the present time.

M. RAPPARD enquired whether the evidence on which Sir George Richardson had given the Mandates Commission information concerning Mr. Slipper's activities was not sufficient to enable the Administration to take measures against him under the Ordinance passed in July with regard to the banishment of persons convicted of activities contrary to good order and peace.

Sir George RICHARDSON pointed out that, during the enquiry by the Royal Commission, he produced an affidavit to the effect that Mr. Slipper had stated that, if the natives did not like a European, they should chuck him out. That was a most extraordinary and inflammatory statement for a European to make to the natives. The Administration had thought that three deportations would suffice to restore order. It had been his policy to give the minimum amount of punishment compatible with the maintenance of good order. His recommendations to the Government had been made with a view to punishing the smallest possible number of offenders as an object-lesson to others. The persons who had been deported were the three ringleaders.

M. PALACIOS said that he understood from the answers to his questions that the troubles in August had occurred between two different sections of the natives, and that speeches against the Administration were made by only a small party of the New Zealand Parliament. He presumed that speeches refuting the allegations were made by members of the Government party, and enquired whether these had also been communicated to the natives in order to enlighten them as to the true state of affairs.

Sir James PARR said that the case of murder notified in the report was not in any way directed against the Government. The murderer had been arrested by the police and the whole incident afforded a good example of the way in which the law was now functioning.

Sir George RICHARDSON pointed out that the mentality of the Natives was quite different from that of the European. They were unable to appreciate party government, and therefore were misled by statements made by the Opposition. He had, however, not considered it worth while to take the trouble of refuting the Opposition's statements.

Dr. KASTL said that, according to the very full statement made by the New Zealand Prime Minister at the beginning of the report, there could be no doubt that unrest and disobedience were still paramount in the islands. He thought, therefore, that he would be justified in saying that there was no proper administration. Even a mandated territory should be properly administered. How long did the New Zealand Government propose to maintain its attitude of toleration? He was in favour of toleration as far as possible, but if continued too long it might not be in the interest of a territory and might lead to disadvantages for the population as a whole. From what had been said it might be supposed that the New Zealand Government was paying too much attention to party movements.

Dr. Kastl would remind the accredited representative that the Mandates Commission was partly responsible for the state of affairs in Samoa. It was not called upon, however, to pay the slightest attention to party movements within the territory of the mandatory Power. The situation in the islands was leading to a very serious impairment of their wealth and, if the New Zealand Government continued in its policy of toleration, the result might be the destruction of the prosperity of the islands. The Mandates Commission had a serious responsibility, because the time might come when it would have to say to the New Zealand Government that it was urgent that it should take stronger measures with regard to the position in Samoa, irrespective of the movements of party politics in New Zealand.

The CHAIRMAN thought that the majority of his colleagues agreed with Dr. Kastl as regards the substance of his statement, if not its form.

Mlle. DANNEVIG asked when the full text of the Mandates Commission's decision had been received in New Zealand and Samoa. According to reports in the newspapers, only extracts had been discussed in the New Zealand Parliament. Further, had it been possible to obtain

other than telegraphic reports of the impression which the decision had made in the mandated territory ?

Sir James PARR, in answer to Mlle. Dannevig's question, said that the official information with regard to the decision taken by the League in September at Geneva would only be reaching Samoa and New Zealand at the present moment.

In answer to Dr. Kastl's observations, it was the view of the present Administrator—who was a very capable man and would know more about the local situation than people in Europe—that immediate results could not be expected, but that the atmosphere had become much more promising in the last six months and was continuing to improve.

He would have very great pleasure in putting before the New Zealand Government the view expressed by Dr. Kastl, which view had, he understood, been endorsed by the Mandates Commission. He could, of course, express no personal opinion on the policy of toleration, which would, however, be a very pertinent question for his Government. It had been suggested by Dr. Kastl that party politics had something to do with what Dr. Kastl regarded as the New Zealand Government's too-patient handling of the agitation. Sir James Parr thought that such a thing was improbable.

He would emphasise the point, however, that the resistance in Samoa was not active, but passive, and it was difficult to subdue. What was the Administration to do if a man refused to pay his taxes ? There was no militia in Samoa and there was no large prison. There were only seventy white police. A native had no goods and chattels which could be seized under a court order for payment.

He thought that Dr. Kastl would agree that the position was a very difficult and delicate one. The New Zealand Government had now placed the matter in the hands of the Prime Minister as Minister in charge, and of Colonel Allen, the Administrator, who was in favour of the continuance of the policy of patience, and urged that the trouble would probably die out within a comparatively short period. The New Zealand Government was finding £17,000 to £20,000 a year to keep the Administration going, and it would not vote such heavy credits unless it contemplated an improvement in the situation under its present policy.

Mlle. DANNEVIG observed that it had been said that the full proceedings of the Mandates Commission had only been received in Samoa in the preceding month. It was therefore rather hard to make the Mandates Commission responsible for the situation because the Commission had laid stress on the point that its Minutes should reach the mandated territory at the same time as the report.

M. ORTS agreed with what Dr. Kastl had said, but he wished to point out that the Mandates Commission was not recommending the use of violence to re-establish a normal state of affairs.

What the Commission was demanding was that the territory should be effectively administered. It appeared from the annual report and from the explanations given by the accredited representative that there existed in the territory a state of unrest, the appearance of which the Administration had been unable to prevent and which it had not succeeded in removing before it began to develop seriously. The population was still in a state of turmoil, the taxes were unpaid, the crops were neglected and the material and moral development of the country was affected by this state of affairs.

When, for instance, it was observed that surveying operations which were considered indispensable had been suspended solely because resentment had been displayed by certain natives, one could not help wondering whether the Administration had shown the continuity of policy and steady firmness which were essential to impose respect for authority and prevent trouble.

M. PALACIOS still adhered on these questions to the statement he had made at the Commission's last session (June-July 1928). Force did not always consist in the possession and use of instruments external to that force and the possession of force was not always a question of will but rather of opportunity. Without presuming to dictate the action which the mandatory Power should take, he would prefer to see it act with energy, with tempered energy, which would be compatible with a real mission of civilisation and concord.

Sir James PARR said he would report these opinions to the Prime Minister.

Lord LUGARD shared M. Orts' views. He understood that practically the whole population were Christians. What influence had the missions had in the troubles ?

M. SAKENOBE asked whether the intimidation of natives was still continuing which affected to a great extent the payment of native taxes.

Sir James PARR replied that it still continued to some extent, but that the taxes were now coming in somewhat better.

Sir George RICHARDSON added that the law was functioning properly. Taxpayers who failed to pay their taxes were called before the court and the court was operating normally.

M. SAKENOBE asked whether the Maintenance of Authority in Native Affairs (No. 2) Ordinance, 1928, mentioned on page 48 of the report, was being enforced.

Sir George RICHARDSON, from private information he had received, feared that some of the gatherings in question were still being held, and that they were not all dispersed in accordance with the Ordinance.

In reply to Lord Lugard, he would emphasise the point that the missions in Samoa had rendered most valuable services to the natives. It had been the Government's policy to work in close co-operation with the missions and he personally had always had very friendly relations with them. When the troubles first arose he had taken up the question with the missions, but they had preferred to leave the matter alone, as it was one of political importance, and had declined to take sides. Unfortunately, the missions of the London Missionary Society had suffered, largely, Sir George Richardson thought, as a result of their inactivity concerning the Mau movement. One member of the London Missionary Society, however, had made a frank public statement and had drawn attention to the harm done by the Citizens' Committee. His speech had been translated by the Citizens' Committee and circulated to the natives as evidence that the missions were now infected with the Government's point of view. The adherents of the London Missionary Society included about two-thirds of the native population, and the position had become so serious that the Society had had to close down some of its schools and institutions. The representatives in Samoa had cabled for a delegation to come out from Headquarters in London to visit Samoa. The delegation had not yet reported, but three days ago Sir George Richardson had received a cable from the London Missionary Society saying that all its schools were now functioning, and that its institutions were again open. The writer had added that the trouble had now apparently been satisfactorily overcome. He should add that, before the delegation left England, he had given the members a copy of an extract from the report of the Mandates Commission.

M. RAPPARD observed that the 1927-28 report for Western Samoa was divided into two parts: (1) a statement by the New Zealand Government; and (2) the annual report by the Administrator. The fact of this division would not, of course, be any justification for supposing that there were two different doctrines. The New Zealand Government was responsible for the whole administration of the islands and for the policy of the Administration.

He fully agreed with Dr. Kastl's observations and with the addition made by M. Orts, but he would submit that the best way of avoiding the use of violent measures was to show no weakness at all. M. Rappard was much struck by the fact that the situation in Samoa was considered unsatisfactory not only in New Zealand by the Government and in Geneva by the Mandates Commission, but even—according to the report—in the mandated territory, since on page 4 it was stated that the natives themselves failed to understand the reason for the Government's inactivity. M. Rappard would therefore ask whether the Administration was inhibited from taking action by some consideration which was not directly connected with the general welfare of the mandated territory; was it acting from considerations of party politics or through fear of the League of Nations and public opinion?

Sir George RICHARDSON replied that it had been made clear during the proceedings of the Royal Commission, and at the last session of the Mandates Commission, that there had been no delay on his part. He had had no laws ready-made to deal with the situation when it first arose, but immediately after the Royal Commission had been held action had been taken. The explanation of any delay subsequent to the Royal Commission's findings would be found in the Prime Minister's remarks.

Sir James PARR said that the New Zealand Government still considered its policy of patience to be the right one. The Government had full knowledge of the local situation and the Administrator was a capable man. He would emphasise once again that the situation was improving, that taxes were being paid, that there was no disorder, and that the law was obeyed. The Mau police, who had previously paraded in uniform, had been disbanded, and no further attempt had been made to create a rival police to that of the Government. The Mandates Commission must trust the New Zealand Government, acting in co-operation with its new Administrator, for at least another year, and await the result. If the policy of patience failed, the Commission had the promise given by the Prime Minister at the end of his statement in the report that "the Administration must ultimately fall back upon stronger measures".

M. RAPPARD said that the Mandates Commission was not assuming the responsibility of urging recourse to violent measures, but emphasised once again that it was stated in the report that the natives themselves were beginning to show impatience with the Government's policy.

Sir James PARR explained that the statement in the report referred to March 31st, on which date the report was drafted; since then the situation had greatly improved. The reports of the Royal Commission and of the Permanent Mandates Commission had not yet had time to sink into the minds of the natives.

FIFTH MEETING

Held on Monday, October 29th, 1928, at 3.30 p.m.

Chairman : The Marquis THEODOLI.

910. **South-West Africa : Petition from Certain Members of the Rehoboth Community.**

On the proposal of the CHAIRMAN, *the Committee decided* that a Sub-Committee composed of Lord LUGARD, M. VAN REES, M. PALACIOS and Dr. KASTL should be requested to decide on what points the accredited representative should be asked to supply further information.

911. **Western Samoa : Examination of the Annual Report for the Year 1927-28** (continuation).

Sir James Parr, High Commissioner for New Zealand, and Sir George Richardson, former Administrator of Western Samoa, accredited representatives of the mandatory Power, came to the table of the Commission.

Transmission to the Commission of Copies of the Laws regarding Western Samoa.

The CHAIRMAN reminded the Commission that it had on several occasions expressed a desire to receive from the mandatory Power a collection of the laws regarding Western Samoa, to be placed at the disposal of each member of the Commission.

In a letter dated September 13th, 1927, Sir James Parr had informed the Secretary-General that the New Zealand Government was not able to meet this desire, in view of the fact that no bound copies of the Laws and Orders in Council regarding Western Samoa were in existence, and there was not a sufficient number of unbound copies available to enable that Government to send the required quantity for the use of the Commission.

The New Zealand Government had, however, recently sent a bound copy of the Ordinances concerning Western Samoa for 1920 to 1928. He felt certain that he was interpreting the feelings of all his colleagues in warmly thanking the mandatory Power for the care with which it had endeavoured to give satisfaction to the Commission by sending documents which were of great value to it in the accomplishment of its task.

Sir James PARR, on behalf of his Government, thanked the Chairman.

Administration of the Tokelau Islands.

The CHAIRMAN enquired what were the duties of the Administrator as regarded the Tokelau (Union) Islands.

In 1926, Sir James Parr, in answer to a question by the Chairman (Minutes of the Tenth Session, page 28), had said that he was not aware that any extra payment had been made to the Administrator for his duties in connection with the Tokelau Islands.

It would seem that Sir James Parr had not quite understood the object of the Chairman's question, which had been that, in view of the fact that some of the Administrator's time had presumably been taken up with the administration of the Tokelau Islands, the expenses in this connection ought not to have been borne by Western Samoa but by the New Zealand Government.

Sir George RICHARDSON explained that the Tokelau Islands were not under mandate, but were a possession of the British Empire. They were administered by the Government of New Zealand, which utilised the services of the Administrator of Western Samoa for that purpose. The expenses for such administration were covered entirely by taxes paid in the Tokelau Islands themselves. The tax was paid in the form of copra.

The Administrator of Western Samoa supervised the government of the islands and visited them once a year. He received no extra salary for performing these duties. A small fraction of the salary paid to the Secretary for Native Affairs in Western Samoa was borne by the Tokelau Islands, in view of the fact that a certain amount of his work was connected with those islands. The salaries of native officials of the islands themselves were met out of the taxes collected.

Languages employed by the European Officials in Western Samoa.

M. VAN REES, with reference to pages 41 and 42 of the report, thanked the New Zealand Government for the detailed replies given to enquiries made by members at the twelfth session. It was stated that :

“ All New Zealand officials are not compelled to learn Samoan, nor is this considered to be necessary or advisable. Generally speaking, Samoan words and phrases are susceptible of so many varied meanings that it is unwise to deal officially in that language with natives, except through an interpreter European officials in the Native Department are now obliged to learn Samoan before being considered for promotion. ”

Was there not some contradiction between these statements ?

Sir George RICHARDSON explained that he had introduced this regulation in respect of European officials employed in the Native Department only. These officials were required to learn Samoan. The other officials were not required to do so, because they did not come into direct contact with natives. All other Government Departments possessed interpreters. Many of the Departments were staffed to a large extent by locally born officials, who, of course, knew Samoan.

M. VAN REES thanked the accredited representative for his explanation. He quite appreciated the decisive argument that, if a New Zealand official did not come into direct contact with natives, he should not be required to learn Samoan.

Administration of Ex-Enemy Property.

Lord LUGARD called attention to the statement made by Sir James Parr at the twelfth session (Minutes, page 122) regarding the so-called “ Reparation Estates ” which was as follows :

“ The New Zealand Government has decided to administer these plantations as Crown estates, and to use the profits derived from them to supplement the ordinary revenue of the Samoan Treasury as may be required from time to time. ”

This statement was in accord with a notice published in the *Times* of March 8th, 1924, which appeared to be a semi-official communiqué. It stated that :

“ The Government has decided to transfer as from April 1st to the Administration for the purposes of accounting all properties which are : (a) at present leased ; (b) have been sold under terms ; or (c) are at present vacant, abandoned, or are not being maintained. All revenues from the above will be credited to the Administration and used for the benefit of Samoa. ”

This very clear statement made by the accredited representative, and the statement of 1924, which he understood to be confirmed by the accredited representative,¹ did not seem to be in accord with the reply of the New Zealand Government to the observations of the Permanent Mandates Commission (document C.323.1928.VI), where it was stated that “ rents paid for lands leased by the Reparation Estates are *not* credited to the budget of the territory ”.

On page 45 of the report there was a statement of the manner in which in actual practice the profits from these estates were disposed of. It appeared that the profits were now rapidly increasing, and were partly used to meet the sum—or part of it—which was shown as a subsidy from the New Zealand Government to Samoa. This was an act of grace in each particular year, and not a permanent allocation by Act of Parliament.

On page 24 of the report an account was given of the public works executed by the Public Works Department of Samoa in connection with the Reparation Estates. Was any charge made for this work and credited to the revenue ?

Sir George RICHARDSON stated that all revenues from the estates taken over on account of reparations were used for the benefit of the territory. Six years previously, those estates had been run at a loss of between £30,000 and £40,000 a year, owing to bad management. They had been reorganised and put under a Board of Control, of which the Chairman was the Administrator. The result of this policy had been that these estates now showed a profit of about £20,000 a year. The New Zealand Government had agreed that the money should be used entirely for the benefit of Samoa, and details regarding its use were given in the report. The profits were divided into three portions, one of which was allocated to a reserve fund. A second portion was used for the development of the estates, in order to make the establishment

¹ See Minutes of the Fifth Session, page 53, and of the Seventh Session, page 29.

of new plantations possible ; a third portion took the place of part of the subsidy given by New Zealand from the Consolidated Fund.

One cause of the extravagant manner in which the Reparation Estates had formerly been worked was that they had their own separate workshops, engineering department, etc., with the result that the overhead charges had been very high. That work was now done for them by the Public Works Department and credited to the Samoan Treasury.

Lord LUGARD pointed out that the profits of these estates were not credited to Western Samoa as a permanent allocation, but a fresh Act was passed each year for this purpose, if the Government decided to assign all or any part of them to Samoa.

Sir James PARR said that in actual fact every penny earned on the estates was spent on Samoa.

Sir George RICHARDSON said that the estates were the property of the New Zealand Government.

M. RAPPARD reminded the Commission that there were two kinds of estates : (1) private estates which had been taken over by the New Zealand Government ; (2) former German Crown property. The New Zealand Government had taken over these estates from the Reparations Commission and was using them for the benefit of Samoa.

Sir James PARR agreed. The New Zealand Government was under no compulsion to do so. The final adjustment between the New Zealand Government and Germany in respect of the estates had not yet been made. Negotiations were continuing, for it had been thought improvident to sell them.

In reply to a further question from M. Rappard, Sir George RICHARDSON explained that the area of native land in the Falealili district had been land formerly owned by the German Government.

Valuation of the Vested Properties of Ex-enemy Deportees and Absentees.

Dr. KASTL, with reference to the heading " Clearing House " in the chapter on " Public Trust Office " (page 31), asked when a decision regarding valuations connected with the vested properties of ex-enemy deportees and absentees would be made, and on what basis a valuation of the properties would take place according to the intention of New Zealand.

Sir George RICHARDSON said that Sir Francis Bell, the New Zealand Minister, had proposed in 1926 that a board of three persons, of whom one would be a German, should be set up to make these valuations. This proposal had not yet been accepted, and until some final decision was reached no valuation could be made.

Dr. KASTL thought it very necessary for any decision to be taken as soon as possible.

Sir George RICHARDSON said that the Administration had been most anxious for the final valuation to be made.

Elected Members of the Legislative Council.

M. SAKENOBE enquired who were the elected members of the Legislative Council and what was their attitude towards the Government.

Sir George RICHARDSON said there had been three elected members—Mr. Nelson, of whose attitude towards the Government he would not speak ; Mr. Westbrook, who had gone bankrupt and had therefore ceased to be a member ; and Mr. Williams, who had originally been drawn into the Mau agitation probably against his will and was now endeavouring to work loyally with the Administration.

M. RAPPARD concluded that, of the three elected members of the Legislative Council, one had been expelled, the other was bankrupt and the third was repentant.

Sir George RICHARDSON said that the man who had been fourth in the elections, a Mr. Johnson, had now been appointed to fill the vacancy. He was a bitter opponent of the Mau. No one had yet taken the place of Mr. Westbrook, who has only just been made bankrupt. The next elections would take place in October 1929.

M. RAPPARD pointed out that Mr. Johnson, as he had been fourth on the list, had been a defeated candidate. He now appeared automatically to succeed one of the successful candidates.

Sir James PARR said that this was not an unusual procedure. It was quite logical to make such an appointment rather than to go to the trouble and expense of holding another election.

M. RAPPARD pointed out that Mr. Johnson could not be said to represent the majority.

In reply to the Chairman, Sir George RICHARDSON explained that Mr. Johnson's programme at the election had been the exact contrary of Mr. Nelson's programme.

Sir James PARR thought that in New Zealand, in municipal matters, if a vacancy fell due before the end of the period, it was filled by the next person on the list, in order to avoid the expense and bother of holding a new election.

M. RAPPARD pointed out that, according to the Ordinance relating to this matter, Mr. Johnson appeared not to have been elected but appointed :

“ If any seat of any elected member becomes vacant during the term for which such member was elected or was deemed to be elected, the Governor-General may appoint a person duly qualified as aforesaid to fill such vacancy. ”

Settlement of Chinese and Melanese Labourers in the Territory.

Lord LUGARD, with reference to the passage under the heading “ Chinese Labour ”, on page 5 of the report, asked whether the Melanese and Chinese, on expiry of their contracts, were allowed to settle in the territory. Apparently 146 Melanese had been allowed to do so. He understood that there was a shortage of land for the natives themselves.

Sir George RICHARDSON explained that Chinese labourers were not allowed to settle permanently in Samoa. The Melanese had been brought over to the territory during the German occupation. They were good workers and very law-abiding. The New Zealand Government had tried to repatriate them, and those who had desired to go had been repatriated to the Solomon Islands. The remainder in Samoa expressed a preference to remain in the country. They were in no sense a menace to the development of the population. Many of them had married Samoans, and the children were easily absorbed as Samoans. The Administration had thought it to be a wrong principle to keep the Melanese until they were old and no longer able to work, and then repatriate them to a place where they could not be properly cared for. When too old for plantation work, they were given land in the country of their adoption. The total number of Melanese was 147.

Method of Election of the Faipule Representatives.

M. RAPPARD, with reference to the passage on page 5 of the report, in which it was stated that the chiefs and orators of each district had the power to nominate their Faipule representative, but that they had not done so because there were two political parties of natives who refused to unite, said that, in Europe at any rate, if unanimity were invariably required in an election, no candidate would ever be elected.

Sir George RICHARDSON said that Samoan custom required the agreement of all the chiefs for such appointments. A District Fono was held, and the matter was discussed for days, weeks and sometimes months until an agreement had been reached.

In reply to a further question from M. Rappard, Sir James PARR explained that eventually the weaker candidate was induced by means of moral suasion to withdraw his candidature. The process necessarily took a long time, but ultimately a decision was reached.

In reply to a question from M. Van Rees, Sir George RICHARDSON said that the district possessing two Faipules and two District Councils was the Apia district.

Public Finance.

M. RAPPARD enquired the meaning of the items “ Native Travel Passes ” and “ Water Rate ” collected not by the Financial but by the Customs and Marine Department.

Sir George RICHARDSON said that the native travel passes had been instituted for natives visiting other islands, including American Samoa, which they did in large numbers. They were required to pay a small sum for a pass for this purpose.

As far as water rates were concerned, there had formerly been a very meagre water supply in the territory. Reservoirs and pipe-lines were being laid in the various villages, and were being paid for by a loan. The Government met some of the loan, and the village was required to pay interest on approximately two-thirds of it. It was this interest which was shown in the revenue as water rate.

M. RAPPARD noted the very small figure (£5,000) shown as the direct revenue obtained from the natives. Expenditure had been in the neighbourhood of £58,000.

Sir George RICHARDSON said the reason for this small amount was partly due to the fact that he had decided not to collect taxes prior to and during the visit of the Royal

Commission. He had consequently had to collect them at the very end of the financial year, and many natives had evaded payment. A large proportion of the taxes, however, had subsequently been paid.

In reply to a further question of M. Rappard with regard to the six cases of prosecution for non-payment of taxes, Sir George Richardson explained that the reason why only six cases of evasion were shown in the report was because the tax had only been collected at the very end of the financial year. A larger number of cases of evasion would probably be recorded in the next report. Taxes were, however, coming in more satisfactorily.

Sir James PARR explained that the procedure for the non-payment of poll tax was for the Administration to sue the native in the court. Though the court might give judgment in favour of the Administration, it was difficult to distrain on the native's goods, because he rarely possessed any.

Sir George RICHARDSON said that, when some natives had been ordered to pay the tax, they had come secretly to the tax office and paid it, at the same time asking that the Mau should not be informed of their action.

In connection with the reference on page 6 to dismissals of officials, Sir George Richardson explained, in answer to M. Rappard, that these were native members of the Mau who had been dismissed.

M. RAPPARD pointed out that, despite the dismissal of the officials, there was no decrease in the item of the budget covering their salaries.

Sir George RICHARDSON explained that this was to be accounted for by the fact that the dismissals had taken place late in the year, when most of their salaries had already been paid.

M. RAPPARD enquired the meaning of the items "Public Works Loan Account, £141,925 18s. 1d."; "Public Works Loan Redemption Fund Investment Account, £8,940 5s. 6d."; and "Loan Account, Political, £5,000", in the table on page 31.

Sir George RICHARDSON said that the first two items were assets set off against the total Loan Liabilities, viz., £147,500. The item "Political, £5,000", was part of the loan raised owing to the failure of the natives to pay taxes.

Lord LUGARD reminded the Commission that it had asked at previous sessions for a detailed statement to be furnished regarding the Loans Account. Details of estimates had been sent by the mandatory Power, which were to be found on page 8 of the document entitled "Estimates for 1928-29". He was unable to understand those estimates, which showed loans amounting to £194,913, whereas the report stated them to be £147,500. Further, the loans on public works bore interest at 5 per cent, loans for the native water supply at 5½ and 1 per cent, the public trust loan at 5½ per cent, and the reparations money on deposit in the Treasury at 5 per cent. In several cases the figures shown as estimated interest were much larger than the amount calculated at the rates shown. For example, the interest on the £11,913 on deposit in the Treasury was shown to be £1,200, whereas at 5 per cent it should have been about £596.

Sir George RICHARDSON undertook to obtain a detailed explanation of the figures in these estimates.

Dr. KASTL noted that the total amount of the loan granted by the New Zealand Government to the mandated territory was £194,913. What distinction was made between subsidies and loans? Though the revenue for 1927 had fallen by only £15,000, £30,000 had been borrowed.

In general, did not the Administration consider that £194,913 was a very heavy load of debt for so small a territory, representing as it did about £5 per head of population?

Sir George RICHARDSON said that £30,000 had been borrowed in order to anticipate non-payment of taxes and to meet all eventualities. Only a portion, £5,000, had been used upon which interest would be paid. There would be no interest on the remaining £25,000, which would probably not be used.

Subsidies were not loans, and were not charged to the territory. The New Zealand Government had granted them for expenditure on native education and health. It had originally given the sum of £100,000 for the purpose, together with an annuity amounting to about £20,000 a year. This sum was credited to the revenue. If, however, some form of public works, such as a wharf, had to be constructed, it was paid for by means of a loan, and interest was charged to the territory.

Sir James PARR wished to emphasise the fact that these figures were estimates. No interest was actually charged unless the sum was borrowed.

Dr. KASTL, with reference to the estimates, asked what the £11,913 on deposit in the Treasury represented.

Sir George RICHARDSON said that this was an old debt incurred by the territory during the time of the military occupation. He had tried without success to induce the New Zealand Government to forgo it.

Dr. KASTL pointed out that the payments made during the military occupation by the mandatory Power should not be charged to the territory, except when they concerned the civil administration.

Sir James PARR undertook to obtain full information in regard to the various points raised in connection with the loans.

M. RAPPARD, with reference to the statement on page 38 of the report, to the effect that most of the districts had asked to be allowed to pay the Government tax in copra and not in money, asked for information regarding the object and effect of this measure.

Sir George RICHARDSON said that the experience had been very successful in the Tokelau Islands, where the natives paid their taxes regularly in copra, were prosperous and not in debt. In Samoa, when a native had to pay his taxes, he went to the storekeeper and raised a loan, which put him in the power of the storekeeper.

The Administrator had therefore informed the natives that he would be prepared to take payment of taxes in copra at a fair market rate. Practically every district had agreed to this proposal, but at the time of the collection of the tax the Mau agitation had broken out, and certain interested persons had done everything they could to induce the natives to avoid paying their taxes in kind.

This system of paying taxes in copra was quite different from the system of marketing copra for the benefit of the natives.

M. RAPPARD concluded that there were two parallel schemes initiated by the Government for helping the natives : (1) a scheme to obtain a market for his copra ; and (2) to allow him to pay his taxes in copra.

Sir George RICHARDSON agreed.

In reply to M. Sakenobe, Sir James PARR said that every European paid a tax of £1 5s.

Sir George RICHARDSON said that all officials and employees with a salary of over £200 a year paid a salary tax, and were therefore in a far worse position than a merchant or person residing in Samoa not drawing a salary, for there was no income tax in the territory, but a turnover tax, which could be very easily passed on, and in fact was passed on, to the consumer. This was a question which required solution. The tax on Europeans was shown under " Customs Revenue ".

In reply to a further question of M. Sakenobe, Sir George Richardson said that the Chinese Department consisted of a European official and several Chinese clerks. The official was the Protector of the Chinese in Samoa. He investigated any complaints, found work for the Chinese, helped them to transmit their earnings to their homes, etc. The expenditure was covered by item 11 of the budget. The number of Chinese in the territory was about 950.

Lord LUGARD asked why the compassionate grant paid to Mr. Cooper on his dismissal had been included in the budget for Samoa. He understood that Mr. Cooper complained of wrongful dismissal and the matter had been discussed in the New Zealand Parliament and a grant had been made. Had the Administration power to dismiss officials without any right of appeal on their part, as appeared to be the case with Mr. Cooper and also with Mr. Foster ?

Sir James PARR explained that, since Mr. Cooper had been an official in the Samoan Administration, it was more just that the territory should be called upon to pay the allowance rather than the New Zealand taxpayer. The Administrator had the power to dismiss any official.

In reply to a question from Lord Lugard, Sir George RICHARDSON said that the Ports and Customs Service Ordinance had been disallowed by the Governor-General two months previously, for what reason he was unable to say.

Lord LUGARD observed that the Native Personal Tax Bill had been withdrawn in the Legislative Council because the merchants had some other plan. He asked what solution had been proposed by the merchants.

Sir George RICHARDSON said that a deputation of merchants had visited him with the object of inducing him to alter his decision with regard to the payment of taxation in copra by the natives. They had pointed out that the native would not cut copra if he had to use it to pay his taxes, and that they had another and a better solution. Sir George Richardson had agreed to postpone the matter until they could submit that solution for his consideration. They had not yet done so.

Lord LUGARD noted an increase in revenue on page 15 of the report. How had it been possible to effect this, in view of the fact that the natives had been behindhand in the payment of their taxes ?

Sir George RICHARDSON said that the increase related to the Customs Department, and was chiefly due to increased exports of cocoa and rubber.

Lord LUGARD said that the total trade of the territory showed a decrease, especially in the matter of exports. Yet the revenue showed an increase.

Sir George RICHARDSON said that the export revenue had been helped by an increase in the export of cocoa and rubber. He could not give details in regard to the revenue for imports.

It should be noted that the figures in the table on page 16, " Customs Statistics ", referred to the calendar or trade year 1927, while the figures showing receipts for import and export duties at the top of page 16 referred to the financial year ending March 31st, 1928.

Economic Situation.

M. MERLIN observed that, on page 12 of the report, under the heading, " Agriculture Department ", it was stated that the situation had become increasingly difficult with each successive quarter, until of late months the efforts of the inspectors to induce the natives to obey the law regarding the cleaning of plantations, etc., were almost entirely abortive. This observation seemed to be confirmed by the remarks, on page 2, concerning the cultivation of native lands, and also by the observations made with regard to passive resistance. M. Merlin, however, had read the report carefully and had come to the conclusion that it did not altogether bear out the very pessimistic view that had been expressed in regard to the situation. The economic situation, at any rate, appeared to be fairly good. For instance, on page 16 it was noted that export duties on copra had risen from £10,874 in 1926-27 to £13,849 in 1927-28, and there had also been increases in the export duties on cocoa and more especially on rubber, while the total receipts from export duties had risen by £4,721. Hence the situation in regard to exports did not seem to give ground for any alarm.

Another feature which afforded evidence of the confidence felt by the natives was the increase in the Post Office Savings Bank's credits and deposits.

All these signs, therefore, tended to show that, for the moment at any rate, the economic situation was far from desperate, though it was true that there had been a decline in the production of copra. M. Merlin wondered whether the economic situation appeared serious to the Administration owing to the latter's hesitation in carrying out its duties. The Mandates Commission had heard of the difficulties encountered by the Administrator, the lack of prison accommodation, the trouble caused by the land survey and consequent suspension of the survey, and the omission to pay taxes; but on the whole it seemed from the report that the population was still working, except in connection with the production of copra. Even so, the decline in the output of copra amounted to only 800 tons in the past year.

M. Merlin wondered whether the copra question was not at the bottom of the agitations to which reference had been made. The Commission had been informed in the previous year that the Administration had decided to take over from the natives and sell copra on their behalf, and that the resentment felt by Mr. Nelson and certain of his associates in consequence of that measure had been responsible for part of the troubles in the island. In this connection it was stated, in the table on page 13 of the report, that the estimated total all-in cost per ton of high-grade copra up to the time of landing in the United Kingdom was £26 15s. 6d., while in the next paragraph the average price of Samoan native copra in London for 1927 was said to be £26 2s. 6d. It appeared, therefore, that the transactions carried out by the Administration resulted in a net average loss of 13s. per ton. If that were so, M. Merlin could well understand the decline in copra exports, since it was evident that the producer could not afford to cultivate copra at that price.

Sir George RICHARDSON pointed out that, on the same page of the report, it was stated that prices for copra had sometimes been as high as £28 12s. 6d. The figure £26 2s. 6d. was only the average price. The copra mentioned in the paragraph in question was ordinary native copra shipped during the year 1927-28, while the copra indicated in the table referred to special shipments of superior-quality copra which the Administration had asked the natives to make. The Administrator had promised the natives that if they could produce good copra the Administration would secure a good price.

M. RAPPARD thought that there was a misunderstanding. He pointed out that, according to the table, the Administration bought the copra at £15 13s. 7d. and sold it in London at £26 15s. 6d. The margin resulting from this transaction went to cover the expenses of the Administration. According to the report, the average price paid by merchants was only £10 6s. 11d. per ton, so that the natives clearly benefited by the Administration's measures.

Sir George RICHARDSON said that the figure £15 13s. 7d. represented the amount which the native would receive if the price obtained in London was £26 15s. 6d. Up to the present time he had only been receiving about £10 for copra sold to the merchants.

In reply to M. Merlin, Sir George Richardson said that the New Zealand Reparation Estates Commission (see table, page 13 of the report) represented the cost of handling. He did not think that 5 per cent was a high commission.

He wished to make one point quite clear. M. Merlin had stated that the decrease in copra production was not very great, but it must be remembered that the year 1927-28 had been an excellent one for the plantations and that, if the natives had worked as hard as formerly, they would have produced somewhere about 2,800 tons more copra than they actually produced in 1927.

Sir James PARR pointed out that the copra was consigned to himself as High Commissioner in London, and that he had to employ a highly salaried official in London to carry out transactions in copra from Samoa, to watch the market and so forth.

Customs Statistics.

M. RAPPARD referred to the table on page 16 of the report showing that the percentage of imports from New Zealand amounted to 28.4 of the total, and asked whether those figures were based on statistics of the country of consignment and not of that of origin; that was to say, did they include goods consigned through New Zealand from Great Britain and other countries?

Sir George RICHARDSON replied that the goods coming under the figures in question might be consigned from any country.

Justice.

Dr. KASTL observed that, according to the statistics given in various sections of the report, it appeared that the courts dealt with a very large number of trivial offences. The amount of the fines imposed by the courts was not given in the statistics on public finance, and it would be interesting to have information on this point. From the issues of the *Samoan Times*, it seemed that very high fines were imposed for somewhat slight offences—for instance, breaches of the traffic regulations. In one issue, Dr. Kastl had noted that a fine of £2, with 13s. costs, was imposed for “exceeding the speed limit on public roads”. Were the fines the same for Samoans and Europeans regardless of the very different standards of living and income? The heavy sentences inflicted by the courts did not seem quite compatible with the policy of toleration pursued by the Government.

Sir George RICHARDSON said that he could not give details in regard to fines, but he could assure the Commission that in his opinion the courts were extraordinarily lenient. In fact, the fines might in many cases be said to be too small. In regard to fines for breaches of the traffic regulations, Sir George Richardson would prefer to have the fines for negligent driving doubled, because a number of people had been killed in Apia owing to reckless driving. No distinction was made between Samoans and Europeans in regard to the amounts of fines, but he believed the court gave due consideration to the earning capacity of a Samoan culprit. He should, however, point out, in regard to fines for negligent driving, that the Samoan chauffeur earned as good a salary as the European driver.

Dr. KASTL asked whether it was a fact that the Chief Judge of Western Samoa, Mr. Woodward, was, in July 1927, charged with having used “insulting behaviour whereby a breach of the peace might have been occasioned or may have been occasioned” (this referred to an incident of the Mau badge worn by two Samoan chiefs and criticised by the Chief Judge); the defendant had been convicted and fined on this charge. Did the mandatory Power consider it was in conformity with the position of the highest judicial authority of a mandated territory that this person had been charged with and convicted for such a trifling matter?

Sir George RICHARDSON replied that the Chief Judge was an exceptionally efficient, kind and considerate man, but he was inclined to be impetuous. He naturally resented the agitation got up by the Mau, and on the occasion in question, seeing two men wearing the Mau badge come out of a building where the Mau had been holding a meeting, he had put his hand on the badge of one of them. At the time, Mr. Westbrook, who was now a bankrupt legislator, happened to be passing and saw what had happened. Mr. Westbrook reported the matter to the headquarters of the Mau. The Samoan concerned thought no more of the incident, but he was urged by Mr. Westbrook to take action against the Chief Judge for assault, an almost unheard-of proceeding in a British-administered territory. The Judge, who was actuated by the highest sense of honour, allowed the action to be brought against him and refused to defend himself. Unfortunately, the matter had been widely reported in the Press in New Zealand and elsewhere and the case unduly exaggerated.

Dr. KASTL said that he had no criticism to make of the Chief Judge's behaviour, but he was astonished that it should be possible to prosecute and sentence the Chief Judge on such a charge.

Lord LUGARD observed that the Maintenance of Authority Ordinance gave the Administration power to declare any area a "disturbed area". Had any area been declared a "disturbed area" under the Ordinance?

Sir George RICHARDSON replied that, during his administration, he had declared one area to be "disturbed", but he did not think that any area was now so declared.

Police.

M. RAPPARD asked for exact figures regarding the police force. The details given on pages 4 and 18 seemed to be rather contradictory.

Sir George RICHARDSON replied that, during his period of administration, the police force had consisted of one white, two half-castes, and twenty-eight Samoans. During the period of unrest, he had applied for an increase, and thirty-one natives had been taken on temporarily. The seventy-four white policemen referred to in the report had been enrolled after his departure.

Sir James PARR said that the present Administrator, Colonel Allen, was satisfied that he had a sufficient force to keep order.

Statistics regarding Licences for Fire-arms.

M. SAKENOBE, referring to the statistics, given on page 33, for the importation of arms and ammunition, said that he would be glad to receive in the next report detailed statistics concerning the issue of licences for carrying arms.

Sir James PARR undertook to comply with this request.

Chinese Labour.

M. SAKENOBE observed that in Western Samoa there were some 950 Chinese labourers, most of them presumably young men. These labourers were employed under contract with the Administration and stayed in Samoa for three years. They might be re-engaged for another three years. It appeared, however, that it was the Mandatory's policy to discourage the renewal of contracts and to prohibit re-engagement after a period of six years, the maximum term of a man's stay in Western Samoa being thus restricted to this period.

According to the annual report, large numbers of Chinese labourers wished to remain in the territory, while the planters were anxious that they should not be repatriated, since they were trained and experienced labourers. Several reasons might be cited to explain the desire of these Chinese to remain in Samoa, and it might be presumed that one of the stronger reasons was the fact that the men cohabited with the native women and formed family ties in Samoa, as was often the case in other countries. If that were so, and if that state of affairs were allowed to take its own course, it might involve a serious social problem at some later date, especially in so small a country as Western Samoa.

M. Sakenobe wished to put the following questions:

1. Had the Administration ever considered the problems which the continual importation of temporary Chinese labour might entail?

2. According to the report under review, 400 Chinese labourers were to be repatriated, but 464 were to be brought in their place in the current year. This, it appeared, was quite contrary to the policy and to the desire of the mandatory Power. Was this step to be considered a special measure, or did it mean the failure of the labour of some fifty Tokelau Islanders who had been employed experimentally as possible substitutes for Chinese labourers?

Sir George RICHARDSON replied that the employment of Chinese labour had been of very great value to Samoa. The recruitment of Chinese labour was an expensive operation. Chinese labourers who stayed in the island did most probably form alliances with native women and desired to stay. Samoa, however, was a small country, and it was therefore important to conserve the entire resources of the islands for the native-born Samoans. There was still in the island a number of old Chinese labourers who had been brought in at the time of the German Administration, and who had received very sympathetic treatment from the present Administration, which had refrained from sending them back to China.

At the same time, the native-born population was unable to supply the necessary amount of labour, and it would be a long time before the Administration could contemplate dispensing with Chinese labour.

The fact that Chinese labourers formed alliances with Samoan women could not be imputed to any fault of the Administrator.

In reply to a further question by M. Sakenobe, Sir George Richardson said that it would be quite impossible completely to restrict contact between Chinese labourers and Samoan women. He had more belief in education than in the efficacy of legislation concerning sexual matters.

Sir James PARR added that officially no contact was permitted between Chinese labourers and Samoan women. Oddly enough, the half-caste born of such an alliance was a very good worker.

In reply to M. Rappard, Sir George RICHARDSON said that there were not many Chinese half-castes resulting from such alliances, but that the mothers of half-caste children would not be considered disgraced as a result of an alliance with a Chinese labourer, and that her family would always look after her and her half-caste children.

SIXTH MEETING

Held on Tuesday, October 30th, 1928, at 10.30 a.m.

Chairman : The Marquis THEODOLI.

912. **Western Samoa : Examination of the Annual Report for 1927-28 (continuation).**

Sir James Parr, High Commissioner of New Zealand, and Sir George Richardson, former Administrator of Western Samoa, accredited representatives of the mandatory Power, came to the table of the Commission.

Education : Information published in Samoa concerning the Nature and Functions of the League of Nations.

Mlle. DANNEVIG noted that the education programme had been continued despite the Mau trouble, but that the natives had at a certain moment ceased to send their children to school. The result had apparently been that the Administration had closed certain schools and had contemplated closing others, owing to lack of support (see page 10 of the annual report).

Sir George RICHARDSON said that, during the early part of the Mau agitation, some of the native chiefs had had the foolish idea of not allowing their children to go to school, on the ground that the schools were controlled by the Government, and that they were refusing to co-operate in any way with the Government. The "lack of support" therefore, mentioned in the report, meant lack of pupils.

The Administration had considered for some time whether it should close a number of schools, but had reached the conclusion that it would not be right to allow the children to suffer for the faults of those misguided parents associated with the Mau. After some little time had elapsed, the children had returned to the schools and the attendance had become good. It was at the moment better than before.

Mlle. DANNEVIG concluded from the observations of the accredited representative that no school had been closed in Western Samoa.

Sir George RICHARDSON said that this was the case.

Sir James PARR, in reply to a question from Lord Lugard, said that he had mentioned at the last session of the Assembly the failure of his Government to obtain a satisfactory League catechism for use in native schools. The matter had been referred to the Committee on Intellectual Co-operation, which was, he understood, preparing various textbooks to suit different levels of intelligence.

Sir George RICHARDSON said that the main criticism of the catechism issued in Western Samoa had been in regard to the statement that all petitions from the natives to the League would be sent back to the mandatory Power. It was unfortunate that the wording did not conform with the information he himself had widely disseminated among the natives, viz., that petitions would not be received by the League of Nations unless they were submitted through the proper channels and that any petition must pass through his hands. The Administrator had made this quite clear to the natives, in order to counteract the evil propaganda of Nelson and his friends, who maintained that by his petitioning the League of Nations direct and ignoring the Administrator the natives would be able to obtain anything they wanted, whether the Government approved or not.

Mlle. DANNEVIG asked whether it would not be possible to give instruction in the working of the League and of the mandates system in the secondary and normal schools.

Sir George RICHARDSON said that a special point was made by the Administration of giving teachers instruction regarding the League and the mandates. On page 58 of the report there were two photographs showing the number of native teachers in 1924 and the number in 1927. It would be seen that the teaching staff had very greatly increased during those three years, and the number at present was sufficiently large to provide in every district in the territory for the dissemination of ideas about the League as well as general education. All teachers were required to take a refresher course for six months at Apia, where they were given instruction concerning the League of Nations.

Sir George Richardson, in reply to a question from M. Sakenobe, explained that there was one technical school situated in Apia. All boys qualifying as teachers were required to go there every week to learn carpentering and plumbing, the object of this tuition being that when they went to the district schools they should be able to teach the population what they had learnt themselves, and thus spread technical training. The result of this would be that each district school would one day possess its own small workshop. The teachers were, in addition, required to learn the working of wireless, and they showed themselves very proficient in this. The Administration had now connected up a number of districts in Western Samoa by means of wireless.

M. SAKENOBE enquired whether there was any tendency for the educated natives to take the place of the Europeans.

Sir George RICHARDSON replied in the affirmative. For example, at the Central Wireless Station in Apia, all the staff, with the exception of three Europeans, were native Samoans, though that station had originally been staffed by specialists from New Zealand. All the small wireless stations throughout the territory were staffed by Samoans.

M. SAKENOBE asked whether any effort was made to form the character of the children attending the schools, in order to eradicate the defects of the Samoan character.

Sir George RICHARDSON said that in no territory in the world was more attention paid to character-building in schools than in Samoa. A special movement for boys ("The Fetu of Samoa") had been initiated and the photograph on page 61 of the report showed the success of the undertaking. The boys in all schools were given a special uniform and trained in character, morals, good behaviour and sportsmanship. This form of education was continuous.

Mlle. DANNEVIG thought that the mandatory Power should be complimented on the very careful attention which was paid to education in Western Samoa. Even in the little islands of Apolima and Manono, about which the Commission had enquired at its last session, possessed facilities for both elementary and secondary education.

Alcohol.

Lord LUGARD noted that the Administration enforced total prohibition both for whites and for natives, but the Commission had been informed that "every white person made his own hop beer" and that the natives drank kava, some of which was said to be "mild", which presumably meant that there was also a stronger form of kava. The issue of spirits for medicinal purposes also appeared to be liberal.

Sir George RICHARDSON replied that kava in Western Samoa was made from the dry root of the kava-tree. It was used in all ceremonies and drunk many times a day. It had no ill-effect whatever. He had tried to obtain information from the older chiefs about this drink, because he had been informed that it paralysed the lower limbs. He was told, however, that no case had ever been known to occur. The missionaries in certain islands in Melanesia had stopped the use of kava because in those islands it was manufactured from the wet root. The liquor so distilled was known to paralyse the lower limbs, presumably rendering it impossible for the converts to walk to church after a kava ceremony. In general, he thought that in Western Samoa it was good for the natives to drink kava because they would not drink spirits. There was a strong native feeling that prohibition should be maintained. There was a certain manufacture of liquor at the shipping port of the islands, namely, Apia. The hop beer manufactured by the white men was not intoxicating. No liquor which contained more than 3 per cent of alcohol was allowed to be manufactured.

There was a certain amount of illicit manufacture of "fiaa'mifu". From information which he had received, it appeared that it had spread a little to the natives in the district of Apia, and was also to be found in the neighbourhood of some trading stations situated around the islands. The Administration was doing its best to put a stop to this manufacture.

M. MERLIN enquired the effect of the measures taken by the Administration. Was the illicit manufacture increasing?

Sir George RICHARDSON did not think so.

The spirits issued on a permit for medicinal purposes to European residents of a certain age and in ill-health amounted to a maximum of about one bottle of whisky per week.

Public Health.

Dr. KASTL enquired whether the medical tax had been abolished or whether it had been combined with the head tax.

Sir George RICHARDSON said that, on the advice of the Faipules, he had decided to collect taxes once only during the year. The Administration had therefore consolidated the head and health taxes and reduced them to a personal tax of £1 16s. in the case of a Taulalea and £2 for a chief. It was lower than the same tax paid in the neighbouring islands of Tonga and American Samoa.

In reply to a further question from Dr. Kastl, Sir George Richardson said that in Samoa the infant mortality was far lower than had formerly been the case, owing to the inception of an infant-welfare scheme. Infant mortality had always been due to ignorance on the part of the mothers as to the care and feeding of children in the first year of life. Very valuable work was being done by the Medical Department in instructing mothers in proper health measures. Native nurses were also being trained in infant welfare and were gradually spreading this information among the natives.

Population.

M. RAPPARD noticed that, in spite of the imperfect registration system, which was all that was possible at the moment, the statistics showed an increase of population. Did the Administration expect a slackening in the immediate future owing to the Mau agitation?

Sir George RICHARDSON said that 1927 had been a healthy year. A few years previously the Samoan race had been stationary. It was now comparatively healthy owing to the eradication of yaws and hookworm. The average increase of population per year was approximately 1,200.

Concluding Statement by the Accredited Representative.

At the invitation of the Chairman, Sir James PARR made the following concluding statement:

Mr. Chairman,—I think that the report before the Commission—which attempts to convey with the utmost frankness the position in the year ending March 1928—discloses, in the first place, that the mandatory Power, in the face of extraordinary difficulties created by the demoralisation of half the native population through Mau influence, has persevered with the policy of conciliation and patience. Secondly, the Mandatory has endeavoured to keep going all the social services of these people, even though it has meant delving into the New Zealand Treasury to do so.

I think you may safely conclude that the same spirit with regard to the social services still exists with us, namely, the desire to make the Samoan mandate a model as regards the education, health and well-being of these people. Hitherto, the mandate in this respect has been acclaimed throughout the world by dispassionate observers as a model, and we should be very sorry to lose that high character. I hope, perhaps, that you may see fit to make some observations upon that aspect of the matter.

I think the report also discloses that the Mau agitation reached its peak during that year: I admit nothing can have been much worse than the condition of affairs disclosed in the report for that year. I cannot believe that conditions are as bad to-day—I believe that they have improved.

What was the position? The position was that the law was openly defied, crime went unpunished, there were no white police. Indeed, there was a rival police force of 400 people attired in uniform. The schools were deserted, the work of the missionaries had been seriously prejudiced, and there was little respect for the authority of the Mandatory. I do not think I exaggerate when I gather this from the report and from my own special sources of information. All these evils were clearly due to Nelson and his friends.

What is the position to-day? It may be true that, strictly speaking, we are investigating only a period ending March 31st, 1928, but we are most desirous of giving you the fullest information as to the period subsequent to that time. Briefly, I think there is evidence of improvement. There is now an ample police force, the law is obeyed, the mandatory Power's writ runs through the territory. Crime is immediately punished, the schools are now being attended everywhere, and as fully as before. The missionaries are now carrying on their duties in all parts of the territory.

As regards trade, I agree with M. Merlin that there is not much to be alarmed at in the figures exhibited in the report. Exports and imports remain much about the same. It may be that, as Sir George Richardson said, it has been a very good year for copra and that may account to some extent for this very excellent return under the extraordinary circumstances. Be that as it may, however, there is evidence, I think, that business is carried on still very much as usual. It is true that about half the population are still more or less openly on the side of the Mau organisation, but I think there is evidence that the influence of the agitators is declining daily. We must give the new Governor time. He has been there only a little over six months. He believes in a policy of conciliation. That policy of patience may, in the minds of some of you, appear to have been carried to an absurd length, but there is room for another view. We believe in dealing with these people tolerantly. It is not altogether their fault that they have been misled; they are simple people, easily susceptible to the wiles of agitators. There are only some half-dozen irresponsible and wicked persons who have misled these people even to the extent of persuading them to neglect their own plantations—the source of their food supplies. It may be necessary yet to banish some of these people, and you may rest assured that, if the Governor comes to the conclusion that this ought to be done, the New Zealand Government will support him. Never again will the law be defied. The authority of the Mandatory will for the future be respected. The Government of New Zealand—the responsible Power—still believes that the people can be won over gradually by a policy of patience, that this rather spoilt-child attitude can best be overcome, not by too stern or repressive measures, but by being kindly and tolerant and rather easy-going, though at the same time firm upon all essential matters.

It has been asked, What has been the effect of the views expressed by this Commission on the agitation? What has been the effect of the adoption by the full Assembly of the League of those views? The answer is that these things have hardly yet had time to reach Samoa and to sink in effectively. The natives do not yet fully appreciate all the decisions that have been taken regarding Samoan affairs, and it will be the business of the Mandatory to see that the natives do get to know individually the attitude taken by the League of Nations. Indeed, it is absolutely essential that the natives should be told the full truth with regard to Geneva and its attitude; otherwise, I venture the opinion that government by mandate over these natives would be impossible.

The idea has been spread broadcast by Nelson and his friends that the Mandatory is merely in the position of a caretaker; they have been told that Sir George Richardson as Governor counts for nothing—that there is a Court of Appeal at Geneva which will correct any wrong that he has committed. That idea has been sedulously disseminated. It is for you and the Mandatory to get the natives to understand that, after all, they have got to obey the mandatory Power and that they will get no ear or sympathy at Geneva with regard to agitations for self-government against the mandatory Power.

The Prime Minister telegraphed to me last week as follows :

“ I do not expect immediate big results, but I can say that the atmosphere has been improving during this year, and is now much more promising. ”

I think all that can be reasonably done is to wait patiently for another period of six or twelve months, and see what the result is then. I think that it would be a mistake to push matters unduly or militarily at the present moment. I believe that these people will gradually come in and pay their taxes. Some of them are doing so now, and I think there can be no question that they will eventually see the folly of neglecting their plantations. The economic results of such a policy must soon be apparent to them, and be felt by them all individually. I believe that common sense, in spite of the agitators, will reassert itself.

On behalf of my Government, I wish to thank the Mandates Commission for the exhaustive fashion in which it has made its enquiries, and for its sympathetic attitude towards the Government of New Zealand in perhaps the most difficult task that any mandatory Power has to perform—the task of governing a rather difficult people, far off in the Pacific Ocean. There have been no fewer than five different changes of Government. In the old days the islands were governed by chiefs and kings, and there was incessant war; there was thence consular period, when some consuls with little authority attempted to govern the islands. There were more wars and more bloodshed in these islands than in any other group in the Pacific Ocean. After that, by an extraordinary arrangement, three Powers took control at one and the same time—the United States, Germany and England—and their representatives attempted to govern the islands, with a result that was, of course, quite unsatisfactory; everybody recognises this to be the case. The Powers then eventually decided that Germany alone should take possession and govern. That policy was followed for some time, and the Germans, under a most capable man, Dr. Solf, had their troubles. Even the Parliament of Berlin was petitioned in those days and, extraordinary to relate, the principal petitioners against the Germans are to-day very active against us.

Following that, there was a policy of military control for four years, and, following the war, the territory was handed by treaty to us as a mandate. With such a history behind him, the Samoan may think that change of Government is as easy as changing one's coat.

This idea must be corrected. I venture to say that, during the period of our mandate, more has probably been done for the natives, with not much gratitude, than in any other period in the remarkable history of these islands. But we are going to keep on; we are going to follow the traditions of our country. We will be patient with these people to the last, and, if that policy fails, we shall know what to do.

The CHAIRMAN thanked the accredited representative for the assistance he had given the Mandates Commission. The Commission had been glad to learn from the accredited representative that the conditions were no worse. On going through the report, however, he had noticed that the activities of more than twenty Governmental enterprises had been interfered with by the Mau organisation. From this it must be concluded that there was still much to be done.

He recalled that it was not for the Commission to suggest what administrative measures might be adopted or to take any responsibility for the administration itself. According to the terms of the mandate, the Mandatory was responsible for the welfare of the population, and it was for the Mandatory, therefore, to consider what measures would be most appropriate to ensure the welfare of the people, in accordance with the principles of the mandate.

While the Chairman did not agree with Sir James Parr when he said that the task of the New Zealand Government was more difficult than that of the other mandatory Powers, he recognised that the mandatory Power was experiencing serious difficulties in the administration of Western Samoa. Nevertheless, he hoped that next year the Commission would receive better news, the more so as it had complete confidence that the Mandatory would administer this territory in accordance with the principles of the mandate.

SEVENTH MEETING

Held on Tuesday, October 30th, 1928, at 3.30 p.m.

Chairman: The Marquis THEODOLI.

913. **South-West Africa : Examination of the Annual Report for 1927.**

His Honour A. J. Werth, Administrator of South-West Africa, accredited representative of the mandatory Power, and Dr. Fourie, Chief Medical Officer of South-West Africa, came to the table of the Commission.

The CHAIRMAN, in the name of the Permanent Mandates Commission, greeted Mr. Werth, who had come to Geneva on behalf of the Government of the Union of South Africa to discuss with the Commission the report on South-West Africa.

Title of the Report.

Before opening the discussion, the CHAIRMAN desired to raise a question of form to which the Permanent Mandates Commission nevertheless attached great importance. At the eleventh meeting of the eleventh session (see Minutes of the Eleventh Session, page 87), the Chairman had made the following remark:

“ . . . He noted that the report before the Commission had been forwarded, with a covering letter, from the Prime Minister of the Union of South Africa to the Secretary-General. The report was not directly addressed to the League of Nations, as was required by the Covenant.”

On November 22nd, 1927, the Office of the High Commissioner for the Union of South Africa in London had sent the Secretary-General a letter replying to the observation made above and in which it was said that the High Commissioner had noted that the annual report for South-West Africa for 1926 had been signed by the Prime Minister and addressed to the Secretary-General. The High Commissioner had evidently failed to understand the Chairman's remark.

On November 28th, 1927, the Head of the Mandates Section of the Secretariat had replied to this letter, saying that the report in question had been officially communicated to the Secretary-General by the Prime Minister himself, but that the only question was that of the title of the report, account being taken of the Council's resolution of September 15th, 1925, in which the Council requested the mandatory Powers to make an explicit indication in the title of the reports that they were addressed to the Council of the League of Nations in conformity with Article 22 of the Covenant.

Notwithstanding this correspondence, the Commission observed once again that this year the report for South-West Africa was not addressed to the Council of the League. This was due, of course, solely to a misunderstanding, but since the Permanent Mandates Commission preferred that this formality should be observed, it was to be hoped that the mandatory Power would in future take into account this observation. The Chairman added that the covering letter from the Prime Minister was properly addressed to the Secretary-General.

General Policy of the Mandatory Power : Events connected with the Petition from the Rehoboth Community dated November 26th, 1926 : General Statement by the Accredited Representative.

Upon the invitation of the Chairman, Mr. WERTH made the following general statement :

In the first place, I wish to thank you for the encouraging words of welcome that you have extended to me to-day on behalf of the Commission. The observations that you have made with regard to the title of the report I shall most certainly bring to the attention of the Prime Minister of the Union.

I must say that to me it is indeed a very great pleasure to be here to-day, for I feel that it is going to be very helpful to me in my work in South-West Africa to know the members of the Commission personally and to have had an opportunity of a frank and free exchange of views on the problems and difficulties with which we have to deal—more particularly, I may say, on the native question.

I know that there are on the Commission Colonial Administrators of great and varied experience, and yet I believe that conditions in South-West Africa are different, and perhaps more difficult than anywhere else, because, in South-West Africa, we have to deal not with what one might call a homogeneous native population, we have not even to deal with tribes of the same great Bantu family or race, but we have in South-West Africa—and this is a condition that is perhaps peculiar to South-West Africa—remnants, in many cases small remnants, of every known aboriginal race that has from time to time swept over the southern part of the continent of Africa. We have not merely, as is the case in different African States, the various tribes of the Bantu family—we have Bushmen, Hottentots, the Berg Damaras, also various tribes of Hereros and Ovambos, and even different classes of Bastards, and the gulf which divides them is so wide that they have to be treated not merely differently, but also separately. If we were to attempt, in South-West Africa, to appoint either a Klipkaffir or Berg Damara as a schoolmaster or nurse of a Herero, we should be courting disaster. That creates many administrative difficulties that must be understood before they can be appreciated.

Apart from this, it is better to admit frankly that, with regard to many of the tribes of South-West Africa, our knowledge is still largely in its infancy. I have brought with me to-day Dr. Fourie, who is the Chief Medical Officer of Health in South-West Africa, the man responsible for public health amongst the whites and the natives ; I believe I can say that he is probably one of the greatest living authorities on the Bushman. To indicate the spirit of service that animates the officials of the Administration, I would say that he spends his holidays in the deserts of South-West Africa studying the family and social life of the Bushmen and, if you know the Bushmen, you will realise what sacrifice that means ; and even Dr. Fourie will admit to you to-day that he knows very little still about the soul of the Bushmen people. The same applies to probably the largest native race we have in South-West Africa, namely, the Ovambos.

There is one member of the Commission who will know that in German times the Ovambos were left more or less to themselves ; therefore, it is only during the last ten years that the Administration has come into close contact with the Ovambos, and it is impossible in a period of ten years to hope to learn all there is to know about the religious, social and family customs and hopes and convictions of a people.

There is one thing I should like to emphasise : great harm has often been done to the native in the past through misguided efforts at kindness—that is, trying to be kind in an ignorant and in a clumsy way. Two hundred and fifty years of experience of native administration has brought that truth home to the people of South Africa, and if perhaps to-day in our administration of the native we may appear to some to be rather slow, all I can say is that the experience of South-West Africa has been that this is the best and the surest way of dealing with them, the method producing the least reactions and, in the long run, producing the most lasting and beneficial results.

That is one of the reasons why I am very pleased to be here to-day, not merely, as I have said, to try and get to know your viewpoint and the way in which you look at things, because we are very anxious to know that, but at the same time to try and give you an insight into the peculiar difficulties and problems with which we have to deal in South-West Africa.

There is also a second reason why I am very anxious to be here—and this is a delicate matter. I believe that there does not exist to-day that complete understanding which there should be between the Commission and the mandatory Power. In connection with the Rehoboth matter, particularly, I have detected in the observations of the Commission and in the conclusions it has reached a note of impatience—I might almost say a note sometimes of displeasure and of annoyance. I believe that this feeling rests largely upon a misconception, and for that reason I believe that it is not justified; but at the same time it militates against that complete understanding that ought to exist between the Commission and the mandatory Power if there is to be complete confidence and collaboration. Because I should like to clear the atmosphere, I have prepared a statement on that particular subject, which I should like to read to you to-day on behalf of my Government, as mandatory Power of South-West Africa.

Mr. Werth then read the following statement :

1. During its eleventh and twelfth sessions, the Permanent Mandates Commission as a body, and certain members thereof individually, considered themselves bound to pass certain criticisms on the action of His Majesty's Government in the Union of South Africa, as mandatory Power for the territory of South-West Africa, in connection with certain grievances of some members of the Rehoboth Community, the subject of a petition to the League of Nations dated November 26th, 1926.

2. These criticisms can be summarised as follows :

I. As regards the *Rehoboths* :

(a) Remissness on the part of the mandatory Power in dealing with their grievances; and

(b) Treatment of the Rehoboths in the meanwhile as if they were in the wrong.

II. As regards the *Permanent Mandates Commission* :

Embarrassing it in the execution of its duties :

(a) By failure on the part of the mandatory Power to communicate its observations on the petition in question; and

(b) By its undue delay in communicating to the League a report of Mr. Justice de Villiers on the Rehoboths' grievances and of its views on this report.

3. These criticisms have caused no little concern to my Government, intent as it always has been on loyally performing its duties towards the inhabitants of the territory as well as towards the League of Nations and the organs thereof. In view of the worldwide attention which the reports of the Commission command and the gravity of the charges laid, I feel bound, in justice to my Government, to address to you the following observations, with a view to showing that it has not acted in any way inconsistent with its duties as mandatory Power, either towards the inhabitants of the mandated territory or towards the organs of the League of Nations.

4. Before dealing in detail with the criticisms set out above, it will be useful to give a short sketch of the events which form the background of the petition in question, and from which it cannot be divorced without the risk of losing a due sense of proportion and perspective in the matter.

5. The members of the Rehoboth Community enjoyed, during the German regime, certain political rights in their "Gebiet", a part of the territory under German sovereignty in 1914. The progressive development of the judicial and administrative services of South-West Africa rendered a clear understanding of these rights very necessary, in the interests of the mandated territory as well as in those of the Rehoboth Community. Negotiations with this end in view were carried out between Van Wyk, "Kapitein" of the Burghers of Rehoboth, the members of the "Raad", the duly constituted authority of the Rehoboth Community, on the one hand, and the Administrator on the other. They resulted, in August 1923, in an Agreement whereby a measure of local self-government for the Rehoboth Community was agreed upon, and the "Raad" was made one of the organs in the administration of the "Gebiet".

6. When this Agreement came to be put into operation on October 1st, 1923, it appeared that a section of the Rehoboths was strongly opposed to it. They virtually claimed independence. By objecting to, and resisting, the application of any laws of the mandatory Power to their territory they, by their conduct, crippled the public administration of the "Gebiet" and so compelled the mandatory Power to intervene.

7. Consequently, by Proclamation No. 31 of 1924, dated December 10th, 1924, the powers of the "Raad" were, as a temporary measure, vested in a Magistrate. The constitution of the Community and the laws framed thereunder were, however, otherwise maintained. But the opposition did not abate and defiance of the laws was followed by armed resistance.

In April 1925, the mandatory Power had to suppress the movement by force, as anarchy threatened and the position of the Administration became jeopardised *vis-à-vis* the surrounding natives.

8. As the majority of the Rehoboths, after order was restored, continued to refuse to recognise the Agreement of 1923 and still claimed independence—relying, *inter alia*, on an alleged promise made to that effect by the late General Botha in 1915, when Prime Minister of the Union—it was felt by the mandatory Power that the only way to clear up the matter was to appoint a Commission to enquire into the constitutional position and other cognate matters. This it did on May 14th, 1925, designating the Honourable Mr. Justice Jacob de Villiers, a member of the Court of Appeal of the Union, as sole Commissioner.

9. As perhaps was natural under the circumstances, the recalcitrant section of the Rehoboth Community was not satisfied with the course events had taken. Pending the enquiry instituted, and before the report of Mr. Justice de Villiers had been issued, they decided to approach the League of Nations. On June 24th, 1926, they delivered a telegram to me for transmission to the League. This telegram being wholly unintelligible, a request for elucidation was addressed to the signatories by my Government, but met with a refusal. In conveying the telegram to the Secretary-General of the League, he was informed of this result.

10. On November 26th, 1926, the Rehoboths sent a second document in the form of a petition addressed to the League of Nations. This petition was forwarded by my Government to the Secretary-General of the League on December 21st, 1926, together with a memorandum by me as Administrator of South-West Africa, dealing fully and clearly with the points raised by the petitioners.

11. The Permanent Mandates Commission considered this petition for the first time during its eleventh session (June-July 1927) and again during its twelfth session (October-November 1927). What took place during those sessions of the Permanent Mandates Commission is the subject-matter of these observations.

I (a): *Remissness in dealing with the Grievances of the Rehoboths.*

12. Coming now to a more detailed consideration of the criticisms passed on my Government, the first charge which it is desired to examine is the alleged remissness on its part to deal with the grievances of the Rehoboths.

13. This charge is evidenced by the following resolutions of the Permanent Mandates Commission and statements of certain members thereof:

(1) “. . . . Nearly two years have passed and the petitioners have received no reply”

Conclusions adopted by the Permanent Mandates Commission during its eleventh session, June-July 1927 (document C.348.M.122.1927.VI, page 218).

(2) “. . . . From the general point of view it would certainly be regrettable if the idea got abroad that a mandatory Power had only to procrastinate in order to force the Commission to hold over from one session to another the consideration of a petition”

Remarks of Chairman during twelfth session (document C.545.M.194.1927.VI, page 54).

(3) “2. In the same document it was pointed out that, though the Commission had been appointed in May 1925, no report had been received up to date (July 1927). This ‘*extraordinary delay*’ (as it is called in the local Press) was particularly unfortunate, since the Mandates Commission would have had the assistance of the accredited representative of the Union of South Africa at its last session.”

Note of October 17th, 1927, prepared by Sir Frederick Lugard, twelfth session (document C.545.M.194.1927.VI, page 54).

(4) “With regard to the last sentence in the report, M. Merlin thought that the Commission should put more emphasis on the regret which it felt at the Mandatory’s delay in examining the petition and the report of Mr. Justice de Villiers.”

Minutes, twelfth session (document C.545.M.194.1927.VI, page 129).

(5) “The Commission regrets exceedingly the long delays which have occurred in the treatment of this question by the mandatory Power as explained in the report made by Sir Frederick Lugard at the eleventh session”

Conclusion adopted by Permanent Mandates Commission during its twelfth session (document C.545.M.194.1927.VI, page 195).

14. In connection therewith I may be allowed to observe as follows:

(1) That the armed resistance to my Government’s authority took place on April 5th, 1925; that on May 14th, 1925, the commission was issued to Mr. Justice de Villiers; that on June 5th,

the Commissioner commenced his enquiry ; and that his report, dated September 20th, 1926, reached my Government on October 13th, 1926.

(2) That the intricate problems involved had to be studied with great care and circumspection by the Commissioner in order that, in the interests of the Rehoboths themselves, these questions should once and for all be settled and placed on a firm basis, as a makeshift report would only have aggravated the problems a few years hence.

(3) That therefore the time taken by the Commissioner does not appear to my Government to be an unduly long period for the preparation of such a comprehensive and important document as this report.

(4) That translation, printing and revision by Mr. Justice de Villiers, after he had reassumed his duties as Judge of Appeal, necessarily took a considerable time.

(5) That the report was not ready for issue till June 17th, 1927, and therefore only available for consideration and communication to others from that date.

(6) That I and my Advisory Council had to be consulted before a decision on the report could be reached ; that we were approached on July 5th, 1927, and that our views were submitted on October 25th, 1927.

(7) That the report was thereafter kept continually under review by the authorities, and formed the subject of constant correspondence and a personal interview between the Prime Minister and myself.

(8) That on February 17th, 1928, the main lines of the policy to be adopted towards the Rehoboths had been settled and were communicated to the Secretary-General.

(9) That but for the request of the Permanent Mandates Commission for my Government's observations on the report of Mr. Justice de Villiers, which, as will be explained presently, was received by it too late for a reply to reach the Secretary-General before the twelfth session of the Permanent Mandates Commission, there was no reason for my Government to treat this matter as one of particular urgency, as soon as it had transpired that the claim to independence made by the Rehoboths had not been substantiated.

(10) That the report of Mr. Justice de Villiers and the future policy towards the Rehoboths required careful consideration and that my Government therefore needed and took the necessary time for doing so.

I (b) : *Unjust Treatment of the Rehoboths pending Decision on Mr. Justice de Villiers' Report.*

15. In connection with the second charge, viz., unjust treatment of the Rehoboths, I wish to invite attention to the following statements in the Rapporteur's report to the Permanent Mandates Commission during its eleventh session :

(1) " A local paper, on July 7th, 1926, complained of the non-publication of the report, and expressed the view *that it is unjust to retain, without the sanction of such a report, powers which had been transferred in an emergency from the ' Raad ' to the local Magistrate* " (document C.348.M.122.1927.VI, page 217) ;

(2) " The ' disturbances ' took place in April 1925, and the Judicial Commission to enquire into the natives' ' constitutional rights ' was presumably appointed shortly afterwards. Its report has not yet been received, *and during these two years the Rehoboths have apparently been dealt with as though an adverse decision had been reached* " (document C.348.M.122.1927.VI, page 218) ;

and to the following passage in the conclusions of the Permanent Mandates Commission during its eleventh session, viz. :

(3) " . . . Nearly two years have passed and the petitioners have received no reply, *while the temporary measures taken after the disturbance in April 1925, and against which the petitioners protest, have apparently during this time remained in force* " (document C.349.M.122.1927.VI, page 218).

16. With reference to the above, I desire to point out :

(1) That the temporary measures were taken before the disturbances of April 1925, owing, as has been fully explained in the report to the Council of the League for the year 1924 (document C.452.M.166.1925.VI, pages 10-14), to the deadlock which ensued when, in 1924, a section of the Rehoboths refused to recognise the Agreement entered into by their lawful representatives and the Administration of the territory and disputed the authority of the Administration in the " Gebiet ".

(2) That these measures, as would appear from the report for the year 1924, only consisted in a temporary transfer of the powers of the " Raad " to the Magistrate.

(3) That the restoration of the powers to the " Raad " depended upon the willingness of the Rehoboths to co-operate with the Administration, and that such willingness had not been shown.

(4) That instead thereof, as had been set forth in the report of the Administration for the year 1924, the dissident Rehoboths, claiming independence, had resorted to arms and defied the authority of the Administration.

(5) That, as appears from my observations dated December 21st, 1926, on the petition of November 26th, 1926, and transmitted to the Permanent Mandates Commission, all that was being done in the "Gebiet" after these events was to carry on the necessary administration, without undue disturbance of the Constitution of the Rehoboth Community and the laws framed thereunder.

(6) That, as would also appear from my observations referred to above, there was no substance in the other complaints made by the petitioners; and

(7) That it was obviously impossible for my Government, as mandatory Power, to grant the Rehoboths the independence to which they laid claim and which really forms the burden of their complaints.

II (a) : *Failure to send Observations on the Petition of November 26th, 1926.*

17. (1) At the thirteenth meeting of the eleventh session, the Rapporteur of the Commission expressed the opinion that the Commission :

"Ought to *protest* against the procedure whereby the mandatory Power abstained from giving its views. The Commission ought to know how the mandatory Power regarded the action of its Administrators, and it *should* forward this information to the Commission" (document C.348.M.122.1927.VI, page 108).

(2) And, as if the mandatory Power had failed to perform its duty in this respect, the Permanent Mandates Commission, in its report to the Council on the work of the eleventh session (held during June and July 1927), asked the Council :

"... To *urge* the mandatory Power to forward to it Mr. Justice de Villiers' report *without further delay*, together with its own opinion on the report *and the petition*" (document C.348.M.122.1927.VI, page 218).

18. In reply to these charges I wish to point out :

(1) That the making of any comments on petitions is a matter entirely within the discretion of the Mandatory, the Regulations adopted by the Council of the League on January 31st, 1923, merely providing that the mandatory Power should attach to petitions "such comments as it might think desirable".

(2) That the petition was actually accompanied by observations of the Administration of South-West Africa which dealt exhaustively with the specific points made by the petitioners.

(3) That these observations had been forwarded to the Secretary-General of the League of Nations by the Mandatory without any further comment because it was not considered necessary to add anything, as they were deemed sufficiently clear and elaborate to enable the Permanent Mandates Commission to perform its work; an opinion, judging from the views expressed by them during the eighth meeting of the twelfth session (Minutes, pages 55 and 56), which was apparently also shared by several members of the Permanent Mandates Commission.

(4) That the Administration of South-West Africa had, as the Permanent Mandates Commission knew, been constituted by the mandatory Power as its organ in the mandated territory, and that it was therefore "obvious that, as soon as the mandatory Power forwarded a memorandum to the Commission, it adopted it as its own", as M. Merlin aptly remarked during the discussion (Minutes, eleventh session, document C.348.M.122.1927.VI, page 108).

(5) That my Government had no reason to assume that the Permanent Mandates Commission would refuse to recognise these observations as coming from the mandatory Power, and cannot agree to the view that the Permanent Mandates Commission is entitled to separate the mandatory Power from its organ.

II (b) : *Undue Delay on the Part of the Mandatory in communicating to the League a Report of Mr. Justice de Villiers on the Rehoboth Grievances and of its Views on the Report.*

19. (1) When it dealt with the petition dated November 26th, 1926, during its eleventh session (June 20th to July 6th, 1927), the Permanent Mandates Commission adopted, *inter alia*, the following resolution :

"The Permanent Mandates Commission requests the Council to *urge* the mandatory Power to forward Mr. Justice de Villiers' report *without further delay*, together with its own opinion on the report *and the petition*" (document C.348.M.122.1927.VI, page 218).

(2) In the Minutes of its twelfth session (October-November 1927), a resolution in even stronger terms was recorded :

"The Commission *regrets exceedingly* the long delays which have occurred in the treatment of this question by the mandatory Power as explained in the report

made by Sir F. Lugard at the eleventh session, and *in particular that it is not yet in possession of the views of the mandatory Power on the petitions and on Mr. Justice de Villiers' report* " (document C.545.M.194.1927.VI, page 195).

(3) Whilst in the discussions on these resolutions the Chairman stated :

" . . . It would certainly be regrettable if the idea got abroad that a mandatory Power had only to procrastinate in order to force the Commission to hold over from one session to another the consideration of a petition " (*ibidem*, page 54).

(4) And the Vice-Chairman :

" He thought that the Commission should settle the question without waiting for the comments of the mandatory Power, whose silence, moreover, appeared to indicate indifference " (*ibidem*, page 55).

20. These charges, especially those contained in the last two passages quoted, coming with the weight and authority attaching to utterances of the Commission or its members, are of a very serious character.

21. In regard thereto I may be allowed to state :

(1) That no one regrets more than my Government that it had not been in a position to send Mr. Justice de Villiers' report sooner. The circumstances under which the despatch thereof was unavoidably delayed until June 17th, 1927, have already been explained by me (see paragraph 14 of this statement).

(2) That my Government did not know, and had no means of knowing, that at its eleventh session (June-July 1927) the Permanent Mandates Commission would require this report and my Government's views thereon for the purpose of dealing with the petition of November 26th, 1926, holding, as it did, the view that the observations of the Administration of the territory were sufficient for the purpose.

(3) That the wish for a copy of the report of Mr. Justice de Villiers expressed by the Rapporteur on November 10th, 1926, in his report on the unintelligible telegram of June 24th, 1926, was considered by my Government as an intimation that the Permanent Mandates Commission was, as it well might be, interested in this report ; but not that it was required by the Permanent Mandates Commission in dealing with the telegram. The petitioners had themselves, by their refusal to give any explanation of this telegram, rendered any action thereon impossible, as the Permanent Mandates Commission itself realised.

(4) That my Government was informed of the request for its views on the report of Mr. Justice de Villiers by letter of the Secretary-General of the League dated September 20th, 1927, and received on October 11th, 1927.

(5) That even if a reply had been sent by the first available mail (October 14th), it could not have reached the Permanent Mandates Commission at the time the derogatory remarks were made by the Chairman and the Vice-Chairman (October 28th, 1927), and hardly at the time when the Permanent Mandates Commission adopted its criticisms (November 5th, 1927), as had been pointed out to the Permanent Mandates Commission by the High Commissioner for the Union of South Africa (see Minutes, twelfth session, document C.545.M.194.1927.VI, page 54).

(6) That at the time the request for its views on the report of Mr. Justice de Villiers was received by my Government (October 11th, 1927), it was still giving the serious consideration to the important issues involved which it was entitled as well as bound to give to them, and that it did not come to a decision thereon before February 17th, 1928, when its observations were immediately despatched to the League.

22. As the observations of the Rapporteur in relation to the petition of November 26th, 1926, have been published with the proceedings of the Permanent Mandates Commission, and no doubt influenced the Permanent Mandates Commission in coming to its conclusions, I feel that I cannot pass in silence some statements therein which cannot fail to reflect unfavourably on the conduct of the mandatory Power.

23. The Rapporteur states, in the beginning of his report (June-July 1927) :

" On June 10th, 1926, the accredited representative of the Union of South Africa, in reply to my question, said that a Judicial Commission had been appointed to enquire into the constitutional rights of the Rehoboths, and its report was awaited. So far as I am aware, we have no information as to the date on which the Commission was appointed, the terms of reference, or the date on which it sent in its report. "

24. In this connection, I may be allowed to state that the report for the year 1925, which contained this information, except as regards the date of the issue of the report, was sent to the League and to the members of the Permanent Mandates Commission direct, and thus to the Rapporteur himself, on May 7th, 1926, and that receipt thereof was acknowledged on May 31st, 1926, by the Secretary-General of the League, more than a year, therefore, before this view was expressed.

25. On the next page—218—of the Minutes of the eleventh session, the following passage appears in the Rapporteur's report :

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

The last words refer to the unintelligible telegram, dated June 24th, 1926, which the Rapporteur mentions in the first part of his report, and to which attention has previously been drawn (see paragraph 9 of this statement).

26. Anyone reading the above passage in connection with what precedes it would get the impression that my Government was to be blamed for the fact that no explanation of the telegram had been received. As a matter of fact, as was stated in the message conveying the telegram to the League, my Government had, before it sent this telegram to the Secretary-General, tried to get an elucidation thereof from the senders, but they had refused to give it.

27. Again, the statement that the Prime Minister's Secretary wrote that the report would be presented to the Union Parliament on January 28th and would then be sent to the League, is incorrect. What the Secretary to the Prime Minister wrote to the Secretary-General of the League of Nations on December 21st, 1926, was :

“ The report of the Judicial Commission on Rehoboth matters is at present in the hands of the printer and will be laid on the table of both Houses of Parliament *during next session, which opens in Cape Town on January 28th, 1927.* When the report has been considered by the Union Government, copies will also be sent to you for information of the Council of the League of Nations. ”

There was therefore never any intimation that Mr. Justice de Villiers' report would be sent to the League of Nations on January 28th, 1927.

28. The passage : “ *Nearly two years have elapsed, and the petitioners have received no reply* ”, in the conclusions of the Permanent Mandates Commission on the petition under consideration (Minutes, eleventh session, document C.348.M.122.1927.VI, page 218), and its being made to appear in the report in such manner that anyone reading it would blame my Government for undue delay, also calls for comment.

29. The petitioners referred to are the signatories to the petition of November 26th, 1926. This petition had been forwarded to the League by the mandatory Power on December 21st, 1926. It was considered by the Permanent Mandates Commission for the first time during its eleventh session, in June-July 1927. *It was therefore hardly eight months old at the time these statements were made.* Even if the telegram of June 24th, 1926, which, as already stated, was so obscure that no sense could be made of it, and comments on which were therefore impossible, could be called a petition, and its date be taken as the date upon which the Rehoboths appealed to the League, then hardly a year had lapsed since it was drawn up. The only delay which might be attributed to my Government in connection with the petition of November 26th, 1926, was therefore of a period less than a month, since it had been forwarded with my observations on December 21st, 1926.

30. My Government confidently hopes that, if the above statements are duly considered, together with the official communications made to the League from time to time in this matter, it will become plain to the Permanent Mandates Commission that there never was any intention on the part of the Government of the Union of South Africa as mandatory Power to make light of its duties as mandatory Power or to embarrass the Permanent Mandates Commission in the performance of its onerous and highly important duties.

31. Finally, my Government cannot help thinking that if, before publicly commenting adversely on the conduct of a mandatory Power in a particular case, the Mandatory in question be approached for an explanation, the chance of such comments being made without taking into consideration *all relevant facts* will be minimised, if not completely eliminated.

M. VAN REES said that he had listened with great interest to the detailed statement made by the accredited representative of the Union of South Africa. For the moment, he had only one observation to make. The statement endeavoured to justify the reasons for the attitude adopted by the mandatory Power regarding the petition relating to the Rehoboths and to dispute the remarks made by the Mandates Commission regarding that attitude. M. Van Rees would willingly have accepted these arguments were it not for the fact that they were based, in particular, on an erroneous conception of the obligations of the mandatory Power *vis-à-vis* the League of Nations in the matter of petitions.

Paragraph 13 of the statement just made indicated clearly the conception to which he had just referred by saying that :

“ The making of any comments on petitions was a matter entirely within the discretion of the Mandatory, the regulations adopted by the Council on January 21st, 1923, merely providing that the mandatory Power should attach to petitions, such comments as it considered desirable. ”

While it was quite true that the Regulations did contain the terms quoted, M. Van Rees wished, nevertheless, to remind the accredited representative that, in its report on the work of its seventh session, the Mandates Commission had submitted the following proposal to the Council :

“ In communicating petitions (including memoranda, memorials or other communications) to the Permanent Mandates Commission, the mandatory Powers have usually commented either on the whole or on certain parts of these documents, although in certain cases no comment has been communicated. The Commission has not always been certain whether it could interpret silence on the part of the mandatory Power as approval of the views presented by the petitioners. In order that in future there may be no possibility of misunderstanding in this respect, it would suggest that the Council would perhaps ask the mandatory Power to indicate, with reference to all points raised in such a document, whether it agrees with the petitioners or takes some other view of the matter. If the Mandatory considers that any particular petition has already been fully referred to in its report or elsewhere, it would be of advantage if it would kindly give the reference. ”

That proposal had been adopted by the Council at its meeting on December 9th, 1925, and transmitted to all the mandatory Powers. In his statement, Mr. Werth had made no reference to that decision of the Council, which was of such a nature as to justify the Mandates Commission in expecting to receive the observations of the mandatory Power itself on the petitions under consideration. The Mandatory having forwarded the Rehoboth petition without appending any comments of its own, the Mandates Commission was entirely within its rights in asking for an expression of the views of the Mandatory regarding this petition, a request which, unfortunately, had had to be made on several occasions. It was clear, as Mr. Werth had said, that there had been a misunderstanding, but was it just to blame the Commission for that when the Government of the Union of South Africa had caused it by not taking into account the recommendation of the Council dated December 1925 ?

*Question of the Incorporation of South-West Africa in the Territory of the Union :
Reported Statement by Mr. Tielman Roos.*

The CHAIRMAN said that the Commission was very glad to see Mr. Werth at Geneva, as he might be able to clear up certain doubts felt by the Commission and to dissipate what the Chairman might be perhaps permitted to call the cloud of misunderstanding that floated between Geneva and Cape Town.

In view of the very frank and sincere statement made by Mr. Werth, the Chairman thought that he might perhaps refer to another matter which had caused the Mandates Commission some anxiety. From a report in the *Temps* of October 16th, 1928, it appeared that, in a speech made at Heidelberg, Transvaal, Mr. Tielman Roos, Minister of Justice in the Government of the Union of South Africa, had said that it was possible that the former German colony of South-West Africa, now under the mandate of the Union, would shortly be incorporated in the Union. Mr. Roos had expressed the belief that the mandatory Power would be favourable to a measure of that kind, and he had brought out the point that the final fusion of the ex-German Colony with the Union was warmly desired by the population of South-West Africa.

Mr. WERTH replied that, until it was mentioned by the Chairman, he had not heard of the report of the speech attributed to Mr. Tielman Roos.

He would like to warn the Mandates Commission against accepting or attaching too much importance to newspaper reports, as in South Africa the public utterances of members of the Government had often suffered from misrepresentation. Therefore, while he had before him only a newspaper report, he could not say that Mr. Tielman Roos had uttered the words quoted or words to that effect. The man who was responsible for South-West Africa, and the only man in the Cabinet who had the right to make authoritative statements in connection with the territory, was the Prime Minister, and unless the latter had made such a statement and Mr. Werth had more than a mere newspaper report to go upon, he was not prepared to accept that report. Newspaper reports must be treated with great reserve.

The CHAIRMAN said that neither his colleagues nor he himself attached too much importance to newspaper reports. He had merely asked Mr. Werth whether, to his knowledge, Mr. Roos had or had not made the statement attributed to him. He would point out that it was important for the Commission to ascertain the mind of the South African Government with regard to the mandated territory, and it could not but be struck by a statement such as that attributed to the Minister for Justice.

Mr. WERTH repeated that it was the first time that the reported statement had been brought to his notice. He would communicate with the Prime Minister to ascertain if such a statement had been made, and would transmit his reply to the Commission.

M. RAPPARD wondered if it would not help to clear up matters if, when calling the attention of the Prime Minister to the report, Mr. Werth would at the same time obtain from General Hertzog an authoritative negative statement on the point, because, however technically misquoted the Minister might be, the report did seem to express an opinion prevalent in certain official quarters. A statement from the Prime Minister would establish the complete confidence which was necessary for co-operation between the mandatory Power and the Mandates Commission, and would consolidate public opinion.

Mr. WERTH replied that he would certainly communicate with the Prime Minister.

The CHAIRMAN pointed out that this was not the first occasion on which an incident of the sort had occurred. The Mandates Commission would not otherwise have attached so much importance to it.

Preparation and Date of Receipt of the Annual Reports.

M. RAPPARD said that the report for South-West Africa would have gained in value if the elements from which it was composed had been put together and printed in a more compact form. He quite realised that the Administrator was very fully occupied, but he would urge also that, in order to facilitate the examination of the report by the Commission, it should be drawn up in a more coherent form.

M. RAPPARD had further been struck by the fact that some of the general statements made by the Administration in the report hardly tallied with the details given in other parts of the report. It was said, for instance, that the rainfall had generally been satisfactory, whereas in other parts of the report hardly a single local Commissioner failed to complain of the lack of rain. Further, the information given with regard to the journey to London and Locarno of the Head of the Education Department might be interesting in itself, but it was of no direct concern to the Commission, which preferred to have the views of the Administrator himself rather than those of his subordinates. The fragmentary way in which the report had been drawn up made it difficult to read and it was almost impossible to obtain a picture of affairs in the territory as a whole.

Mr. WERTH replied that he felt that there was perhaps some ground for criticism regarding the way in which the report had been framed. He had, indeed, discussed only that day with one of his officers the desirability of dropping the fragmentary remarks by local magistrates. The reason for the incoherence in the report was in part due to the fact that it had had to be drafted very hurriedly. The financial year ended on March 31st, and officers waited until as near as possible to the end of the financial year before sending in their reports so as to be able to include financial returns, and thus give a general picture of the conditions. The local reports were received at Windhoek at the end of February, and they then had to be prepared for incorporation in the annual report to the Commission, which had to be ready in April so as to reach the Mandates Commission in May.

M. RAPPARD observed that, from the reading of the report, it would appear that it was based on the calendar and not on the financial year. The present report, for instance, seemed to refer to the year 1927, with merely a few remarks on financial details concerning the first three months of 1928.

Mr. WERTH replied that officers in outlying districts were asked to send in their reports by January. Certain posts, however, were so distant and communications so difficult that it took a considerable time to reach Windhoek. The reports would reach the capital in February and they then had to be worked over and co-ordinated by the heads of the various Departments. The result of this work would reach the Administrator himself at the end of February.

M. RAPPARD thought that his colleagues would agree that the Commission would much prefer to postpone by one month the date on which the reports were to be received at Geneva if that was absolutely necessary to enable the Administrator to draft them in a more readable form.

Mr. WERTH said that this proposal would be much more convenient to himself than the present system.

M. CATASTINI, Secretary, pointed out that the proposal involved a change in the decision of the Council.

M. MERLIN associated himself with M. Rappard. The report under review was so fragmentary as to be quite unreadable. It contained local reports from officers in the various areas, but they were so incoherently put together that it was impossible to form an idea of

the situation as a whole. He himself had had to administer huge territories and he fully appreciated Mr. Werth's difficulties. But the same difficulties were encountered by the Administrators of other mandated territories, who, however, found no difficulty in overcoming them. If it were essential, he would agree to the changing of the date on which the annual report should be received at Geneva, but he thought that the question was really one of internal organisation. If the Administrator of South-West Africa, however, found it impossible to make the necessary reorganisation, M. Merlin would be obliged to ask for the date of reception of the report to be changed, since otherwise he would have to give up attempting to read the reports for South-West Africa.

Furthermore, in certain sections of the report, especially in that bearing on the economic position, some of the general statements made were inconsistent with the individual statements supplied by local officers.

The CHAIRMAN said that, when he had reminded the accredited representative that the annual report should be addressed to the Council, he might have pointed out that it was not quite a question of form, because the report should be drafted in such a way as to give satisfaction to the Council rather than be prepared, as it was, for the authorities at Cape Town, and should therefore deal, not only with the general administration of the territory, but rather with the obligations incurred under the mandate.

Mr. WERTH replied that he was glad his attention had been drawn to this point and that, on his return to South-West Africa, he would make every endeavour to ensure that the report is drawn up in a more attractive form.

While there might appear to be some inconsistencies between the general remarks of the Administrator and the particular statements of local officers, the Commission should bear in mind the fact that conditions as a whole, and particularly economic conditions, varied very greatly from district to district, and sometimes even in one district. For instance, it might be true to say that rain had fallen pretty generally over the territory as a whole, and it might be equally true that in the same period one district or parts of several districts had received no rain at all.

Delimitation of the Frontier between South-West Africa and Angola.

M. PALACIOS noted that the mandatory Power was still delimiting part of the frontier between South-West Africa and Portuguese territory. It appeared that difficulties had arisen and that the work had been stopped. Was any further information available?

Mr. WERTH replied that the operations had been interrupted merely owing to seasonal conditions. It was dangerous in the rainy season for work to be continued on the frontier. The operations had now been resumed and were proceeding most satisfactorily. The work of delimiting the frontier was, in fact, almost completed.

In reply to Lord Lugard, Mr. Werth undertook to submit a map showing the boundaries of the "police zone".

Administration of Walvis Bay and Status of the Inhabitants : Revenue from Customs and Port Dues.

Lord LUGARD, with reference to page 15 of the report, noted that the area of Walvis Bay was administered by the Administration of South-West Africa, although it did not form part of the mandated territory. From a report appearing in the *Cape Times*, it appeared that it had been stated in the Cape Parliament that the Administration of South-West Africa had no right to retain Walvis Bay under its control.

Mr. WERTH said that Walvis Bay was merely included in the territory of South-West Africa for administrative purposes. The people in Walvis Bay had the right to send Members to the Parliament of South-West Africa at Windhoek. It was not clear, however, whether they could also elect Members to sit in the Union Parliament at Cape Town. The political parties in the Union desired to include Walvis Bay in a new constituency which they wished to form.

In reply to a further question from Lord Lugard, Mr. Werth said that the population of Walvis Bay was included in the population statistics of South-West Africa.

M. RAPPARD considered that an important question of principle had arisen with regard to the inhabitants of Walvis Bay. These had, it appeared, been given the right to vote in the mandated territory and to send Members to the Legislative Assembly at Windhoek, though, not being nationals of that territory, they were in no sense responsible for its administration. What was the number of voters?

Mr. WERTH replied that the Administration did not consider that a point of principle was involved in granting the inhabitants of Walvis Bay the right to have a certain say in the administration. If Walvis Bay were to be administered as part of South-West Africa, its inhabitants could justly claim to be allowed a voice in the affairs of the territory. The population was very small—only about 400.

Dr. KASTL noted that, despite their small numbers, the inhabitants had the right to vote in the territory. He did not understand, however, on what grounds that right was granted, for they did not form part of the mandated territory but part of the Union. He thought that the number of voters would be about 300.

Mr. WERTH repeated that the only principle followed by the Administration was that, if the population in Walvis Bay was to be subject to it for administrative purposes, the people should have some voice in the manner in which the administration was conducted.

M. RAPPARD wished clearly to raise the point of principle. The Union of South Africa, as mandatory Power, was alone responsible for the administration of South-West Africa. It had granted extensive powers of local self-government to the territory. This policy might or might not give rise to difficulties in the future. At the moment, however, it appeared that some of the persons composing the Legislative Council at Windhoek would not, in theory at any rate, be nationals of South-West Africa but citizens of the Union, since they could be elected by the inhabitants of Walvis Bay, who were themselves not part of the inhabitants of the mandated territory. The responsibility for the government of the territory therefore, already a little vague owing to the large amount of self-government allowed, became even more vague if such people were allowed a say in the administration.

The duty of the Permanent Mandates Commission was merely to supervise the manner in which the mandate of South-West Africa was being applied. It could not do so satisfactorily if there were persons with a voice in the administration of the territory who were neither representatives of the mandatory Power nor nationals of the territory. For the moment, no practical difficulty would arise, because of the small number of persons resident at Walvis Bay. The question of principle nevertheless subsisted, and the future must be assured.

Mr. WERTH said that the voting strength of Walvis Bay was at the moment negligible. The Administration was faced with the following grave difficulty : if the inhabitants of that town were not to be given any say in the administration, they might, and indeed would, refuse to be administered as part of the territory of South-West Africa, and would demand to return to the Union. Walvis Bay, however, was essential to the economic development of the mandated territory, for it was its best port, and through it the mandated territory came most easily into contact with the principal markets of the world. The trade of South-West Africa would be seriously injured were it not to control Walvis Bay. Walvis Bay, on the other hand, would only submit to such control if it were allowed a voice in the administration.

Dr. KASTL agreed as to the importance of Walvis Bay from the point of view of trade. But it might be taken as a fact that the inhabitants of Walvis Bay were dependent on the harbour and they would be acting to their own disadvantage if they refused, since Walvis Bay was the principal port of the territory. It appeared, however, that the railways and port, both at Walvis Bay and Luderitz, were administered by the Union of South Africa and not by the mandated territory.

Mr. WERTH agreed. The Harbour Board of Walvis Bay, however, was composed of men appointed on the recommendation of the Administration of South-West Africa. Though it was true that the railways and harbours of South-West Africa formed part of the Union railway system, and were therefore controlled from Cape Town, still the Administrator of South-West Africa was a member of the Union Railway Board and he sat on it precisely in order to safeguard the interests of South-West Africa. The town of Walvis Bay itself was under the control of the Administration. There was no local municipal self-government, but merely a village management board, whose functions were purely advisory. The town was rapidly growing.

Lord LUGARD said that, although at the present time there were no more than 400 inhabitants in Walvis, it was probable that as the principal port it would grow very rapidly.

Mr. WERTH replied that the Administration hoped that port and town would grow quickly. Though the port of Walvis Bay might be subject to the Union Railway Administration, still the fact of the incorporation of Walvis Bay in South-West Africa gave him as Administrator the right to make representations on behalf of Walvis Bay to the Union Minister controlling the railways. He had a perfect right to speak for Walvis Bay, but could not do so unless he administered it. It was both his duty and his interest as Administrator of South-West Africa to encourage the development of Walvis Bay in every possible way. A sum of £600,000 had been spent by the Union of South Africa in improving this port. The interest on the capital sum was guaranteed by South-West Africa.

In reply to the Chairman, Mr. Werth explained that the town and the port were one.

The CHAIRMAN said that, if this were so, how could a distinction be made between the administration of the town and that of the port ?

Mr. WERTH explained that that part of the town abutting on the port was considered to belong to the railways and was administered by the Railway Department.

Dr. KASTL asked what were the rights of the Administrator concerning harbour and railways, and whether the Administrator of South-West Africa could protest successfully

if the Union of South Africa, which administered the port and railways, took any step which the Administrator considered against the interests of the territory. For example, could the Administrator object if the harbour dues were raised ?

Mr. WERTH replied in the affirmative. He had found that any representations he had made to the Union Railway Board were usually very sympathetically considered.

Dr. KASTL desired to know the authority to whom the Customs officials in Walvis Bay were responsible.

Mr. WERTH said that the Customs officials administered the Union law but were under his control. He had no powers to interpret the Union law. He had always treated the Customs officials as if they were officials of South-West Africa. They were subject to the Administration for all purposes.

In reply to Lord Lugard, who asked whether the Administrator had power to dismiss such officials, Mr. Werth explained that he had so far had no occasion to dismiss a Customs official. The responsible officials of the port, however, were under his control, and their salaries were paid out of the Treasury of South-West Africa.

M. VAN REES noted that the territory did not pay for the port. To what Treasury were the Customs duties therefore paid ?

Mr. WERTH replied that they were paid to South-West Africa.

The CHAIRMAN asked what the position of Walvis Bay had been prior to the establishment of the mandate over South-West Africa.

Mr. WERTH replied that it had formed part of the territory of the Union of South Africa.

Dr. KASTL explained that, before the war, Walvis Bay had been a small fishing-village with no hinterland. The former port of South-West Africa had been Swakopmund, some twenty miles away. Since the political changes after the war, Swakopmund appeared to have fallen into disuse as a port and many of the persons resident in it went to and from their work in Walvis Bay.

Mr. WERTH said that this was the case.

M. VAN REES referred to the following table in the Accounts for 1925-26 (page 14) :

Vote for Customs and Excise.

Service	Vote	Expenditure	Expenditure compared with Vote			
			Less than Voted		More than Voted	
A. Salaries, wages and allowances	£ 2,660	£ 2,970 6 3	£ —	£ 310 6 3	s. d.	s. d.
B. Subsistence, transport and incidental expenses	150	358 7 4	—	208 7 4		
Totals	£2,810	£3,328 13 7	—	£518 13 7		

Was any refund made by the Union Government of part of this expenditure ? The mandated territory had apparently to surrender all the income from Customs and excise collected in the territory, and received back only part of the total revenue after the deduction of the expenditure connected with it. This deduction appeared to amount to about 5 per cent.

Mr. WERTH explained that all Customs duties collected at all ports in the territory of South-West Africa were paid direct into the Treasury at Windhoek. Many of the imports for South-West Africa, however, came via Cape Town, for the Union-Castle steamers did not touch at Walvis Bay or Luderitz. Goods destined for South-West Africa coming via Cape Town were carried on the railway, and the duty on them was collected by the Customs officials at Cape Town, and transmitted to the Treasury of South-West Africa.

M. VAN REES enquired what sum was paid into the Treasury of the Union of South Africa in respect of the ports.

Mr. WERTH said that only port dues were paid to the revenue of the railways which were administered by the Union. The position was as follows : The ports were administered by the Union for the benefit of the mandated territory. If the revenue from port dues in Walvis Bay showed a deficit, then that deficit was made good out of the Treasury of South-West Africa. Up to the present, there had been an annual deficit on Walvis Bay, but the position was rapidly improving. The Administration of South-West Africa had originally guaranteed the sum of £30,000 a year, representing the interest on the capital invested in Walvis Bay. In the event of the port revenue not being sufficient to cover the expenditure, the Administration

of South West Africa had to make good the shortage ; but, in actual fact, the income from port dues was steadily increasing, and in the course of time he hoped that no part of the sum of £30,000 would have to be used to make up the deficit.

M. RAPPARD did not wish the impression to be created that the Permanent Mandates Commission was anxious for the arrangement in regard to the ports and railways to be rescinded. It was clearly in the interests of the mandated territory to be able to use Walvis Bay for its commerce. The only point which was doubtful was whether the inhabitants of Walvis Bay should have the right to send representatives to the Legislative Assembly at Windhoek, since they were not nationals of the mandated territory.

Mr. WERTH explained that the number of voters in Walvis Bay would, if combined with the neighbouring towns of the Union of South Africa, be just sufficient to enable a new constituency of the Union to be formed. It was for that reason that the question whether the inhabitants should be allowed to vote in South-West Africa and in the Union of South Africa had been raised.

M. RAPPARD explained that the Commission could not question the right of the citizens of Walvis Bay to vote in the Union of South Africa, but only their right to vote in the mandated territory of South-West Africa. The day might come when those inhabitants would have a casting-vote, in which case the position, from the point of view of the principle involved, would be very serious.

Mr. WERTH said that he had not raised the question of the status of the inhabitants of Walvis Bay because he felt sure that, unless they were given some say in the administration of South-West Africa, they would refuse to be administered by that territory and would demand a return to the Union. The effect of this would be that the territory of South-West Africa would lose the control over its most important port.

M. RAPPARD thought that the inhabitants of Walvis Bay would realise that it was obviously in their interests to remain friendly with South-West Africa, which was the only hinterland to their port.

General Administration of the Railways and Harbours of South-West Africa.

Dr. KASTL pointed out that the mandated territory guaranteed the interest on the capital invested by the Union of South Africa in Walvis Bay. The port dues from Luderitz were paid into the Treasury of the Union of South Africa. They should, however, be paid to South-West Africa, since it had to guarantee to make up any deficit in the port dues of Walvis Bay. Did the Union of South Africa pay any rent for the use of the harbour works and railways at Luderitz ? If the territory of South-West Africa received the harbour dues of Luderitz, surely those could be used to make up the deficit of the harbour dues of Walvis Bay.

Mr. WERTH said that this was an important point and the observations of Dr. Kastl might create a wrong impression. It was not true to say that the profits obtained at the port of Luderitz were received by the Union of South Africa. The profit made at Luderitz amounted to between £3,000 and £4,000 a year. This was not paid to the Union but was used to wipe out the deficit on the running of the railways. Any profit made was immediately devoted to this purpose. The railways were run at a loss. Luderitz was run at a small profit, which was used to compensate for that loss. The railways belonged to South-West Africa.

The CHAIRMAN, on behalf of the Commission, was glad to note that, in the view of the accredited representative, the railways in the mandated territory belonged to South-West Africa. The Commission had never before been given clearly to understand that this was the case.

Mr. WERTH, continuing, said that the accumulated deficit of the railways had amounted to £26,000. The profits earned at Luderitz had not been sufficient to cover this deficit. Last year, however, the railways had been able to wipe out the deficit and would, he hoped, continue to run without loss.

M. RAPPARD asked to what purpose the surplus earned by the railways was devoted.

Mr. WERTH replied that it was used immediately for tariff reductions. That was the law both in the Union of South Africa and in South-West Africa. No railways in South Africa or South-West Africa could be run at a profit. The railways in South-West Africa, being part of the general railway system, were administered by the Union of South Africa, but a separate account was kept of the South-West system. In order to meet the deficit on the railways of South-West Africa, the freight charges on minerals, especially copper, had had to be doubled. The moment, however, it was possible to show a profit on the railways, even if it were only small, that rate would be reduced.

Dr. KASTL said that the position of the railways in South-West Africa was a difficult and delicate question. He was not clear as to the exact situation. How was it possible

for the railways in the territory to run at a loss, for they paid no interest on the capital invested when they were constructed? The Railway Department in the Union of South Africa had to pay to the Union Treasury 4 per cent interest on capital invested, or rather for the use of the railways which had been constructed out of loans on which the Union Government had to pay the interest. Logically, therefore, the Railway Department of South Africa ought to pay a certain amount equal to interest on the capital invested for the railways of South-West Africa. This did not, however, appear to be the practice. He could find no receipts in the estimates.

Before the war, the net profit on the railways of South-West Africa running between Swakopmund and Keetmanshoop was about £71,000 a year. The other railways belonged also to the Government and had been leased to the Otavi and another company. The former had paid a rent of £60,000 a year, the latter of £11,000 a year.

In view of the fact that the railways of South-West Africa were not burdened by the payment of interest or sinking fund, why could they not show a profit? No distinction appeared to be made between the receipts from the railways of South-West Africa and the receipts from the railways of the Union. The Legislative Assembly of South-West Africa had passed a resolution asking for an amendment of the 1922 Act investing as full dominion the railways of South-West Africa to the Union Railway Department and asking that separate accounts should be furnished. The resolution read as follows:

“ That this House respectfully requests His Honour the Administrator to make representations to the Union Government respectfully urging it to take into consideration the advisability of amending the South-West Africa Railways and Harbours Act, 1922 (Article No. 20 of 1922), in the following respects, viz.:

“ (a) By wording the text of the law so as to bring it in conformity with the interpretation given it by the mandatory Power, *i.e.*, that the full dominion of the railways and harbours of South-West Africa is vested in the Administration of the mandated territory; and

“ (b) By providing that separate accounts of the railways and harbours of this territory, managed and worked by the Railway Administration of the Union, must be kept, duly audited and the annual reports thereon furnished to the local administrations. ”

Mr. WERTH said this was a very important matter, which he desired to clear up. Dr. Kastl had said that he was unable to understand why the railways, which had shown a profit under the German regime, were now run at a loss. The explanation was as follows. The tariff rates on the railways in South-West Africa were at the moment 16 per cent lower than they had been before the war. As far as he was aware, the territory of South-West Africa was the only country in the world where this was the case.

In the second place, under the German regime the trains had only run by day. Now a day-and-night service was run.

Dr. Kastl apparently desired the Union of South Africa to run the railways of South-West Africa without a profit and yet to pay interest on the capital invested in them. It could only do this if it raised the tariffs on the railways. The object of the Union was not to make a profit. It treated the railways of South-West Africa very generously. In the first place, the use of all rolling-stock on the railways of South-West Africa was free and not one penny of interest was charged, though that rolling-stock represented a capital investment of about £1,000,000. Whenever any abnormal conditions of traffic arose, extra rolling-stock was sent to South-West Africa by the Union without charge. The Union Government did not charge a penny for the carriage of coal for the use of the railways of South-West Africa, and these consumed about 120,000 tons a year.

He could best explain the position by contrasting the treatment received by South-West Africa from the Union and the treatment it gave to Rhodesia. South-West Africa was not charged a penny of interest on the rolling-stock or a penny for the carriage of coal. Rhodesia was charged so much per mile for every locomotive, carriage or truck that passed Mafeking. For every ton of coal carried by the Union for the use of Rhodesian railways Rhodesia paid.

It would be true to say that, if the Union of South Africa gave the railways of South-West Africa the same treatment as it accorded to Rhodesia, the railways of South-West Africa would have to pay some £255,000 a year. As the total revenue of the railways did not amount to much more than half a million, the Commission would easily appreciate the fact that it would only be able to do so by raising the tariff rates very considerably. The position was perfectly realised in South-West Africa, so much so that, when the opponents of the present system in the Legislative Assembly made their proposal that the railways should be run separately, one of their principal leaders, a German, had left the room when a vote had been taken rather than record his vote for something which he knew to be impracticable and against the interests of South-West Africa.

In reply to Lord Lugard, Mr. Werth repeated that, as far as he knew, separate accounts were kept, because quarterly returns were furnished to him on the working of the South-West system.

In reply to the Chairman, Mr. Werth said there was no transit traffic in the territory of South-West Africa.

Dr. KASTL quite understood that the rolling-stock in use in South-West Africa belonged to the Union of South Africa, for the old rolling-stock had now disappeared in the course of thirteen years. He still could not understand, however, why a profit should not be shown in South-West Africa.

Mr. WERTH explained that the railways throughout South Africa were not run at a profit but at cost price. It was against the law to make profits on the railways. If he were asked whether the manner in which the Union of South Africa administered the railways of South-West Africa was efficient, he would reply emphatically in the affirmative. The railways of South-West Africa were treated as though they were a branch line and the Union used the profits made on the main lines of South Africa to cover the deficit on the branch lines. He had shown that, if the Union Railway Administration charged the South-West railways with interest on rolling-stock, etc., there would be a deficit of over £200,000 a year, but the Union did not do so, and could afford to be generous because of the profits gained on the main lines in South Africa.

Far from proposing the separation of the railways, he had suggested to the Legislative Assembly at Windhoek that it ought to pass a vote of thanks to the Union of South Africa. The Union had actually built out of its own pocket the railway line from Nakop to Kalkfontein, and it did not charge the territory of South-West Africa any interest for the use of that railway.

Dr. KASTL pointed out that the railway in question had been built, not for economic purposes, but during the war in order to assist the Union of South Africa to invade German South-West Africa. He did not think it would be possible to charge the territory with the expenditure incurred for this purpose.

M. RAPPARD thanked the accredited representative for the explanations which he had given in regard to the railways. The Commission had never previously received any information of this kind, and even if the accredited representative had no further information to give about the report, his presence would have been amply justified. He desired to put two general questions :

1. In view of the fact that the railways of South-West Africa were considered to belong to the territory and that their accounts were kept separate from those of the Union railways, why was the phrase "full dominion" still maintained in Statute No. 20 to which the Commission had so often referred ?

2. In view of the great importance of the railways of South-West Africa from the point of view of the economic welfare of the territory, why was no reference made to them in the annual report ?

The CHAIRMAN suggested that the accredited representative should answer these questions at the next meeting.

EIGHTH MEETING

Held on Wednesday, October 31st, 1928, at 10.30 a.m.

Chairman : The Marquis THEODOLI.

914. **South-West Africa : Examination of the Annual Report for 1927** (continuation).

His Honour A. J. Werth, Administrator of South-West Africa, accredited representative of the mandatory Power, and Dr. Fourie, Chief Medical Officer in South-West Africa, came to the table of the Commission.

General Administration of the Railways and Harbours of South-West Africa (continued) : Interpretation of the Term " Full Dominion ".

Dr. KASTL wished to ask two questions :

1. At the previous meeting Mr. Werth had explained that the Union Railway Department treated the railways in South-West Africa as branch lines. What was the position in regard to tariffs ? Were the tariffs in South-West Africa the same as for the branch lines of the Union ?

2. Was interest at the rate of 4 per cent paid by the branch lines in the Union in the same way as by the main lines ?

Mr. WERTH, in reply to Dr. Kastl's first question, said that the tariffs on the South-West African Railways were exactly the same as those in the Union for all products except base minerals. The latter formed the chief source of revenue for the railways which conveyed copper ore from Tsumeb to Walvis Bay. For a certain time the Tsumeb copper-mines had been able to bear the heavy tariff in force because they had been the richest in the world. That, however, was no longer the case, and Mr. Werth had made representations to the Union Government, with the result that the Minister for Railways had promised him that, as soon as there was a profit, he would consider coming to the help of the copper-mines.

In reply to Dr. Kastl's second question, Mr. Werth said that all the railway lines, including the branch lines in the Union, paid to the Treasury interest on the whole of the capital invested in the Union railways. That interest, however, was not paid on any of the lines in South-West Africa.

Dr. KASTL enquired whether even those branch lines in the Union which carried very little traffic also paid interest.

Mr. WERTH said that £160 millions was the amount invested in the railways of the Union of South Africa. The whole railway system had to produce sufficient revenue to pay the interest of this sum. The revenue was naturally obtained from the exploitation of the main lines, and the profit on these was used to make good any shortage on the branch lines. All this, however, had nothing whatever to do with South-West Africa, which paid no interest on its railways. The whole railway system of South-West Africa was regarded as non-interest-bearing capital.

M. RAPPARD had gathered from the statements of the accredited representative that the the railways of South-West Africa had yielded no profit, in spite of the fact that they supported no interest charges, because of the very low tariffs, which were lower than had been the case before the war, and because the railways were run at cost price. The Commission had now, however, been told that the tariffs in South-West Africa were the same as those in the Union of South Africa, and this despite the fact that the railways of the Union had to support heavy debt charges. Despite this burden, it appeared that they could be run without a deficit. If this were so, why could not the railways of South-West Africa be run at a profit? Apparently, the only reason was because they were far less economically productive than the railways of the Union.

Mr. WERTH agreed that this was the case. The railways of South-West Africa were economically unproductive. It was a large country, sparsely populated, and the distances were very great. If the railways were to pay their way, the tariffs would have to be raised to their pre-war level. With their present low tariffs and without having to pay any interest, they were just able to pay their way.

Dr. KASTL reminded the Commission that the accredited representative had said that the railways of South-West Africa were treated as a branch line by the Union of South Africa. He would therefore compare the railways of South-West Africa with the railway line in Great Namaqualand. The railway in that country was paying 4 per cent to the Union Treasury. Why was it impossible for the Union to obtain 4 per cent from the railways in South-West Africa in view of the fact that both branch lines were run on the same terms?

M. RAPPARD concluded that the Union of South Africa might lose money on some branch lines and make good the deficit on others. Naturally, this was not a matter which concerned the Permanent Mandates Commission, whose only concern was that the Union of South Africa should derive no profit from the railways of South-West Africa which would serve to cover the deficit incurred by the branch lines in the Union.

Mr. WERTH said that M. Rappard's statement, with which he fully agreed, met the point raised by Dr. Kastl.

Dr. KASTL said that this was true to a certain extent. He had raised the matter only because he had been anxious to discover, in view of the fact that the territory of South-West Africa had a general deficit, if there were any means whereby that deficit could be reduced, and he had thought that perhaps it might be possible in practice to do so by running the railways at a profit.

M. RAPPARD said that the Commission was much indebted for the information given by the accredited representative, though he would remark in passing that it had had to wait nearly eight years to obtain it. The facts with regard to this matter were now fully before the Commission, but he would like to repeat two other questions which he had put at the previous meeting.

In the first place, why was the Union still so strongly averse to the abandonment of the idea of full dominion expressed in Act No. 20 of 1922?¹ In view of the fact that the railways of South-West Africa belonged to that territory, as Mr. Werth had expressly stated, how could

¹ The title of this Act is as follows: "To provide for the acquisition and working of the railways and harbours in the mandated territory of South-West Africa, and for the settlement of sundry matters incidental thereto".

the Government of the Union justify " full dominion " over the railways ? There appeared to be a contradiction in terms.

In the second place, why was it that, though the railways of South-West Africa were of essential importance from the economic point of view, no mention was made of them in the report ?

Mr. WERTH, in reply to the first question put by M. Rappard, said that the matter was of great importance, for it had apparently occupied the minds of the members of the Commission since 1922. He would, however, try to explain the position as he saw it.

The wording of the Act of 1922 was a matter of convenience and not of principle. This had become evident to him after he had made many representations to the Government of the Union of South Africa on the matter. He had been of the view in 1922 that there was no need for the words " full dominion " to be inserted in the Act, and he had asked for their deletion on more than one occasion. But the reason for it was now clear to him. To understand the position, the Commission must bear in mind the principles and practice of Roman-Dutch law, which governed all South Africa. Under Roman-Dutch law it was necessary that the Government of the Union should be vested with full rights in law over the railways of South-West Africa if it were to administer the railways properly. Without those rights, the mandatory Power would not be able to dispose of any of the property transferred, even if such disposal were plainly in the interests of the territory. For example, it would be impossible for the mandatory Power to replace light rails by heavy rails or to sell old stock no longer required. It was therefore quite legal and consistent with the mandate and with Article 257 of the Treaty for Parliament to convey the railways to the Union Government if such conveyance was in the interests of the territory.

He emphasised the fact that the matter was not one of principle but of convenience. The Government of the Union wished to run the railways in the best interests of the territory of South-West Africa. To do so, it must, as a temporary measure, have full rights of ownership in law, for in no other way could it effect its purpose. The Prime Minister of the Union of South Africa had, in his letter of May 27th, 1925 (document C.367(a).M.117 (a).1925.VI). made this quite clear. He had expressed himself in the following terms :

" When, therefore, Act 20 of 1922 vested these railways in the Governor-General of the Union to work as part of the combined system, the Governor-General of the Union had at the same time to be invested with the same full ownership in the immovable property which he had received as Mandatory and which he possessed in the Union in regard to like railway and harbour property. That is to say, he had to be invested with full ownership, but that full ownership can, from the terms of the Treaty and the mandate, only last while the railways and harbours are being worked as part of the combined system. If at any time the combined system should be abolished or the mandate revoked, Act 20 of 1922 would cease to operate. "

This was a perfectly clear statement. To run the railways, the Union Government must have certain complete rights in law, and these rights implied full rights of ownership.

To take an analogy, in the case of an insolvent sequestrated estate, a trustee was appointed. In Roman-Dutch law that trustee had full rights of ownership in law over that estate, and this was given him in order that he might administer it to the best possible advantage.

M. RAPPARD said that the convenience of the Union had proved to be very inconvenient for the Permanent Mandates Commission, and even for the Administration of the territory under mandate.

The phrase used by the Union for its own convenience had certainly caused misunderstanding, not only in the Permanent Mandates Commission, but also in the Legislative Council of the mandated territory and in the mind of the Administrator himself. The convenience of the phrase, therefore, seemed to M. Rappard to be very doubtful. The Permanent Mandates Commission had always seen in its use a matter of principle. He would not for one moment call in question the provisions of the Roman-Dutch law upon which the Government of the Union of South Africa had acted in accordance with the advice of its law officers.

He also would take an analogy, but instead of that of a sequestrated and insolvent estate, he preferred the analogy of a ward under age and his guardian. According to Roman-Dutch law it would appear that the trustee possessed rights of full ownership in law over the estate of his ward, although in actual fact the estate did not belong to the guardian. This seemed curious, but M. Rappard admitted that Roman-Dutch law was immovable on this point. Inevitably the result must be that the trustee was in law the debtor of the ward up to the value of the estate. Consequently, the Union of South Africa would appear to be in debt to the territory of South-West Africa for the railways which it administered. That was the only logical conclusion to be drawn from the position, the principle being that the territory of South-West Africa was deprived of the use, the possession of its railways, but had rights of ownership over them, of which it could not be deprived without a corresponding compensation. In its capital account, however, no item was to be found showing that the territory had been credited by the Union of South Africa with the value of the railways.

M. ORTS was glad to note that the Commission had at last received a clear explanation of the legal scruples or reasons of convenience which had led the mandatory Power to take over in "full dominion" the railways and harbours which belonged to the territory under mandate. The Commission must be grateful to the accredited representative for his explanations, but M. Orts would express the view that the reasons given were not convincing. It was true that in Roman-Dutch law the right of disposal depended, according to the case, on sovereignty or on property, but it might be asked what the Roman-Dutch law had to do with the present case.

A railway, in order to be administered and maintained, must be the full property of the Government of the Union. Such was the thesis that was held. There was no doubt that this was so as regards a railway constructed in the territory of the Union. But the railways in question were situated in the territory under mandate, were the property of that territory, and the mandatory Power possessed, under the terms of the mandate itself, the powers which were necessary to enable it to administer them. It was not necessary therefore for it to give itself further rights on the basis of common law.

In these circumstances, it was not possible to appreciate either the legal scruples or the reasons of convenience which had been quoted. The scruple was unfounded, and as regards the question of convenience, it did not justify the use of a legal term which, when applied to the relations between the mandatory Power and the territory under mandate, was certainly inopportune.

Mr. WERTH, in reply to M. Rappard, thought that there was one flaw in an otherwise clear reasoning. M. Rappard had said that South-West Africa had been deprived of the use of the railways. This was not the case.

M. RAPPARD said that what he had meant was that the population was not deprived of the use of the railways but of the railways themselves, that was to say, their possession.

Mr. WERTH said that, in any case, the population had the use of the railways, and that the matter was not a question of sovereignty but merely one of control. Were the railways to be run by South-West Africa or by the Union of South Africa? It had been decided that the railways could most economically and efficiently be run by the Union, and the Union maintained that, under the system of law governing the whole of South Africa, it was impossible for it to run the railways unless certain rights were conferred upon it in order to meet the requirements of that law.

M. RAPPARD, though he agreed in theory with M. Orts, would grant, for the sake of argument, that Roman-Dutch law had to be applied in the case in point. Nevertheless, even if that were so, the territory was not credited with the value of the railways held by the trustee in full right of ownership. If the Union possessed those rights, it must make an accounting adjustment to compensate South-West Africa.

M. ORTS thought that the question had lost its interest from the moment when the Mandatory had stated that it had never intended to appropriate the railways of the territory under mandate.

He could only consider such an inopportune expression to be unfortunate. What, therefore, prevented the Government of the Union of South Africa from admitting the undeniable fact that the right to administer the railways of South-West Africa, with all that this implied, just as much as its right to administer the territory itself, was accorded to it under the terms of the mandate, and that it was unnecessary to search elsewhere for means to justify that right? Other mandatory Powers possessed legislation based on Roman law. By a vote of Parliament approving the mandate they incorporated the latter in their legislation and thus removed from all attack, from the standpoint of national law, all the action taken in execution of the terms of the mandate.

M. VAN REES accepted gladly the statement that the Union of South Africa did not claim the final rights over the railways in South-West Africa, which would eventually be returned to the mandated territory. It seemed somewhat extraordinary, however, that a term implying full permanent rights of ownership should be used to describe a temporary arrangement. Anyone not conversant with Roman-Dutch law might take it to mean that the Government of the Union had appropriated the railways of South-West Africa. Further, he wondered whether it would not be possible to modify the terms of the Act in order more clearly to express the exact intentions of the Union of South Africa in making use of the term "full dominion".

The Commission at its fourth session had defined in the following terms the legal relations between the Mandatory and the public property in the territory under mandate:

"The mandatory Powers do not possess, in virtue of Articles 120 and 257 (paragraph 2) of the Treaty of Versailles, any right over any part of the territory under mandate other than that resulting from their having been entrusted with the administration of the territory." ¹

¹ Document A.15.1924.VI, page 3.

In order more clearly to explain its meaning, the Commission added :

“ If any legislative enactment relating to land tenure should lead to conclusions contrary to these principles, it would be desirable that the text should be modified in order not to allow of any doubt. ”¹

The Council having noted the views expressed by the mandatory Powers upon this question, it adopted the following resolution on June 9th, 1926 :

“ The Council . . . endorses the opinion expressed by the Permanent Mandates Commission at its fourth session on the question of State domain (rights of the mandatory Power in virtue of Articles 120 and 257 (paragraph 2) of the Treaty of Versailles) and approves the observations presented to the Council by the Rapporteur as constituting an official interpretation of the text drafted by the Commission. ”

The Government of the Union of South Africa had raised no objection either to the opinion of the Permanent Mandates Commission or to the Council's resolution endorsing it.

Since the text of the Law of 1922 permitted of conclusions which were contrary to the principle mentioned above and adopted by the Government of the Union, it might be expected that the latter would amend the text in question. This was implied in the letter from the Prime Minister to which Mr. Werth had referred, but the exact meaning of a legal term could only be modified by legal means. M. Van Rees would therefore suggest that the Government of the Union of South Africa should consider whether it could not add to Act No. 20 a legal explanation which would settle once for all the legal status of the public properties in question. To do so would merely be to act in conformity with the practice of several mandatory Powers which had altered their legislation in accordance with the decision taken by the Council in June 1926.

One of two things must be the case. Either the interpretation of the term “ full dominion ” given by the Prime Minister was in accordance with Roman-Dutch law in force in South Africa, in which case there was nothing to prevent this interpretation being legally confirmed, or that interpretation was not in accordance with Roman-Dutch law, in which case the Government of the Union had legally taken over the definite ownership of the railways and ports in the territory placed under its mandate.

Dr. KASTL said that the fact was that the Union of South Africa had appropriated the railways in South-West Africa ; otherwise the Act in question would not have been called the Appropriation Act. The Administrator had said in the Legislative Council of May 1928 that the railways belonged to the territory, and he thought that the Commission should take note of this declaration. He thought it was not necessary to rely on Roman-Dutch law to establish the running of the railways by the Railway Department of the Union. The proper procedure to be followed ought to have been the conclusion of a contract between the mandated territory and the Railway Department of the Union of South Africa itself, by the terms of which the Railway Department would undertake to run the railways in a manner to be settled between the two parties. Before the war, two private companies had run the railways in South-West Africa : the Otavi Company, which had paid a rent of £60,000 a year, and the Southern Railway Company, which had paid a rent of £11,000. Had such a contract been concluded, there would have been no question of full dominion or ownership, and the problem need never have arisen.

Lord LUGARD entirely supported the observations of Dr. Kastl. All that would appear to have been necessary would have been a convention concluded between the Government of South-West Africa and the Railways Department of the Union granting running powers over the railways to the Union, and embodying the terms and conditions described by Mr. Werth.

Mr. WERTH was glad of the discussion and for the suggestions made, which he would bring to the notice of the Prime Minister of the Union of South Africa. M. Orts had put the case very fairly in regard to the necessity felt by the Union Government of having to have full rights of ownership in law over the railways before being able to administer them. It could not have done otherwise without changing the whole basis of the law which covered the whole of South Africa.

M. RAPPARD pointed out that that legal system had in actual fact been changed the moment the Union of South Africa had accepted a mandate for South-West Africa.

M. ORTS recalled that, under the terms of Article 2 of the Mandate, the Mandatory was authorised to apply to the territory the legislation of the Union “ subject to the modifications necessitated by local conditions ”. It seemed that this was a case where local conditions—resulting from the particular position of the territory under mandate—called for a modification of the law of the mandatory Power.

¹ Document A.15.1924.VI, page 3.

Mr. WERTH observed that it would not be a question of altering one law, but of amending a whole system of law. The Prime Minister of the Union had made quite clear the reason for which the term "full dominion" had been used, and that explanation, which was contained in the Prime Minister's letter, showed that the use of the term was not incompatible with the Council's resolution to which M. Van Rees had referred.

The CHAIRMAN wondered whether, and to what extent, it was possible to recognise the legal weight of a letter from the Prime Minister, whose successor might one day fail to endorse all or part of its contents. The Mandates Commission fully appreciated the proper respect for the law shown by the accredited representative and by the South African Government, and it was for that reason that the Commission desired that the mandate should be incorporated in the legal system of the mandatory Power and in the legal formulæ of that system. He hoped that the accredited representative would not take it amiss if the Chairman pointed out that the South African Government appeared to be insufficiently informed as to the proceedings at Geneva.

Mr. WERTH replied that there was not and had never been any intention on the part of the Government of the Union to appropriate to itself the mandated territory in a manner incompatible with the mandate. In those cases in which certain terms appeared to the Commission to be incompatible with the mandate, the South African Government had explicitly stated that the Commission had read into those terms a meaning and an intention other than they actually conveyed.

M. RAPPARD observed that it was not for the Mandates Commission to prescribe a course of action to the Union Government. The Commission was, however, faced with a conflict between Roman-Dutch law, in regard to the terms used in the Act under consideration, and the provisions of the mandate. This indeed was obvious from the fact that Mr. Werth himself had made representations to the Government in this sense. The Commission had suggested various ways out of the difficulty. The one which would appear to be the simplest was that the South African Government should, for instance, pass a law stating that "full dominion", as that term was used in the Act, should be taken to mean full rights of administration under the Treaty of Versailles. Mr. Werth had replied that this was indeed the meaning to be attached to the term "full dominion". He had further said that only the authority which had made the law could make an act interpreting that law. Surely, if that were the case, it would be quite easy for the Prime Minister of the Union—who, it appeared, endorsed Mr. Werth's interpretation—to bring in a Bill on these lines? The courts were only called on to enforce the laws, but in the matter now under consideration it would be for Parliament to pass a law stating that "full dominion" was not in this instance to be accorded the usual meaning given to that term under Roman-Dutch law, but to be taken to mean full rights of administration. The use of the term "full dominion" had led to general misunderstanding.

M. Rappard pointed out that in similar instances the other mandatory Powers had, without exception, taken the necessary steps to adapt their law to the new system of mandates. It should surely be possible for the Government of the Union to take some steps to find a way out of the difficulty.

Dr. KASTL associated himself with M. Rappard's observations, and said that he had listened with close interest to the accredited representative's statement that it was not the intention of the Union Government to appropriate the railways of South-West Africa. Nevertheless, it must be pointed out that, as a matter of fact, the Union Government had passed an Act called "Appropriation Act".

The CHAIRMAN said that the Permanent Mandates Commission would confine itself for the moment to taking note of Mr. Werth's promise to bring the question before his Government, and to expressing the hope that the Government would take the necessary steps in Parliament to remedy the situation. The accredited representative would appreciate the anxiety felt by the Commission, which trusted that the good intentions he had expressed would shortly be followed by acts.

Mr. WERTH said that the discussion caused him great satisfaction if the Commission no longer entertained doubts as to the intentions of the Union Government. Those intentions were quite clear, and had been stated in the letter to the League. He himself, as he had already said, had made representations on the question, and upon his return to South Africa he would continue to do so, and he hoped that it might be possible to find a formula acceptable to all concerned.

The CHAIRMAN pointed out that it was necessary to find a formula, not in order to satisfy the Mandates Commission, but in order to make the acts of the South African Government compatible with the decision of the Council of the League.

M. RAPPARD asked what was the reason for the complete silence of the report in regard to the question of railways.

Mr. WERTH replied that he himself drafted the report, and he had no direct control over the railways. He had therefore naturally refrained from making any observation on the matter. On his return to South Africa, however, he would make the necessary representations with a view to remedying the position.

Frontier between Ovamboland and Angola : Water Supply.

M. ORTS wished to know the situation with regard to the delimitation of Ovamboland and Angola. Had the frontier line been determined, and was the only remaining work the marking out on the spot, or were there still certain points under discussion ?

Mr. WERTH replied that there had been two important points at issue—first, that of the water supply ; second, that of the boundary. The delimitation of the boundary had now been definitely completed and all that remained to be done was to mark it out. That work should be practically finished at the present time.

The question of the water supply, on the other hand, had not been finally decided. The Administration had insisted on the necessity of obtaining water for Ovamboland from the Kunene River. At one period Ovamboland had received its water from the floods of that river. Under the new boundary it would be impossible for it to obtain water from this source. The Portuguese were disposed to allow water to be taken from the Kunene for Ovamboland only from a point between the boundary and Naulila, while it was the contention of the South-West African Administration that it ought to be possible for Ovamboland to obtain water at a point higher up than the latter place.

M. ORTS observed that, from pages 44 and 45 of the report, it appeared that, by the adoption of the new line, several tribes would lose their grazing grounds. Was it proposed to take steps to remove this inconvenience ?

Mr. WERTH replied that the loss of the territory in question was very serious for South-West Africa, but as the Boundary Commission had decided that the land did not belong to the mandated territory, the Administration was bound to face the matter, and, in the negotiations with the Portuguese, was doing its best to mitigate the situation.

M. ORTS had frequently noted in similar cases that steps were taken to respect the former rights of usage of the population.

Mr. WERTH said that he would prefer not to say anything more on these questions at the moment in order not to prejudice negotiations.

The CHAIRMAN remarked that the Mandates Commission expressed the hope that the Administration would succeed in coming to an agreement which would be satisfactory to the population under its care.

Preservation of the Witbooi Tribe.

Lord LUGARD referred to the passage, on page 34 of the report, in which it was stated that, unless something was done to bring the scattered units of the Witbooi tribe together, the tribe as such would without doubt die out in the comparatively near future. Was anything being done to save the Witbooi tribe from extinction ?

Mr. WERTH replied that the Administration was making every endeavour to preserve the tribe. It had created a special reserve for the Witboois and its object was to bring them to live in it. At present, however, most of the Witboois were scattered throughout the territory and were employed by farmers. They failed to make as much use of the reserve as the Administration would like.

Question of the Application to the Natives of the Laws passed by the Legislative Assembly.

Lord LUGARD asked whether the laws passed by the Legislative Assembly applied to the Rehoboths and to all the population living outside the police zone.

Mr. WERTH said that no law passed by the Legislative Assembly applied to the natives, native affairs being exclusively reserved to the Administrator in Advisory Council. The laws of the Legislative Assembly applied only to Europeans.

Lord LUGARD observed that it was not clear from the report whether the Administration classified the Rehoboths as natives.

Mr. WERTH replied that the Rehoboths fell under the category of natives and came under himself as Administrator, in which capacity he was directly responsible for native affairs.

Status of the Inhabitants of the Territory under Mandate : Acquisition and Loss of Nationality.

M. VAN REES referred to Act No. 40 of 1927: "To define Union Nationality and to provide for the Flags of the Union of South Africa". Had that law been promulgated, and did it apply in the mandated territory?

Mr. WERTH replied in the affirmative.

M. VAN REES pointed out that, under Article 1 of the Act, any person born in any part of South Africa included in the Union thereby became a national of the Union. Did the term "any person" include natives, or did the Act contain a clause exempting natives from the provisions of Article 1?

Mr. WERTH replied that, according to the terms of the Act, the following persons were to be considered Union nationals: "(a) a person born in any part of South Africa included in the Union who is not an alien or a prohibited immigrant under any law relating to immigration". The whole basis of the law was that, before a person could become a Union national, he must be a British subject. Once that point was realised, the Act became perfectly plain. A native of South-West Africa was not a British subject, and, that being so, he could not become a Union national.

M. VAN REES accepted this explanation, although he had not found the provision on which it was based. He inferred from the accredited representative's reply that the natives of the mandated territory had not automatically become either nationals of the Union or British subjects in consequence of the application of the Act.

Mr. WERTH replied that that was the case.

M. VAN REES referred to the Naturalisation of Aliens (South-West Africa) Act (No. 27) of 1928, which considerably extended the provisions concerning the naturalisation of non-British subjects in South-West Africa, and under which persons who were not yet considered naturalised became so automatically. The Act stipulated that:

"Every person who was, on the fifteenth day of September, 1924:

"(a) Under twenty-one years of age; and

"(b) Domiciled in the mandated territory of South-West Africa; and

"(c) The child of a person who is deemed to have become a British subject by virtue of Section *two* of the South-West Africa Naturalization of Aliens Act, 1924 (Act No. 30 of 1924); or

(i) The legitimate child of a father; or

(ii) The illegitimate child of a mother

who died prior to the said day as a subject of a power which was at war with Great Britain in the year 1918,

and who was prior to the commencement of this Act not deemed to have become a British subject by virtue of the South-West Africa Naturalization of Aliens Act, 1924, and of sub-section (2) of section *ten* of the Naturalization of Aliens Act, 1910 (Act No. 4 of 1910), shall, notwithstanding the repeal of the last-mentioned Act, be deemed to have become, on the sixteenth day of March, 1925, a British subject naturalized under that Act"

M. Van Rees wished to enquire whether the persons affected by the Act—that was to say, persons who were minors on September 15th, 1924—automatically became British subjects in virtue of the Act of 1928, without having the right to renounce British nationality by some act—for instance, by a declaration.

Mr. WERTH replied that the question was a very intricate one. The persons concerned might renounce Union nationality on two conditions, the first of which was that they could make a declaration of alienage at the time when they became of age. The matter arose as the result of a number of laws which had been passed in succession. The Law of 1928 had been passed at the request of the German population. The Law of 1924, by which the Germans in South-West Africa became British subjects, had lapsed in 1926, with the result that certain Germans had found that their children who were resident abroad for one reason or another in the period between March 16th, 1925, and the promulgation of the new law in July 1928 had not become British subjects. The new law merely laid down that, if a man had automatically become a British subject under the 1924 Act, and if his children would, but for residence abroad, have automatically become British subjects, such children should under the new law also become British subjects.

M. VAN REES pointed out that the 1928 Law referred to two other categories of children: the legitimate and illegitimate children of parents who had died previous to September 15th, 1924, and who had therefore been unable to acquire British nationality. Did such children automatically become British subjects?

Mr. WERTH said that it was true that the Act did apply to the children of German parents who died before September 15th, 1924. Those children were resident in South-West Africa and therefore their status had to be defined. The Act laid down that they should be regarded as British subjects unless, upon attaining the age of twenty-one, they made a formal declaration of renunciation.

There was a second condition upon which the persons referred to in the Act of 1924 might renounce Union nationality : they ceased to be British subjects if they failed to take up residence in the Union or in South-West Africa within five years after 1928.

Dr. KASTL referred to Article 5 of Act No. 40 of 1927 defining Union nationality. That article stipulated that :

“ Any person who, by reason of his having been born in any part of South Africa included in the Union is a Union national, but who at his birth or during his minority became under the law of the United Kingdom or of any possession of the British Empire, or of any self-governing dominion, a national also of that kingdom, possession or dominion, and is still such a national, and any person who though born outside that part of South Africa is a Union national, may, if of full age and not a mentally disordered or defective person and not domiciled in the Union, make a declaration renouncing his status as a Union national. ”

The effect of that article appeared to be that a person falling under the category mentioned must, if he wished to make a declaration of renunciation, first leave the territory.

The CHAIRMAN suggested that, as the point raised by Dr. Kastl was of great importance, Mr. Werth should postpone his reply until the afternoon meeting.

Agreed.

NINTH MEETING

Held on Wednesday, October 31st, 1928, at 3.30 p.m.

Chairman : The Marquis THEODOLI.

915. **South-West Africa : Examination of the Annual Report for 1927 (continuation).**

His Honour A. J. Werth, Administrator of South-West Africa, accredited representative of the mandatory Power, and Dr. Fourie, Chief Medical Officer in South-West Africa, came to the table of the Commission.

Status of the Inhabitants of the Territory under Mandate : Acquisition and Loss of Nationality (continuation).

Mr. WERTH said that the information which he had given the Commission in regard to the class of persons covered by Act No. 27 of 1928 of the Union Parliament was absolutely correct. By the terms of that Act, persons under twenty-one years of age before September 15th, 1924, domiciled in the mandated territory, and the children of persons deemed to be British subjects by virtue of the South-West Africa Naturalisation of Aliens Act (Act No. 30 of 1924) could renounce their Union nationality, if they wished to do so, by a mere declaration of alienage made on arriving at majority. They were not required to give up their domicile in order to renounce their nationality.

Dr. KASTL said that he had referred, not to this Act, but to Section 5 of the Flag Act. According to that Act, persons who had acquired British nationality by residence in the territory or the children of those persons had, if they wished to renounce their nationality, to leave their domicile in order to do so.

Mr. WERTH said that this was apparently correct, but did not refer to the class of persons mentioned by M. Van Rees at the preceding meeting and covered by Act No. 27 of 1928 and Act No. 30 of 1924. The Flag Act referred to classes of persons who were born British subjects and whose parents had been British subjects. Neither British citizenship nor Union nationality was something to be lightly discarded. This could only be done if the person concerned gave up his domicile in South-West Africa. The terms of this law appeared perfectly reasonable.

Dr. KASTL took the case of a Frenchman who became a British subject resident in South-West Africa. He possessed a farm and children. On his death, his heir, whose parent was a British subject and who was therefore by birth a British subject, was also, according to the new law, a Union national. The heir, on entering into possession of the property, might not wish to remain a Union national. He had either to fulfil the terms of the law in order to retain his property, or he would have to leave the territory before being able to repudiate Union nationality, though he still remained a British subject.

The CHAIRMAN understood that it was not possible to lose British nationality. It appeared, nevertheless, that in the case in point a person who was a British subject but who did not wish to become a Union national could only renounce Union nationality by leaving South-West Africa.

Dr. KASTL enquired whether the Flag Act had been promulgated in South-West Africa.

Mr. WERTH said that it had been promulgated but, as far as he knew, not yet published.

The CHAIRMAN took the case of a British subject possessing a farm in South-West Africa. On his death his son inherited the farm at the age of eighteen. At the age of twenty-one, under the new Act, he had either to remain a Union national or to leave the country in order to be able to renounce that nationality.

Mr. WERTH was under the impression that this was the case.

M. VAN REES enquired under what law he would be compelled to leave the country.

Mr. WERTH said that it was the Flag Act. This law was promulgated in the Union of South Africa and merely published in the *Gazette* of South-West Africa for general information, but it came into force on promulgation.

The CHAIRMAN thought it very serious for a British national who wished to renounce Union nationality to be compelled to leave the mandated territory.

M. RAPPARD took the case of a Swiss settled in South-West Africa. He remained Swiss and made no attempt to obtain British nationality. What was the status of his child born in South-West Africa ?

Mr. WERTH replied that the child was regarded as an alien. He had no need to renounce any nationality because he had not lost his Swiss nationality by residence in the territory of South-West Africa.

Dr. KASTL said that, by the Law of 1926, "the following persons shall in the Union be deemed to be natural British-born subjects, namely: (a) Any person born within His Majesty's Dominions and allegiance".

The Swiss in question would therefore appear to have acquired British nationality.

Mr. WERTH replied that South-West Africa was not within His Majesty's Dominions.

Dr. KASTL said that paragraph 30 of the Act in question stated: "The Union includes also, in addition to the limits of the Union of South Africa, the mandated territory of South-West Africa", and said that the Union of South Africa was a British Dominion.

The CHAIRMAN said that there were two points to which the Commission's attention should be particularly directed:

1. Had the mandatory Power the right to apply a law in the mandated territory before it was promulgated ?

2. Had the mandatory Power the right to compel persons who wished to remain British subjects to leave the territory of South-West Africa if they did not wish to become Union nationals also ?

M. RAPPARD thought there were two further questions, which he could best explain by taking a theoretical case. Supposing a British settler were living in Windhoek. Did he obtain Union nationality by being domiciled in the mandated territory ? If so, and if he had a child born in South-West Africa, did that child have to retain his Union nationality, or leave the territory if he wished to repudiate it ?

Mr. WERTH, with reference to the first point raised by the Chairman, repeated that, in the case of the Nationality Act, the Union Government promulgated it and the Administration of South-West Africa only published it. The Act had been promulgated by the Union Government and it was possible that the law in question might have been published in the *Official Gazette* during his absence.

M. RAPPARD took another case. Was the child of a German who had acquired Union nationality subsequently in the same position as the child of a British subject ?

Mr. WERTH was under the impression that he was in the same position.

M. RAPPARD, returning to the case of the Swiss, concluded that the child of a Swiss resident in South-West Africa who had not accepted Union nationality could still remain a Swiss without leaving the country.

Mr. WERTH agreed.

M. MERLIN thought that, if this were so, British subjects were placed at a disadvantage as compared with nationals of other countries. It appeared that, if a British subject in South-West Africa did not accept Union nationality at twenty-one years of age, he had to leave. Other nationalities could remain if they so desired.

Mr. WERTH said that this was apparently the case.

M. RAPPARD thought the matter so serious that the Commission should not draw this conclusion without being quite certain of the facts.

The CHAIRMAN thought that Mr. Werth might consult his Government and obtain a definite answer, so that the Commission should be enabled to make its report to the Council with a full knowledge of the facts.

Mr. WERTH thanked the Chairman. Since he himself had not drafted the law and did not administer it, his knowledge of it was not so complete as in the case of legislation for which he was personally responsible. He had only given his own general impressions of the law. The Commission should not, however, base any definite decision upon them. He was quite prepared to consult the Government of the Union of South Africa as to the legal position. If he understood the position, the Commission desired to be clear on the following question : If a British subject settled in South-West Africa, and if his child were born after the Act of 1926 came into force, was that child a Union national, and could he only renounce his Union nationality by giving up his domicile ?

M. MERLIN asked what was the position of a child born before the law came into force.

Mr. WERTH proposed to add this question to the other. He would therefore ask his Government the position of children born both before and after the coming into force of the Act.

As far as aliens were concerned, however, he could reply on behalf of his Government. Aliens resident in South-West Africa who had not accepted British nationality did not become Union nationals nor were their children born Union nationals.

Question of Detribalisation : Influence of the Missions and Native Teachers.

M. RAPPARD referred to the detribalisation, details of which were given on pages 43 and 46 of the report (extract from the annual report of the Officer-in-charge of Ovamboland). On page 43 it was stated :

“ Chief Martin . . . blames the white man for the backwardness and all-round slackness of his people. In his area there are no fewer than seven mission stations, all occupied by European mission families. These have to a very great extent undermined the chief's authority and are gradually breaking up the hard tribal discipline and order. ”

The Officer-in-charge of Ovamboland also stated (page 46 of the report) that, through the influence of the Finnish Mission, the old tribal life and discipline are gradually being broken down and are disappearing, and incidentally the power and influence of the chiefs and head-men are being weakened.

The competition amongst the missions, particularly the Finnish and Roman Catholic denominations, is very keen.

This seemed to him to be a rather important criticism of the work of the missions, and he would be very grateful for an explanation.

Mr. WERTH said that the Officer in Ovamboland had not intended to ascribe detribalisation solely to the work of the missions. It was a fact, however, that, the greater the influence of the missions, the less the power of the chief. The more educated a native became, the weaker was the chief's domination.

M. RAPPARD enquired whether the missions as a whole did not seek to uphold the authority of the chief.

Mr. WERTH replied that there was no conscious effort to undermine the authority of the chiefs. It was, however, true that, the more educated a native became, the less easy was it for the chief to exercise his power over him. The Administration had urged the missionaries to teach respect for the authority of the chief.

Mlle. DANNEVIG thought that the same observations applied to the native teachers. On page 38 of the report it was stated that :

“ The Hereros were tending to go back to their original tribal customs, after being nominally attached to some Christian denomination. The other ordinary farm natives and those in the ‘ Gebiet ’ had naturally become more individualised, and, since the appointment of a certificated native teacher at Rehoboth, this tendency will increase. ”

Were not the native teachers trained to uphold the prestige of the chief and to teach respect for his authority ?

Mr. WERTH replied in the affirmative. It should not be forgotten, however, that these tribes had only come into contact with the white man in the last generation. For centuries they had been ruled by chiefs in a despotic and cruel manner. They were now gradually becoming educated, the first effect of which was to cause the native to refuse any longer to believe in the despotic and cruel exercise of the chief's powers. On the other hand, the Administration was trying to induce the chief to be more liberal and less arbitrary in the exercise of his powers.

In reply to a further question from Mlle. Dannevig, Mr. Werth explained that the sons of the chiefs were being educated according to this principle.

Submission to the Commission of a Book entitled “ The Native Tribes of South-West Africa ”.

Mr. WERTH laid on the table of the Commission copies of a book entitled *The Native Tribes of South-West Africa*. This book had been specially prepared for the use of the Council of the League and of the Permanent Mandates Commission.

The CHAIRMAN, on behalf of the Commission, warmly thanked the Government of the mandatory Power for the valuable book submitted.

Proposed Reorganisation of the Central Administration.

M. ORTS, referring to the statement in the report that there would be a reorganisation of the Administration in the course of the current financial year, said that the Commission hoped to receive further information on this point in the report for the following year. He asked whether there had been any substantial change in the Administration since the examination of the annual report for 1926.

Mr. WERTH replied that there had been no substantial change since last year. The change referred to was one of staff reorganisation, an account of which would appear in the report for 1928.

Administration of Ovamboland, Okavango and Kaokoveld.

Lord LUGARD, referring to the estimates for the administration, asked what part of the staff of the Administration was employed outside the police zone.

Mr. WERTH said that there were about ten to fifteen officers employed in Ovamboland, Okavango and Kaokoveld, where they had the care of approximately 150,000 natives.

Lord LUGARD asked whether the Administrator considered that this staff, which he understood included medical officers, was sufficient for so large a population.

Mr. WERTH said that the Administration had only come into close contact with the natives of Ovamboland in the last ten years. Previous to that time, the Ovamboland population had lived in a continual state of tribal war. The Administration confined its endeavours to keeping in touch with the native tribes through the European officers employed there. This policy had proved quite satisfactory hitherto. The white officers were all employed in an advisory capacity to the native chiefs. There was in the district only one police force, stationed on the Kunene River, to protect the frontier. There was no visible sign of outward force in Ovamboland, where the main duties of the European officers were to win the confidence of the native chiefs, to prevent war and to settle differences between the tribes.

The Commission would therefore see that the policy followed in Ovamboland at the moment was one of indirect government. The Administration employed there a few responsible

men to advise the chiefs and to maintain their authority as the head of the tribe. The Officer-in-charge had about fifty natives on his staff to assist him.

Lord LUGARD asked how the staff of ten to fifteen white officers was distributed.

Mr. WERTH illustrated his reply to Lord Lugard's question by reference to the map. The police zone included practically the whole of South-West Africa, with the exception of the northern part, which was split up into three districts. First, the district of the Okavango was under an Officer-in-charge, with a medical orderly and assistant. The population of that district was about 12,000. If the Officer-in-charge were on leave, someone else naturally took charge of the station.

The second district was that of Ovamboland, with a population of 140,000 to 150,000 natives. An Officer-in-charge was stationed at Ondonga, but his chief assistant was stationed farther north, not far from the Portuguese frontier.

Thirdly, in the western corner of the territory, in the Kaoko district, which had a population of about 2,000 natives, there was an Officer-in-charge of a police force, who also acted as Officer-in-charge of the district. Each of the Officers-in-charge had under him certain European assistants as well as natives.

In reply to a further question by Lord Lugard, Mr. Werth said that the staff consisted of about eight or nine European officials and medical officers.

Lord LUGARD asked how many medical officers were employed in Ovamboland.

Mr. WERTH said that there was at present only one medical officer there, but he had provided for two medical officers in the estimates for the current year and was at present looking out for a suitable man.

In reply to a question by M. Van Rees, Mr. Werth said that the tribe with a European chief was the Ukuanyama, a large tribe on the Portuguese border in Ovamboland. Their former chief had been killed as the result of military operations in 1917 and since that time no chief had been appointed in his place. One of the Administration's officers was stationed among the Ukuanyama tribe and acted as chief, with a native head-man for each section of the tribe.

Mr. Werth had himself very recently visited Ovamboland and had inspected all the tribes. His personal impression was that the Ukuanyama were the happiest and most prosperous of all the tribes in that district. They had indeed informed him that they would not care to have any other chief than their present one. Being one of the Administration's officers, the chief was paid by the Administration.

Emigration of Angola Boers into South-West Africa.

Lord LUGARD observed that the Commission had been told that a large number of Angola Boers were emigrating to South-West Africa. Would any natives be dispossessed of their land in order to find land for these Boers?

Mr. WERTH replied in the negative. The Administration had huge vacant areas at its disposal for their settlement.

Removal of Natives from the Rehoboth "Gebiet".

Lord LUGARD referred to the decision that natives were to leave the Rehoboth "Gebiet". Would that measure involve hardship for the natives?

Mr. WERTH replied that there were two vast reserves which were practically unoccupied and where there was plenty of grazing. It had been necessary to ensure the water supply before moving the natives, but this had now been done and the natives had been moved to the reserves.

In reply to a further question of Lord Lugard, Mr. Werth said that the natives had received no compensation. The measure had been asked for by the Rehoboths and the Commissioner had decided that it would be better in every way to move the natives to the reserves. It had been impossible to take into account the wishes of the Hereros, because the owners of the land had said that they did not wish to keep them there.

Immigration: Movement of the Native Population within the Territory.

Dr. KASTL observed that the immigration statistics given in the report showed the figures for immigrants coming into South-West Africa only through the ports. It appeared that there was no control over immigration from Angola or British South Africa—for instance, from Bechuanaland.

Mr. WERTH replied that Dr. Kastl's statement was not quite correct. Immigration was strictly controlled from all sides except from the Union. There was a police post on the Angola frontier and the Officer-in-charge was responsible for controlling immigration.

Dr. KASTL enquired whether immigrants from Bechuanaland and Angola had to make the ordinary deposit of £40.

Mr. WERTH replied that all immigrants were compelled to comply with the South-West African immigration laws. The deposit was made in order to safeguard the Administration against possible expenditure arising out of the immigrant's inability to earn his living.

The CHAIRMAN asked whether the Administration encouraged immigration in general or merely immigration from the Union.

Mr. WERTH replied that he desired to promote immigration from wherever it could be obtained. The largest number of immigrants at present came from overseas.

Dr. KASTL enquired how it was possible to state that the largest number of immigrants came from overseas if there was no control over immigrants from the Union.

Mr. WERTH replied that the Administration had absolutely exact figures for overseas immigration. In the case of immigration from the Union, it was impossible to give the exact figure, but a fairly close estimate of the number of people coming in from the Union could be formed.

Dr. KASTL enquired whether the deposit of £40 was made by the Angola Boer immigrants themselves.

Mr. WERTH replied that he could not say whether every farmer coming from Angola paid the deposit himself from his own resources. The Union Government stood guarantee for him if he was unable to do so.

In reply to a further question, Mr. Werth said that the great majority of the Angola farmers were neither British nor, according to their own statement, Portuguese subjects. They were officially regarded as "Stateless".

M. SAKENOBE drew attention to the table of demographic statistics on page 25 of the report, which showed that in Warmbad the native population had increased from 269 to 3,735, in Keetmanshoop from 2,701 to 7,231 and in Bethanie from 172 to 530 in the period between 1921 and 1927. This growth in population appeared to indicate that there was some danger that the native inhabitants might be entirely excluded within ten years from the parts of the territory in question in favour of natives immigrating from the Union.

Mr. WERTH said that he could set M. Sakenobe's mind entirely at rest. The movement of population from the Union to South-West Africa was free only for Europeans. Not a single native was allowed to come from the Union into the mandated territory unless he held a special permit, which was granted only by the Administrator himself. Mr. Werth could not remember that he had given a permit to any native with the exception of a few coloured people. The increase observed by M. Sakenobe was due solely to movements of natives in the mandated territory itself.

M. SAKENOBE pointed out that the table referred to was somewhat misleading.

M. ORTS asked how the decrease of population in certain districts could be explained.

Mr. WERTH replied that the natives moved about from one district to another according to the demand for labour and the offer of better pay.

M. ORTS asked if that was the reason for the decline of two-thirds in the population of Grootfontein.

Mr. WERTH replied that Grootfontein was the centre of the copper- and vanadium-mines and accordingly the population of the district would depend on the amount of work required by the mines. From the statistics, there must obviously have been a plentiful supply of labour in Grootfontein and Tsumeb in 1921. At the present time, however, many of the mines at Tsumeb could not be worked from want of labour.

M. SAKENOBE, referring to the statistics of "nationality of arrivals by sea", asked whether there was no immigration of Asiatics into the mandated territory.

Mr. WERTH replied that, as far as he knew, there was none.

Mr. GRIMSHAW drew attention to the fact that in 1921, that was to say, before the big development of the vanadium-mines, the population of Grootfontein had been 31,576, while in 1927 it had fallen to 10,701. Was there any causal relation between the exploitation of the mines and the loss of population? In other words, did the natives leave Grootfontein in order to avoid work in the mines?

Mr. WERTH replied that the Administration's experience was that the native preferred working in the mines to working for the farmers. There must therefore have been another reason for the decline of population in Grootfontein. At the same time, the 1921 census of the native population was a pure estimate and it had now been ascertained that many of the estimates were quite incorrect. The Administration was now endeavouring to secure a better estimate.

The CHAIRMAN asked what was the predominant nationality of immigrants from overseas and what was the type of immigrant from that direction.

Mr. WERTH replied that, since his time, the immigrants from overseas had been chiefly Germans. In the last year, there had been an exceptional increase in the German population of the territory, which had risen by 893 souls. Most of the German immigrants came either to work on the mines or to assist German settlers farming the land.

Native Reserves : Control of the Movement of the Natives.

Lord LUGARD thanked the Administrator for sending him the report on the Conference of Magistrates. The report had given him a much clearer idea of native conditions. He wished to ask what were the native reserves and how were they managed.

Lord Lugard fully understood the difficulties of the Administration, but observed that, according to the report of the Conference, the Administrator had told the magistrates that natives who possessed only a small number of stock should not be allowed to reside in reserves, while one magistrate had suggested that they should not be allowed to reside in a reserve without a permit authorising them to do so.

Mr. WERTH replied that the experience of the Administration had been that, if a native had no stock, he made use of the reserve as a place from which he could steal cattle and pilfer generally.

Lord LUGARD observed that, if a native who had no stock were ousted from the reserve, he would probably go and pilfer somewhere else. The police were presumably employed to deal with such crime.

Dr. KASTL thought that he could answer Lord Lugard. It was practically impossible to control the native reserves in South-West Africa by means of a police force. The reserves were so huge that the movements of natives, particularly of those natives who were bent on wrongdoing, could not be superintended.

Lord LUGARD said that one would naturally suppose that the native had a choice either of residing in a reserve or of working for a farmer; he could not understand why a permit to reside there, or a greater or less amount of stock should be made conditions of residence.

Mr. WERTH replied that at present the reserves were open to all natives. Many, however, went into the reserve with nothing to live on and then began pilfering. It was this question that had been discussed at the Conference of Magistrates, but no decision had yet been taken.

Lord LUGARD asked if there were no natives permanently resident in the reserves.

Mr. WERTH said that all natives entering the reserves were registered as inmates of the reserve by the superintendent. At the same time, some of these reserves were so large that it was impossible to control the coming and going of the natives.

Lord LUGARD said that one magistrate (Mr. Manning) had referred to the Native Urban Areas Proclamation and said that "three-fourths of the women of Swakopmund came to be registered and were disappointed at not receiving purses". The Administrator had, in another place, recommended the magistrates to make themselves acquainted with "the new legislation". What was this new legislation?

Mr. WERTH replied that there were two new laws—first, the Masters and Servants Act, and, secondly, a law providing that natives should not be authorised to use the railways without a pass. The problem of the female native in South-West Africa was a tremendous one. As was emphasised in the annual report, the marriage tie was breaking down and immorality was rife. The native locations were full of females who did no work, but lived on the proceeds of immorality.

Mr. GRIMSHAW asked what change had been made in the regulations in regard not only to the travelling of natives by railway but also to the method of obtaining a railway pass.

Mr. WERTH said that the chief change was that no farmer could henceforth take a native into his service unless that native could produce a permit, either from his previous employer or from a magistrate or from the superintendent of the reserve.

Mr. Werth then drew the attention of the Commission to a map showing the exact position of the native reserves in existence in South-West Africa. Each reserve had a small board of natives to assist the superintendent, and its own fund, to which the natives contributed and on the expenditure of which they were consulted.

Lord LUGARD hoped that he might be permitted to see future Minutes of Conferences of Magistrates, and also the report by Mr. Keet which the Administrator had proposed to circulate in pamphlet form to all magistrates.

Justice.

Lord LUGARD asked what power the Administrator had to issue proclamations in addition to the Ordinances passed by the Legislative Assembly. Did such proclamations apply only to the police zone ?

Mr. WERTH replied that, under paragraph 26 of the Constitution, questions of native affairs, mines, railways, the post office, police and public services, justice, currency and banking were reserved to the Administrator. At the same time, there were certain subjects on which the Legislative Assembly had powers of legislation.

Lord LUGARD observed that, on page 32 of the report, it was stated that legislation was being introduced which would give to native commissioners power to deal with native matrimonial cases and which would cheapen and expedite proceedings. Were not the natives allowed to deal with their own matrimonial cases in the native courts ?

Mr. WERTH pointed out that, up to the present time, there had been nothing in the nature of native courts in South-West Africa and the object of the new Act was to establish a form of justice based on native customs and traditions. At the beginning, the administration of native justice must be left to white officers, because the natives themselves had no experience at all.

Mlle. DANNEVIG asked in what way the Administration supposed that the introduction of legislation to simplify marriage procedure, as mentioned on page 32, would remedy immorality.

Mr. WERTH replied that the old native customs had ceased to be of any effect, and that, as he had already stated, the marriage tie had broken down. The only substitute under the law as it stood at present was a lengthy procedure of going before the magistrate and complying with all kinds of formalities. The reserves were situated at a great distance from the magistrate's stations, and hence the Administration was proposing to give the reserve superintendents power to make marriages under South-West African law. By making it easier and cheaper to marry, there might be more marriages with the binding effect of law, and therefore less concubinage.

Public Finance.

M. RAPPARD, with reference to the figures on page 21 of the report, observed that the mining royalties had yielded less than was expected. This position had been fully explained. The Commission had already drawn the mandatory Power's attention to the fact that it considered it inadvisable to base the territory's finances on so unstable a revenue as the royalties from mining.

On page 22, it was stated that the actual receipts from mining royalties for the nine months ending December 31st, 1927, were £72,000. Why was it stated in paragraph 19 that the Administration could only expect about £50,000 from the diamond-mining royalties for the whole year ?

Mr. WERTH replied that the Administration received actually about £90,000 in diamond revenue for the year, but certain repayments had to be made under the terms of the agreement with the Diamond Syndicate, reducing the net receipts to £25,000.

M. RAPPARD observed that in that case the figures given on page 22 were not easy to understand.

M. Rappard, referring to the figures for sales of Crown land, in the table on page 21, was surprised that the Administration still included this sum in the ordinary revenue. Did not the sale of Crown land represent a loss of capital ?

Mr. WERTH replied that, in the past, current revenue had been sufficient to cover all expenditure, including capital expenditure. It had therefore not been necessary to account for the sales of Crown land as extraordinary revenue. But for the very reason that the Administration had last year been obliged to borrow for capital expenditure, the sales of Crown land were no longer accounted for as ordinary revenue but as extraordinary revenue.

M. RAPPARD observed that the "actual receipts" for 1926-27 had been approximately £890,000, while on page 24 it was stated that the "actual expenditure" for the same period had been £638,000. There seemed, therefore, to have been rather a large margin between revenue and actual expenditure.

According to the figures for the "revenue account" (page 22), the balance on hand at March 31st, 1926, amounted to about £961,000, while the balance on March 31st, 1927, amounted to £77,000. What was the explanation of this apparent large loss?

Mr. WERTH said that the method in which this account had been presented was somewhat confusing. The balance of £961,000 on March 31st, 1926, did not represent money actually in hand, but money which in the course of many years the Administration had been able to save out of ordinary current revenue, and from which it had made advances to farmers through the Land Board and the Land Bank. That money, therefore, though not actual cash in hand, was an asset which had been gradually built up out of current revenue.

With regard to the apparent large difference between the balance at March 31st, 1926, and that at March 31st, 1927, it should be pointed out that the net extraordinary expenditure, as stated in the column headed "Payments", had been £943,000, and this sum was made up out of advances to the farmers through the Land Bank or Land Board. The Administration had finished up the year with a balance of £77,000 from current expenditure.

At the same time, Mr. Werth wished to add that, in order to avoid this very unsatisfactory method of accounting, he had instructed the Finance Secretary to make in future years a separate note stating that the sums in question represented assets which had been built up, and that they were not to be brought into the account.

In reply to Dr. Kastl, Mr. Werth said that no part of the balance of £961,000 had been used for the construction of railway lines. The advances made out of the balance were all recoverable, and were actually being recovered from year to year.

Lord LUGARD suggested that accumulated balances and advances to the Land Bank, etc., should appear in a statement of assets and liabilities and not in the statement of revenue and expenditure for the current year.

M. RAPPARD observed that, according to the table on page 23, the estimated expenditure on defence for the financial year ending March 31st, 1928, was £13,130, whereas the actual expenditure for the nine months ending December 31st, 1926, was only £36. How could this be explained?

Mr. WERTH pointed out that the actual expenditure of £36 to which M. Rappard had referred was for the year 1926. The object of the Administration in that year had been to establish a defence force, and to buy rifles for the force. The Administrator had intended to spend £10,000 in that year for the purchase of rifles, but for various reasons the rifles were not bought.

M. RAPPARD drew attention to the estimates for "interest and redemption charges", £50,000, which appeared very high in comparison with the actual expenditure during the financial year 1926-27, £19,994.

Mr. WERTH said that the expenditure under this heading could not be foreseen at the beginning of the year, owing to the uncertainty of the diamond revenue. The Administration therefore always provided in the estimates for the maximum sum for interest and redemption charges, in case it might have to borrow.

He added that, under the Constitution, the Administrator was not allowed to apply for a supplementary estimate. This provision had been found very inconvenient, and steps were being taken to have it modified.

Gobabis Land Settlement Scheme.

M. RAPPARD asked whether the accredited representative could make a short and clear statement on the working of the Gobabis Land Settlement Scheme.

Mr. WERTH said that, in South-West Africa, there were enormous areas of unoccupied land, on which the Administration desired to settle farmers. It had tried to carry out this policy from its own resources, but the process had been found too slow. The Union Government therefore had stepped in and had promised a sum of money to be utilised for the settlement

of farmers from the Union. The Administration had divided up a large block of land into 150 farms, on which it had undertaken to settle farmers from the Union. The sum granted by the Union Government was £200,000, and under the agreement the Administration had to use that sum to open up water, settle the farmers and assist them to develop the land. The Union Government found the entire sum of money required, and sustained any losses incurred. The South-West African Administration paid no interest on that sum to the Union Government, although it received interest from the farmers.

The CHAIRMAN observed that this scheme seemed to be a very generous one, and asked what return the Union Government expected ?

Mr. WERTH replied that the Union Government obtained no return, except that it had the first choice of the people to be settled on the farms.

The CHAIRMAN asked whether these farmers were regarded as the owners of their land.

Mr. WERTH said that the land belonged to the South-West African Administration until paid for by the settlers. It took the farmer thirty to thirty-five years to pay off his advances and until he had done so the land belonged to the Administration. Furthermore, the lands in question were waste lands.

Dr. KASTL said that, if the Administration undertook to open up water for the new settlers from the Union, it must obviously use its own boring staff for the new scheme. Did not that make it difficult for the Administration to provide sufficient boring staff for settlers in other parts of the territory, and would it not be necessary to increase the staff ?

Mr. WERTH replied that no such difficulty had arisen. Out of the grant of £200,000 from the Union Government, he had bought at the outset six boring-machines and had appointed a special staff to work them. Since then, the number of machines have been increased. The whole account of the new scheme was therefore entirely separate from the ordinary accounts of the Administration.

Photographs showing Native Conditions.

Mr. WERTH submitted to the Commission photographs showing natives in their primitive state and also under the conditions in which they were working in the mines.

TENTH MEETING

Held on Thursday, November 1st, 1928, at 10.30 a.m.

Chairman : The Marquis THEODOLI.

916. **South-West Africa : Examination of the Annual Report for 1927 (continuation).**

His Honour A. J. Werth, Administrator of South-West Africa, accredited representative of the mandatory Power, and Dr. Fourie, Chief Medical Officer of South-West Africa, came to the table of the Commission.

Public Finance (continuation). Native Taxation. Wages. Diamond Industry.

M. RAPPARD noted that only one report from a local commissioner gave details of the native treasuries. He presumed, however, that the system was the same in all native areas.

Mr. WERTH replied in the affirmative. The grazing tax was the same for all natives throughout the territory.

M. RAPPARD enquired whether the dog tax, to which the Commission had had occasion to refer in connection with the Bondelzwart rebellion, had given rise to any further difficulties.

Mr. WERTH replied in the negative. The tax had been doubled and was now 10s. per dog. The rate of tax was the same for whites and natives. An exemption allowing one dog to be kept free of tax was made in favour of natives owning stock in the reserves.

Lord LUGARD observed that, during the Magistrates' Conference, the Administrator had expressed a wish to levy a poll tax on natives residing eight or nine months of the year in reserves. The most serious objection, he said, to the imposition of such a tax on natives was that Europeans did not pay any direct tax. Why did Europeans paid no tax ?

Mr. WERTH said that the only direct tax paid by Europeans was the land tax of about £1 per farm. In addition, there were the wheel tax and dog tax, paid by all owning vehicles and dogs. The natives paid a grazing tax. At the Magistrates' Conference in question, he had urged that it was invidious to single out the natives for the payment of a special tax.

Lord LUGARD asked if it was not possible to insist that the natives should always be paid in cash and not in kind.

Mr. WERTH said that this largely depended upon the financial position of the farmer. A few years previously, the farmers had had very little cash. Recently, however, the rate of improvement in the economic position of South-West Africa had been so rapid that in practically every case natives were now being paid in cash all over the territory. The scarcity of labour was such that no farmer could now obtain natives to work on his farm unless he paid them regularly in cash.

Lord LUGARD specially wished to emphasise this point because payment in kind was a condition of slavery, since the native could not put by his savings, and his so-called wages were often in arrears.

Mr. WERTH repeated that the improvement in the economic position of the territory now meant that the farmer possessed cash available for paying the natives. Native wages, particularly in the towns, had risen to such an extent as to be above the true economic level. For example, domestic servants in Windhoek received as much as from £4 to £5 a month, in addition to board and residence.

M. RAPPARD concluded that the wages paid on the land were not so high.

Mr. WERTH agreed. That was precisely one of the difficulties. Wages in the towns were so good that the best class of native migrated to the towns.

M. RAPPARD was under the impression that the wages paid on farms to natives were still very low.

Mr. WERTH was unable to agree. No farmer could induce a native to work for him unless he paid him £1 per month together with his food and lodging. Such wages represented a fortune to the native with his few wants and the long distances which separated him from the towns.

Lord LUGARD, with reference to the estimates of revenue, noted that from the table "Legislative Assembly", it appeared that certain members of the Executive Committee each received £500 per year as salary. Did the official members receive a salary or only the unofficial ?

Mr. WERTH said that the Legislative Assembly consisted of eighteen members, of whom twelve were elected and six appointed. They all received the same salary, which was £120 a year. Those eighteen members elected an Executive Committee of four members, each of whom received a salary of £500 a year. There were no officials in the Legislative Assembly.

In addition to the Legislative Assembly, there was an Advisory Council composed of the Executive Committee of the Legislative Assembly and nominees appointed by the Administrator. Members of the Advisory Council who were not members of the Executive Committee of the Legislative Assembly were paid £250 a year each. The Advisory Council consisted of seven members in addition to the Administrator. Out of the three nominees, only one was an official, who dealt with native affairs. He had formerly been Major Manning, whom the Commission had had occasion to meet. The present member for native affairs was the magistrate of the Rehoboth area. He was not paid for sitting on the Advisory Council.

Lord LUGARD, with reference to the table "Head of Revenue", noted that £4,000 was the estimated yield from native pass fees. In the table "Native Affairs", however (Estimates for the year ending March 31st, 1928, page 12), the allotment of the pass fees to local authorities was shown to be £2,000. From this it would appear that half the yield of the native pass fees was used for the ordinary revenue purposes.

Mr. WERTH said that this was not the case. Natives paid pass fees only in municipal areas where the Urban Areas Act had been applied. By the terms of the Urban Areas Act of 1924, the money collected from the issue of such passes must be spent upon improvements in the native locations. It not infrequently occurred, however, that the municipalities wished to spend that money in a manner of which the Administration could not approve. It therefore held the money until it had reached an agreement with the municipality

in question. From time to time, new municipalities applied for the application of the Act. The municipality of Swakopmund, for example, was "completely reorganising and improving the housing of the natives in its location from pass fees handed over to it for the purpose by the Administration". A special fund had been created into which the revenue from the native pass fees was paid. About £4,000 would be collected during the year, but probably only £2,000 disbursed, the remainder being kept until such time as those municipalities requiring money could submit a scheme for its expenditure of which the Administration could approve.

Lord LUGARD thought that some mention of this special reserve fund should be made in the estimates of revenue and expenditure. There were various other funds, such as the Land Bank, the Building Fund, etc., of which separate details were given at the end of the budget report, but there was no mention of this.

Mr. WERTH said that mention was made in the Annual Report, though perhaps not in the form desired by Lord Lugard. There were several municipalities which had not received the full amount due to them from the native pass fees, more particularly the municipality of Windhoek, to which several thousand pounds would be paid as soon as a scheme of housing improvement of which the Administrator could approve was submitted.

Lord LUGARD said that, if a table of assets and liabilities were included in the report, his point would be entirely met.

Dr. KASTL noted that the territory was dependent very largely for its revenue on the taxation of the diamond-mines. The estimates showed, however, that only £25,000 had been collected, instead of £200,000. Was this falling-off in revenue due perhaps to the fact that the quota granted by the diamond syndicate to the mines in South-West Africa was not so high as it should be? The number of South-West African diamonds sold was far less than it was before the war.

Mr. WERTH explained that the quota of South-West Africa was 21 per cent. In view of the fact that the world could only purchase a certain quantity of diamonds in any one year, a strict system of rationing had been introduced by the diamond-mines cartel. The share of South-West Africa represented 21 per cent of the annual sale of diamonds. The present agreement settling various quotas would last until 1931. On behalf of the territory he had given notice that 21 per cent was not considered to be sufficient. He could not promise, however, on the lapse of the present agreement, that a larger percentage would be granted to South-West Africa.

Dr. KASTL asked whether the same system of control of production existed in the Union. He concluded that the Administration sought to increase the revenue from diamonds, not by raising the tax, but by promoting the sale.

Mr. WERTH agreed. The difficulties were caused by the fact that, when the quota agreement had been concluded, no allowance had been made for alluvial diamonds, and the over-production in this class of diamond had now become very great. Very strict control was now being exercised by the Government of the Union over the production of alluvial diamonds, and it was hoped that the diamond position would shortly improve.

Dr. KASTL, referring to the table on page 21 of the report, noted that the actual receipts from Customs and excise had been £357,953 2s. 1d. in 1926-27, as against £130,531 13s. 10d. in 1926. It appeared that the Government of the Union of South Africa had paid arrears of Customs and excise duties collected on behalf of South-West Africa up to the year 1923, but not before. Had the territory been compensated by the Union in respect of the Customs duties collected prior to 1923 which it would appear had been received by the Union Treasury? There was no mention of any repayment prior to that date.

Mr. WERTH explained that up to two years ago the Union had paid Customs and excise duties to South-West Africa on a fixed basis mutually agreed upon. At the time that the agreement was made, the imports into South-West Africa were not large; but as they increased it became apparent that the territory was receiving less than its fair share of the Customs and excise duties. The Administrator had therefore made representations, and the Union Government had repaid all sums due in respect of arrears. Up to 1923, the territory had received its fair share and, in consequence, nothing was owing to it. The total sum received for arrears of Customs and excise duties had been in the neighbourhood of £118,000.

Lord LUGARD, with reference to the "loan account", asked that a more complete and accurate statement should appear in the next report. There was no actual loan account, the expenditure shown under that head being in reality met from current revenue.

Mr. WERTH said that up to last year South-West Africa had no public debt. A loan vote was always shown in the annual budget, but it had not been necessary to borrow, as the

Administration had always been able to meet all its expenditure, current as well as capital, out of ordinary revenue. Last year, however, it had had to borrow £150,000 and that represented the total of its present loan commitments.

Dr. KASTL concluded that that sum represented the amount of public debt borne by the territory.

Mr. WERTH agreed. That debt, however, was set off by accumulated assets amounting to about £1,000,000. This amount, however, was not liquid, representing loans to municipalities and farmers which were recoverable.

Settlement of Angola Farmers in South-West Africa.

Dr. KASTL referred to the Ordinance, published in the *Gazette* of the Union Government of South Africa dated August 31st, 1928, with reference to the settlement of Angola farmers, in which it was stated that :

“ Whereas the Administrator of the territory of South-West Africa has transmitted a full report to me in relation to the failure of the Legislative Assembly for the said territory to pass an ordinance appropriating money from the territory Revenue Fund sufficient to carry on certain services which the Administrator has certified to be necessary in the interests of the said territory, now therefore I do hereby declare that the territory Revenue Fund shall be charged with such sum of money as may be required for the financial year ending on the thirty-first day of March 1929 for settling the Angola farmers in the said territory, not exceeding the sum of £50,000 on Loan Account and that the money hereby appropriated shall be applied to that purpose and to no other purpose. ”

The Ordinance was signed by the Governor-General. Was this money, which was necessary for the settlement of the Angola farmers, to be charged to the territory and was their settlement in the territory of benefit to it ?

Mr. WERTH replied that the money referred to was not South-West African money but money granted to the territory by the Union Government of South Africa. Owing, however, to the financial regulations, the Administrator could not spend a penny of that money in the territory unless it had been duly appropriated. It had therefore been necessary to make budgetary provision for the expenditure, but the Legislative Assembly had refused to vote it, and so he had applied to the Union Government to authorise the necessary expenditure. This the Union Government had now done. No money coming from the pockets of the people in South-West Africa was used for the settlement of the farmers. The territory was not responsible for finding that sum, which was provided entirely by the Union Government. The Ordinance was, in fact, a mere formality and promulgated in order to fulfil the financial regulations. It had been necessary owing to the fact that the Legislative Assembly at Windhoek had voted against the introduction of the Angola farmers into South-West Africa.

M. RAPPARD could not understand why this had been the case. The money being a grant to be expended in the territory, and hence to its profit, why had the inhabitants shown reluctance to accept it ?

Mr. WERTH replied that the reasons were largely political. The Germans, who were in a majority of one on the Legislative Assembly, had voted against it. There had been a very long debate, and certain economic reasons had been put forward, but they were not convincing. There appeared to be no reason, except a political one, for the objections to the scheme.

Dr. KASTL asked whether it was quite certain that there were no economic reasons against the scheme. There was a great shortage of land for settlers, as was stated on pages 2 and 3 of the report. Many new settlers needed land, were of an excellent type and provided with suitable capital. If farms were to be given to Angola farmers, did they fulfil the same conditions as this good type of settler mentioned in the report ? As far as Dr. Kastl was aware, the Angola farmers were known to be very poor.

In reply to Mr. Werth, he would emphasise the fact that he had no political reasons for asking this question. All he desired to know was whether the Angola farmers would improve the economic position of the territory.

Mr. WERTH replied that the Angola farmers were most desirable settlers. It had been essential for him to find a hardy type of settler to occupy the farms in the Gobabis area near the Kalahari desert. This land, though fertile, was very far removed from any centre of civilisation. Many of the farms were from 100 to 150 miles distant from any town. The ordinary settler from the Union was unable to support the conditions of hardship which were inevitable when settling on such land. The Administrator, however, was most anxious to open up the Gobabis district, because he wished eventually to arrange for the construction

of a railway line through that district connecting Windhoek directly with Johannesburg. The only town in the district was Gobabis itself, which had only forty inhabitants, and that town was a long distance from Windhoek. The Angola farmers were hardy pioneers and in every way admirably suited for working that land, which, though uncultivated, was good farm-land. Each farm consisted of about 7,000 hectares, and there were 150 farms.

Dr. KASTL replied that all the land for new settlement was uncultivated. He did not think it a hardship to settle in the blocks of the so-called "Gobabis settlement scheme".

M. VAN REES asked whether the district was inhabited.

Mr. WERTH replied in the negative.

The CHAIRMAN enquired how long it would be before the Angola farmers, who, on leaving Angola, had renounced their Portuguese nationality, became protected persons of the mandated territory.

Mr. WERTH replied that the period was five years, after which they became British subjects and Union nationals.

Dr. KASTL once more emphasised that he had no political reasons for asking these questions. He could not help pointing out, however, that there had also been a strong campaign in the Union of South Africa against the settlement of Angola farmers in South-West Africa. It was said that there was a shortage of land in South-West Africa and that the Administration refused to grant any land unless it had a proper water supply. On page 81 of the report it was stated that :

"The Land Board is besieged by applicants eager to press their claims, but unfortunately, since there is little or no open water in the country, land settlement is limited to the speed with which water can be provided through boring or dam construction, in either case a slow process."

South-West Africa was a land suitable for white men, and it was the aim of the Administration to obtain as good settlers as possible. In view of the fact that many intending settlers had approached the Administration asking for land, and showing adequate capital behind them, should not a special effort have been made to meet their requirements ?

Mr. WERTH said that the Union Government had given financial assistance for the settlement of Angola farmers because of the widespread sympathy with them amongst the Dutch-speaking population of the Union. The scheme was to cost at least £350,000, perhaps more, and the opposition parties had naturally used this as a means of attacking the Government.

Dr. KASTL observed that there appeared to be a certain amount of unemployment at present in the mandated territory. Would not the bringing in of settlers without capital be liable to increase unemployment ?

Mr. WERTH said that it was not correct to say that the settlers came in without capital. Each farmer had a grant of £1,000 from the Union Government, with the promise of more in case of need. Furthermore, to his knowledge, there was no unemployment in South-West Africa.

M. RAPPARD desired to ask a question with regard to the settlers from Angola. This question might become of great importance, and therefore the Mandates Commission might be open to censure if it failed to elucidate it.

He understood Mr. Werth to have said that 2,000 Boer settlers from Angola had gone to South-West Africa with a view to settling there. Mr. Werth had also informed the Commission that these Boers, when they were still in Angola, were under strict police supervision and could not go to the interior without police authority. Surely the fact that these Boers left Angola *en masse* was of more importance to the Angola police than an ordinary visit to neighbours or friends across the border ?

M. Rappard therefore wished to ask whether these settlers had moved from their homes without the knowledge of the Angola authorities, and whether the Administration of South-West Africa anticipated any difficulties in this connection.

M. WERTH said that he expected no difficulties to arise with the Portuguese authorities. The Union Government had approached those authorities, who had made no objection to the emigration of the Boers in question.

M. VAN REES said that, according to his information, the Boer settlers were not allowed to leave Angola until they paid a fee.

Mr. WERTH replied that he had no knowledge of the matter.

The CHAIRMAN said that he understood that the population termed "European" in South-West Africa included all white people, and that their number was something over 25,000. The Administration now proposed to introduce 2,000 white settlers. That was a large addition in proportion to the white population. Would not the settlement of Boers, who came into South-West Africa enjoying various privileges granted by the Union Government, create certain internal difficulties, which might be of concern to the Permanent Mandates Commission?

Mr. WERTH replied that the settlement was naturally creating enormous difficulties for himself and the Administration. It was for that reason that he was so anxious to return to South-West Africa in order to superintend matters. Furthermore, some dissatisfaction had been expressed, especially among the German population in South-West Africa, at the reception of these new settlers. Nevertheless, with the subsidy he was receiving from the Union, Mr. Werth was sure that in five years every one of the new settlers would become a well-established farmer, and an asset to South-West Africa.

The CHAIRMAN asked whether it would not have been preferable to foresee possible difficulties and only to have brought in the new settlers in instalments of two or three hundred at a time, so that account might be taken of the results which might be expected from the execution of the plan.

Mr. WERTH replied that the method suggested by the Chairman would have been much more convenient to himself as Administrator. Account, however, had to be taken of the psychology of the settlers from Angola, whom it had been impossible to prevent from leaving their homes as soon as they had heard that land would be available in South-West Africa.

M. RAPPARD pointed out that it was the duty of the Mandates Commission to see that no measures were taken which were not in the interests of the mandated territory. The Administrator had just told the Commission that he would have preferred to have received the settlers in instalments, whereas it appeared that the Union Government had preferred that they should come *en bloc*. The Commission were therefore bound to question the policy of receiving the 2,000 settlers simultaneously.

Mr. WERTH said that the Union Government had not imposed any condition as to receiving the Angola settlers *en bloc*. The difficulties, however, had been very appreciable. As soon as the settlers had heard that there was land available, they had trekked *en masse* to the Kunene River, where it was impossible to leave them owing to the advance of the malaria season. If they had been left on the Kunene, there would have been a grave risk of high mortality among them. The agreement to allow the settlers to come in *en bloc* had not been made with the Portuguese Government, which had merely stated that it would not raise any objection to their leaving Angola.

M. RAPPARD said that he would be grateful if the accredited representative would state the arguments in answer to the allegation that the Union Government had promoted the settlement of the Boers from Angola not so much in the interests of the territory as from the desire to create there a majority of white settlers of South African nationality.

Mr. WERTH said that the situation might be summed up in the following manner. At the present time the only industry in the territory of any importance was the diamond industry. Practically the whole of the territory had been built up on the revenue derived from that industry, which, however, constituted a most fluctuating and unstable source of revenue. It was therefore necessary to find some more stable industry as soon as possible on which to build up the financial resources of South-West Africa.

The Administrator had at one time hoped that tin would take the place of diamonds as a source of revenue and industry, but the prospects were not improving at the rate they should. The only other industry of sufficient importance was farming. At the present time, there were in the mandated territory only 3,000 farmers, and it was useless to suppose that this number could bear the burden of the administration. As was explained in the report, the Administrator, with the money now at his disposal, was unable to settle more than about a hundred farmers annually on the land. The Union Government had therefore stepped in and had said that it would assist in the settlement in South-West Africa of a particularly hardy type of pioneer who, by his work and industry, would assist in building up the country. Mr. Werth was familiar with the type of man whom the Union Government was proposing to send, and he felt complete confidence as to the results.

M. RAPPARD asked, as a purely hypothetical example, whether a similar offer from the Swiss Government would be accepted by the Administrator.

Mr. WERTH said that he would certainly accept such an offer, provided that the Swiss Government granted similar financial assistance.

Economic Position : Trade.

M. MERLIN said that he had studied the figures for trade and noted that there was steady progress. He had observed, however, that exports appeared to be almost equal to imports, and that, in any case, the excess was not considerable. An excess of exports was essential in order to obviate the impoverishment of the territory, unless, of course, there was revenue derived from other sources, such as the diamond-mines.

Mr. WERTH pointed out that, according to the figures on page 18 of the report, exports exceeded imports by approximately £1,000,000, that was to say, by 25 per cent.

M. RAPPARD observed that exports of fresh meat had jumped from 4,072 lb., representing a value of £86, in 1926, to 6,247,301 lb., valued at £74,091, in 1927.

Mr. WERTH said that the export of fresh meat was the particularly bright spot in the trade of South-West Africa. The Imperial Cold Storage Company had established at Walvis Bay the largest cold-storage works in South Africa, and those works had begun operations in the previous year. The result was that the mandated territory was no longer dependent upon the markets of the Union, but was able to export to the entire world, the chief market being Italy at present.

In reply to further questions by M. Rappard, Mr. Werth said that the exports of copper and lead went to Belgium proper and not to the Belgian colonies in Africa.

The Administration kept a very careful account of all exports leaving South-West Africa, whether by rail or by sea, and the trade returns therefore applied to all exports to whatever destination.

M. RAPPARD asked whether the Administrator could explain an apparent discrepancy in the trade returns. In the table in paragraph 15, exports of "minerals, earthenware, glassware and cements" were valued at £1,879,112, whereas in the table in paragraph 17 the addition of the returns for "diamonds", "tin", "vanadium", "lead" and "copper", which all presumably came under the heading "minerals", gave a sum which was considerably larger than the former figure.

Mr. WERTH replied that the mandated territory did not export glassware or cement. Copper was not exported as a raw material, but was first smelted in the territory. Copper exports were therefore classified under Item V, "Metals, metal manufactures, etc."

Prison Labour. Police and Defence of the Territory.

Lord LUGARD drew attention to the statement in paragraph 219 that the "demand for prison labour still continues to exceed the supply. As branches of the Administration are given preference in this connection, a comparatively small number of prisoners are available for hire to the general public." Was the Administration obliged to continue the system of hiring out prisoners?

Mr. WERTH said, as was explained in the report, that there was very little hired prison labour, the great majority of prisoners being employed on Government works.

M. SAKENOBE asked whether the Administration had considered employing native police.

Mr. WERTH replied that there was a considerable number of native police. The Administration had endeavoured to obtain for the police the best class of native from the Union, but the experience had not been a very satisfactory one, because the native police from the Union did not understand the native languages of South-West Africa, were not accompanied by their women and therefore were disinclined to stay.

In reply to a further question by M. Sakenobe, Mr. Werth said that the duties of the police were very varied. The matter was largely one of expense; the police had administrative duties in addition to their ordinary duties.

M. SAKENOBE enquired as to the actual conditions among the native tribes and whether they were on good terms with one another?

Mr. WERTH replied that relations among the native tribes were good at the moment. The only important frontier in South-West Africa was in Ovamboland, where peaceful relations had been established among the tribes. As he had informed Lord Lugard on the previous day, the results obtained by the Administration in Ovamboland had been particularly satisfactory. The only police force there consisted of three men.

In reply to further questions by M. Sakenobe, Mr. Werth said there was no standing army in the territory. The burghers were organised into a kind of militia.

Regulations for the Carrying of Arms.

M. SAKENOBE observed that it was specially mentioned in the report that in certain districts the natives were unarmed, and, with regard to certain other districts, it was mentioned that, with rare exceptions, they were unarmed, while regarding certain districts no mention was made. The impression therefore was that there were certain natives or tribes as a whole which were still armed.

Mr. WERTH replied that M. Sakenobe had raised a question of great importance. In the territory itself the natives were absolutely unarmed. The natives who were armed were the tribes in Ovamboland. On his visit to that district, Mr. Werth had been welcomed by one chief at the head of an army of about 800 men armed with rifles. In the Police zone itself, no native was allowed to be in possession of a weapon except with a special permit from the Administrator. Such permits had been given only to native landowners to enable them to protect their stock. Ovamboland, on the other hand, might be said to be an armed camp. The natives there had obtained their rifles in one way or another as far back as German times. Their weapons were mostly old-fashioned muzzle-loading rifles, and an Ovambolander always went out with his rifle, which he regarded as a sign of his manhood ; he would not shoot anyone, because he did not wish to use up his ammunition.

In reply to further questions, Mr. Werth said that he had now declared bows and arrows to be arms and ammunition, so that the Kalahari bushman was not allowed to carry his bows and arrows about with him.

As regards poisoned weapons, the poisons were derived from plants and insects. The plants grew wild and it was impossible to eradicate them.

M. SAKENOBE referred to the figures for the importation and exportation of " combination- and shot-guns " in paragraph 12 of the report. Imports under this heading in 1927 amounted to 301 and exports 219, while in 1926 they were said to have been only 183 and 12 respectively.

Mr. WERTH thought that the figure for imports would be correct. Every farmer coming into a mandated territory would bring his gun with him. Similarly, every farmer leaving the territory would take away his gun, and a comparison of the figures with those for emigration in the years referred to would probably show the accuracy of the statistics given for exports of shot-guns.

In reply to an observation by M. Rappard, Mr. Werth said that, since he had been disarmed, the native had taken to carrying a very formidable stick with which he could kill a hare, or even a leopard.-

In reply to Lord Lugard, Mr. Werth said that the male native had to carry a pass in urban areas, for which he paid a fee of 1s. a month. Outside those areas the pass system was also applied, but the passes were issued free of charge.

Amount of Stock allowed to Natives living in Reserves.

Lord LUGARD reverted to the question of the native reserves and enquired what was the maximum amount of stock allowed to a native residing in the reserve. As the Administrator had informed the Commission on the previous day that a native without stock was not allowed to reside in the reserve, Lord Lugard would also enquire what was the minimum amount of stock required.

Mr. WERTH replied that he had been misunderstood. There was no actual requirement as to a minimum amount of stock before a native could enter a reserve ; the point was merely a suggestion which he had made to the Conference of Magistrates. The maximum amount of stock which a native residing in the reserve might possess without a special authorisation from the Administration was 100 head of big and 300 head of small stock.

917. South-West Africa : Petition from certain Members of the Rehoboth Community dated November 26th, 1926 (continuation).

Lord LUGARD said that, in connection with the Rehoboth question, there were two matters to be dealt with : (a) the petition itself ; and (b) the comments made by the Commission on the delay of the Mandatory in submitting its views, and the statement in this connection which had been read by Mr. Werth on the previous day.

As regards the petition, the complaints made by the petitioners appear to have been dealt with either in the report of Mr. Justice de Villiers or in the memorandum forwarded by the Secretary to the Prime Minister on December 21st, 1926, both of which were endorsed by the mandatory Power, with the exception of the question of the prohibition of credit to the Rehoboths. Lord Lugard thought he might have overlooked some statement on this subject in the very bulky report, and asked Mr. Werth to be good enough to tell him whether or not the former prohibition had now been reintroduced. He would also be glad to know what was the position of the European owners of farms who had settled in the "Gebiet" prior to 1924.

Mr. WERTH said that the former prohibition had not as yet been reintroduced. The Administration was now establishing an Advisory Council in Rehoboth, and did not wish to force the prohibition upon the Rehoboths until they had been consulted in the Advisory Council.

Secondly, the European owners of farms who had settled in the "Gebiet" before 1924 were still there.

LORD LUGARD, turning to the second question, thought there had been misunderstandings on both sides. The point of view of the mandatory Government had been most fully and ably explained in the long statement which the accredited representative had read to the Commission. He did not think that any useful purpose would be served by going through the document point by point, which would involve reference to a number of documents for which there was no time before closing the examination of the annual report. Such a procedure, moreover, would only tend to perpetuate a spirit of controversy instead of one of mutual collaboration, which all the members of the Commission hoped had been inaugurated by Mr. Werth's frank attitude in regard to this and other matters. Lord Lugard did not propose to say any more on this subject, as it would be referred to later. The view he had expressed was, he thought, shared by his colleagues.

He would therefore only refer to one or two points in order to show that the Commission and he himself had some grounds for the statements made, and he did this only with the object of showing that they were not mere captious criticism.

(a) M. Van Rees had pointed out that, under the present Rules of Procedure, the Permanent Mandates Commission expected to receive the observations of the Mandatory before considering any petition. It had been assumed that the Union Government would be well aware of this, since the issue was raised in connection with the Bondelzwarts case, when a report containing a majority and minority finding—wholly opposed to each other—had been sent to the Permanent Mandates Commission without any indication of the Mandatory's decision. It was true that the Administrator's comments on the petition of November 1926 had been sent on December 21st, 1926, but not only were there no comments by the Mandatory, but the Administrator in his comments had said that the burghers knew that the report of Mr. Justice de Villiers had been sent to the Prime Minister "*and that the Union Government will decide upon the various questions raised therein*". Clearly, therefore, the Administrator himself did not consider that his notes were final, or that the Commissioner's report was final. He had awaited, as had the Mandates Commission, the decision of the Union Government on the various points.

(b) Secondly, Lord Lugard would point out that Mr. Justice de Villiers' report did not deal directly with the petition. He had been appointed as Commissioner a year and a-half before the petition had been sent in.

(c) The Commissioner's report had been submitted to his Government on September 20th, 1926. It had not reached the Permanent Mandates Commission in time for its eleventh session in July 1927. Nor could the Commission deal with it in November 1927, as it was awaiting the decision of the mandatory Power. It should have been able to deal with the petition at its thirteenth session, held in June 1928, but it had been requested to hold over the matter, as the Administrator himself would give full explanations during the present session. The passage quoted: "Nearly two years have elapsed and the petitioners have received no reply", was intended to refer to the date of the events of which complaint was made, and not to the date of the petition.

It had not been till *February 17th*, 1928, a year and a-half after Judge de Villiers' report, that a letter had been sent to the Permanent Mandates Commission saying that the mandatory Power had decided to accept generally the report and to adopt its recommendations. On *March 30th*, 1928, the Mandatory by telegram had endorsed the views expressed by the Administrator in his memorandum of December 1926 regarding the petition.

Lord Lugard hoped that these brief comments would suffice to convince the accredited representative that the views expressed by Lord Lugard and by his colleagues had been based on what seemed to them to be adequate grounds. They were now able to reply to the petitioners, and the matter could be considered as closed.

The CHAIRMAN, referring to the procedure adopted by the Permanent Mandates Commission in the matter of petitions, observed that it was a fact that the actual procedure of the Commission placed it somewhat at a disadvantage when dealing with petitions and general questions. The Commission only met twice a year, and a postponement of the consideration of a question from one session to another might entail a delay of between six and eight months in the adoption of the conclusions of the Commission and their endorsement by the Council. On the other

hand, the Administration of the mandatory Power was working continuously. A difference of date in the transmission of documents which might seem inconsiderable to the mandatory Powers might therefore result in a considerable difference from the point of view of the Permanent Mandates Commission, as it might force the latter to adjourn to the next session the consideration of the matter concerned. It was therefore necessary that in such cases the mandatory Powers should act in conformity with the scheme of work of the Commission, which was determined by the sessions of the Council.

M. VAN REES suggested that, before Mr. Werth replied to Lord Lugard, he should consult the report on the work of the Mandates Commission during its eleventh session, in which the Rapporteur to the Commission, Lord Lugard, had mentioned the five complaints made by the Rehoboths. In his opening statement the accredited representative had dealt with two of those questions. Mr. Werth might perhaps be able to add something with regard to the other three points.

It was decided to postpone the hearing of Mr. Werth's reply to Lord Lugard's observations until the afternoon meeting.

918. South-West Africa : Status of the Territory. Reply from the Prime Minister of the Union regarding a Statement attributed to Mr. Tielman Roos, Minister of Justice.

Mr. WERTH reminded the Commission that he had been asked to communicate with the Prime Minister of the Union of South Africa with regard to a statement alleged to have been made by Mr. Tielman Roos, Minister of Justice. He had now received the following cable in reply :

“ October 31.—Please inform Mandates Commission that newspaper report incorrect. In replying to question whether Union Government will be in favour of restoration of South-West Africa to Germany—and merely speculating as to what might happen in the future—Minister of Justice said it was more probable that mandated territory will ultimately be incorporated into the Union, in case the majority of the population of the territory desired it. Minister of Justice did not in any way purport to voice policy of the Union Government. Union Government has no other intention than loyally to observe the terms of the mandate. ”

The CHAIRMAN drew the attention of the accredited representative to the words “ in case the majority of the population of the territory desired it ” used by Mr. Roos and expressed his wish to make a reservation on this point. He observed, moreover, that the Permanent Mandates Commission could not be accused of hypercriticism if, in connection with a question of such importance, it had been struck by this declaration and by the words employed.

ELEVENTH MEETING

Held on Thursday, November 1st, 1928, at 3.30 p.m.

Chairman : The Marquis THEODOLI.

919. South-West Africa : Petition from certain Members of the Rehoboth Community dated November 26th, 1926 (continuation).

His Honour A. J. Werth, Administrator of South-West Africa, accredited representative of the mandatory Power, and Dr. Fourie, Chief Medical Officer of South-West Africa, came to the table of the Commission.

Mr. WERTH said he was extremely anxious that the Rehoboth question should be fully and frankly discussed in order that some finality might be reached on it during the present session of the Permanent Mandates Commission.

In the first place, he would like to amplify the comments which he had already submitted regarding the petition sent in by the Rehoboths.

From that petition, it would appear that for more than a year he had refused to see them. That was not the case. Immediately after his arrival in Windhoek, that was to say, before he had become thoroughly versed in all the various problems of South-West Africa, the Rehoboths had asked to see him, saying that they wanted to discuss their constitutional rights, which had been the subject of an enquiry by Judge de Villiers. The Administrator had replied that no good purpose would be served by seeing the Rehoboths at that time,

but that he was expecting the report of Mr. Justice de Villiers to appear at any moment and that he would then visit them personally. Unfortunately, the report had been delayed longer than was expected, and he therefore visited the Rehoboths before the report was published. The satisfied and the dissatisfied members of the community had all attended the meeting. The Administrator had told them that the report had not yet appeared, that he could not, therefore, discuss with them the question of their constitutional rights, and that he would like them to tell him what their immediate wants were in the way of education, farming, etc. When the dissatisfied party heard that he was not prepared to discuss the constitutional question, they got up and left the meeting. Their attitude had been that, if they could not discuss with him the question of their constitutional rights, they did not wish to enter upon a discussion of any other subject.

The Administrator had wanted to establish schools for the Rehoboths and had since done so in Rehoboth, but the Rehoboths had refused to send their children to those schools, and had been unwilling to co-operate in the slightest degree. Under the new Constitution, they were entitled to representation through an Advisory Council of six members, partly elected and partly nominated; but when the election had been held not one of the dissatisfied party had taken part in it, with the result that only members of the loyal party had been elected. The Administrator had offered nomination to members of the dissatisfied party, but they had refused, and consequently there was in Rehoboth at the present time an Advisory Council consisting of representatives of one party only. The dissatisfied party would have nothing to do with the new Advisory Council. He had mentioned this in order to illustrate their attitude.

Mr. Werth thought it would help the Mandates Commission to understand the whole position if he said that, in his view, the only thing that the dissatisfied Rehoboths wanted was independence. They had not had independence under the German regime, but in 1917 they had been visited by Mr. Dewdney Drew, who had spoken to them about the freedom and self-determination of small nations. They had taken part in the war, and from that moment the Rehoboths had wanted nothing but independence, and because the Administration could not give them that, since they formed only a small handful of about 750 male adults living in the heart of the territory, they had been dissatisfied and refused to co-operate with the Administration in the slightest degree.

M. PALACIOS asked whether the opposition party was a large one.

Mr. WERTH replied that it certainly constituted the majority.

M. PALACIOS asked whether it also predominated as regards education and wealth; that was to say, was the party composed of the better-educated and richer classes?

Mr. WERTH replied that the leader of the dissatisfied party was merely an agitator who possessed nothing, though he had to admit that in the ranks there certainly were a few good farmers. The loyal party, however, was undoubtedly the cream of the community. Its members had always been the recognised leaders of the Rehoboths, and the Administration had supported them because they were the only legally constituted governing body in the "Gebiet".

M. PALACIOS enquired what the prospect was for the future, and whether, in the view of the accredited representative, they would accept the views of the Government and the legislative measures to which reference was made on page 4 of the report.

Mr. WERTH replied that, in his view, the ranks of the dissatisfied party would gradually thin out. They were being shown that the policy of the Administration was in their best interests, and the adherents of the dissatisfied party were gradually falling away and joining the loyal party. In order to understand the mentality of the Rehoboth, it must be realised that the Administration was dealing with an uneducated people, a people with small minds, and obsessed with only one idea, independence.

M. PALACIOS did not think that the idea which the people had regarding their constitutional rights and regarding independence was always so simple as Mr. Werth had indicated.

Lord LUGARD observed that the Commission had received a petition from a Mr. Drew. Was this the same man and was he still in the territory?

Mr. WERTH replied in the negative. Mr. Drew did not now dare to show his face in the Rehoboth territory: he had kindled hopes which could not be realised.

To pass now to the second point, namely, the allegation that the goods of the Rehoboths had been destroyed by the police. The Bastards had been at liberty to give evidence before the Commission on all points, and it would not be possible to find in the whole of the evidence a single case in which a member of the community had been able to make or substantiate this charge. The Administration had heard for the first time from this petition that this had been considered a cause of complaint. The satisfied and the dissatisfied elements had all given evidence before the Commission, and this grievance had not been mentioned by a single witness at that time.

M. VAN REES, referring to page 62 of the report, noted that Judge de Villiers had said that "the property which the Rehoboths now claim to have been expropriated by the Administration was taken over by the German authorities before the war".

Mr. WERTH replied that this had nothing to do with the grievance mentioned in the petition, in which they referred to the destruction of their goods during the disturbances of 1925.

The third point raised by the Rehoboths was that Europeans have been allowed to purchase their lands. Mr. Werth thought that the report, as the Commission would be bound to admit, wholly refuted that charge. No land could be alienated in Rehoboth without the permission of the Administrator; that permission had never been given, and not a single inch of land belonging to the Rehoboths had been alienated since 1914. On the contrary, the report established the fact that the Administrator, in order to conciliate the Rehoboths, had given them 38,000 hectares of land in addition to what they had already possessed.

The Rehoboths maintained that the law relating to credit had not been restored. The old German law had not been repealed, but, owing to the introduction of Roman-Dutch law in South-West Africa, the former law had automatically lapsed. Subsequently, there had occurred the disturbances in Rehoboth as a result of which the powers had temporarily been vested in the Magistrate. The Administration, however, had not wished to disturb the situation or to give the Rehoboths the impression that it was imposing legislation on them, so it had, up to the present, administered the old laws and carried on the administration of the "Gebiet". It did not wish to impose new legislation on them, and so had waited until the establishment of an Advisory Council through which they might be consulted.

As he had said at the previous meeting, an Advisory Council had been established in the Rehoboth, and it would be consulted in the matter. The Administration had not wished to impose new laws on these people, nor to make them feel that it was disturbing their Constitution by making new laws without consulting them. Now that the Advisory Council was established, however, they would be consulted, and, since they were in favour of it, the law would be promulgated in due course.

As regards the fourth point, the complaint of the Rehoboths about the Game Law was totally unjustified. If, indeed, any change had been made, it had been to their advantage. Shooting had always been free in the Rehoboth "Gebiet". The Bastards could shoot game there all the year round without a licence. Because the Administration had heard that the Europeans went into the "Gebiet" to shoot game all the year round without a licence, the Game Law had been applied to the "Gebiet" only in respect of the Europeans. No European could now go to the "Gebiet" and hunt without a special permit, so that any change made was to the advantage of the Rehoboths.

920. South-West Africa : Examination of the Annual Report for 1927 (continuation).

Native Affairs. Social and Material Progress. Relations between the Natives and the Europeans.

LORD LUGARD said that, judging from the report of the Magistrates' Conference as a whole, it seemed to him that the only point discussed was whether this or that section of the Europeans would be satisfied with any proposed measure, and it did not seem that the point of view of the native had been considered to be of much account.

MR. WERTH explained that before any native legislation was passed the magistrates were consulted, and the magistrates went to each reserve, called the natives together, and discussed with them the new legislation. This did not appear from the report, but it was the case.

M. RAPPARD said he did not know of any more depressing reading than pages 29 and following of the annual report for 1927, not only because of the conditions depicted but because the authors of the report, the district commissioners and magistrates, seemed to be lacking in human sympathy for the natives. He realised the peculiar difficulties of South-West Africa. There was no other mandated territory in which the native population had been for so many centuries in contact with the whites, and where, in consequence, there was little left of the primitive civilisation. The second difficulty was that this was the only mandated territory which was a white man's country and where, therefore, the interests of the whites and blacks were clearly in conflict.

When he spoke of a lack of humanity he did not expect the accredited representative to refute him, but he wished to make clear his point of view by quoting some examples.

Thus, the section of the report on page 29 devoted to native affairs began: "No great changes in the social conditions of the natives can be recorded for the past year. The rainfall has been low . . ." M. Rappard, as an economist, was not likely to belittle the importance of material factors in relation to social welfare. Nevertheless, there was surely more in social life than that which could be affected by the rainfall.

A long disquisition by a representative of the Rhenish Mission on social conditions was included in the report. This eminent divine deplored the lack of sexual morality among the natives, but he appeared to judge it from a purely conventional point of view, without taking into account the conditions which had caused that demoralisation. Were not these uneducated people, who had lost their former beliefs and had not yet acquired new beliefs admitting of another conception of life, the victims of this change without being responsible for it? The ecclesiastic he had mentioned had said at the end of his statement that he was seeking

to reform existing conditions with all the means at his disposal—including excommunication. Did not this also indicate a lack of understanding of the native problem ?

On page 33 of the report it was stated that the native goat, so prolific and so destructive of vegetation, was of no commercial value, though it did provide most of the milk and flesh on which the natives subsisted. Surely, if it provided the milk and flesh on which the natives lived, its commercial value was of secondary importance. The authors of the report always seemed to consider the interests of the whites, even when dealing with the question of the natives.

On the same page reference was made, as if it were a great favour, to the fact that the natives were allowed to graze their stock free on the farms of their European masters. But, after all, had not this territory been native territory for centuries before the white man went there ?

On page 37 it was stated that :

“ The Hereros are not a naturally industrious tribe, and if it were not for the fact that able-bodied natives are not allowed on our reserve, and that they have to pay taxes on their stock and for their dogs, they would not work at all. ”

Was not this again a clear example of the subordination of the welfare of the native to that of the white man ?

On page 39 it was stated that the measure of prosperity among the natives of South-West Africa was principally indicated by their live-stock holdings, and that, despite periodical losses from such causes as drought, their stock was increasing. That in itself was satisfactory, but the author went on to say that the increase took place to such an extent as seriously to compromise the interests of the European farmers on whose land the natives resided, and that, since these farmers were unable to provide sufficient water and grazing for their own and the natives' stock, they were forced to part company with the natives, whom they found great difficulty in-replacing. Further on it was stated that it was only natural that the natives, unless prevented by some means, would take no heed of economic factors and would continue to acquire all the stock they could, especially as that was practically the only form of investment open to them. But why should the authors of the report deplore the fact that the natives took no heed of economic factors and did not artificially limit the only form of wealth they could acquire ? Was it not because this might seriously disturb the European farmers ?

M. Rappard was not challenging any particular point, but merely deplored the lack of sympathy and understanding for the natives to which these passages and many others he did not propose to quote testified.

This section of the report ended with the reassuring and gratifying statement that a small handbook dealing with tribal customs was being prepared, and he presumed that that was the one laid on the table of the Commission. It was written in an entirely different spirit. He was glad to see that someone in the district regarded the natives, not merely as farm-hands for the white settlers, but as human beings worthy of consideration in themselves. It seemed to him that, in case of conflict, the material interests of the whites, which were in the minority, should be clearly subordinated to those of the tremendous majority of the blacks, whose land this was historically, and whose rights Article 22 of the Covenant as well as the mandate were intended to safeguard.

Mr. WERTH felt that the remarks made by M. Rappard were most unjust. There was no want of sympathy with or lack of understanding of the natives. On the contrary, one of the complaints made to him by the farmers as he went from district to district was that the magistrates were too much the friends of the natives. The magistrates of the “ Gebiet ” had a very high reputation as native administrators, in proof of which it was only necessary to mention such names as those of Mr. Scott, Mr. Manning, Captain Hahn and others.

With regard to M. Rappard's remark that too much emphasis was laid on the economic side, it was Mr. Werth's conviction that the only way to promote, not merely the material welfare of the natives, but their spiritual progress, was to provide water. The one thing on which he was going to concentrate in Ovamboland was the provision of a water supply. The present supply was not even good enough for cattle. The problem was very difficult. The land was so flat that no dams could be constructed or bore-holes sunk. The water which was obtained was extremely brackish. How could any material or spiritual progress be expected unless a good water supply could be secured ? That was why the magistrates laid so much emphasis on this matter in their reports. He would like the members of the Mandates Commission to remember that water was the supreme necessity. South-West Africa had no surface water supply. Every drop had to be pumped up at least 300 feet out of the earth.

M. RAPPARD observed that the more boring that could be done for the natives the better, even if it meant delays in the boring for the white colonists.

Mr. WERTH said that the whole of paragraph 44 indicated a desire on the part of the magistrates to improve the quality of the stock of the natives. They wanted the natives

to realise that the merino sheep had a greater economic value than the goat, and that good-class cattle was better than a scrub animal. The natives refused to rear good cattle, which they said were not acclimatised, and which they felt were less immune from drought and sickness and would perish. They did not want the merino sheep because it needed dipping against scab, and they clung to the goat. It was not from want of sympathy that the native was criticised. Goats had no commercial value. To improve the native, it was necessary to improve his methods of farming. It was desirable that the native should dispose of increase in his stock in the normal way by obtaining money for it. It was easy to see how misunderstandings arose.

The accredited representative, referring to the reports which he received from his native officers, said that these always referred in the first place to the dams completed and under construction. This was the vital factor at the present moment in South-West Africa. It was not from any want of understanding that such matters were emphasised, and his object in coming to the Commission was to try to give the members an insight into actual conditions in South-West Africa.

When he had been in Ovamboland, the missionaries had asked for a contribution towards education. He had, however, found only one school sufficiently well run to warrant the bestowal of a yearly grant of £100. What was needed was a grant for the building of dams. He had urged the missionaries to induce the natives to do this all-important work, and had promised financial assistance from the Administration.

M. RAPPARD agreed that it was necessary first to feed the natives and then to look after their morals. There were 229 new bore-holes in the country and only 15 of them appeared to have been made for the natives. He adhered to his opinion that the territory, being suitable for the white man to live in, was administered rather in the interests of the small white colony than in those of the large majority of natives.

Mr. WERTH replied that the policy in regard to bore-holes was to supply each farm with one and the native reserve with a number of bore-holes constructed at fixed distances apart. The bore-holes in the native reserves had been practically finished. It was now essential to complete this all-important work by the construction of dams, for bore-holes without dams were insufficient and it was this that the native was being encouraged to do.

Lord LUGARD desired to correct a possible misapprehension. In his previous remarks he had intended to refer to the general feeling of the white community towards the natives, and not to the attitude of the magistrates towards the natives. His impression from reading the Minutes of the Conference was that the magistrates were eager to help the natives.

M. ORTS agreed that the improvement of material conditions of existence for the natives must precede moral development. It was indeed impossible to expect that any permanent moral progress could be achieved as long as the essential material needs of the natives were imperfectly met. The report, however, spoke of the increased demoralisation of the natives during the last few years. What was the reason for this demoralisation ?

M. PALACIOS referred to the passage, on page 31 of the report, where information was given regarding the dissolution of marriages amongst the natives, separations and abortion, information which was accompanied by the following commentary on the part of Pastor Olpp, Inspector of Missions : " The most melancholy part of the matter is that, when husband and wife separate after this fashion, they quote the example of the white people and say that they are entitled to act as the white people do. "

Mr. WERTH said that, in his personal opinion, the moment a raw, uncivilised native was brought into contact with white civilisation, he learned first the vices of the white man and not his virtues. It was for this reason that the Administration's policy was to segregate the natives and leave them in the charge of capable white officials until such time as they should be able to stand more firmly by themselves.

Dr. KASTL agreed with Mr. Werth and M. Orts. It was impossible to compare South-West Africa with other parts of Africa or of the world in which natives and white men were to be found together. As far as the natives were concerned, the task of the Administration of South-West Africa was very difficult. In subtropical countries, and especially in South-West Africa, the natives had a very low standard of living. From the standpoint of the outsider, it might seem that there was invariably competition between the whites and natives, and the complaint was always made that the magistrates paid more attention to the desires and claims of the whites than to those of the natives. But that was unfounded.

Mr. WERTH agreed. He would draw the Commission's special attention to page 102 of the report, which contained a letter from Dr. Rainio, a resident mission doctor of the Finnish Mission, who had been many years in the country and who had intimate knowledge of the people. In that letter the doctor stated that it had not yet been possible for that mission to train a single native nurse. The Administrator was well aware of the reason. It lay in the immense difficulties encountered in Ovamboland owing to the fact that each tribe kept fiercely to itself and refused to mix with its neighbours. He had originally thought of establishing

a hospital for natives in that area, but had desisted on being told that to mix the tribes would mean war. No native of one tribe could visit the native of another. According to native custom, the sick could only be nursed by their relatives. The Finnish Mission had worked in that country for sixty years and had not been able to change these customs. The Hereros were divided into three tribes and no true Herero would associate with, for example, an Ovishamba. Even the religion of the people was against commingling. For example, natives of the tribe of Ipumbu had on one occasion lit their fires, which had become extinguished, from the fires of a neighbouring chief. Chief Ipumbu had at once wiped them out as having been guilty of a gross act of treason and disloyalty.

Mlle. DANNEVIG asked whether these facts were equally true of the natives in the police zones. Surely there was a very great difference in the case of such natives?

Mr. WERTH replied that most reserves were within the police zones and that schools, although not very many, had been opened in all those zones.

M. RAPPARD was not in the least surprised at the observations of the accredited representative, since, as he himself had said at the beginning of his observations on this matter, South-West Africa was a white man's country and it was inevitable that the whites should come to regard the natives as being in their way. It was also quite natural that the magistrates should be accused by the whites of being too lenient to the natives. The effect, however, of the pressure exercised on the magistrates by the opinion of the white settlers appeared to be quite obvious, and the state of mind of the settlers was clearly to be deduced from the report. The blacks were evidently unable to express their point of view as clearly as the whites, who had their representatives and their Press. The Commission, however, had the right to expect the magistrates energetically to defend the cause of the natives, despite the very great pressure which the white settlers might exercise, for the magistrates were called upon to keep the balance between the two. The duty of the Commission was to help them in their thankless task.

M. MERLIN had listened with great attention to the observations of Mr. Werth, with which he fully agreed. He himself had had experience in countries similar to South-West Africa and therefore realised the difficulties of the Administrator. The Administrations took their responsibilities so seriously that they often spoke of the natives as "our natives" and "our people". They had obviously very great sympathy with the natives, but they were not blind to their faults. While sympathy was undoubtedly necessary in dealing with natives, the Commission must clearly realise that the administrators had an extremely difficult task and were doing most meritorious work. The members must not be too impatient and must proceed with great prudence in any criticism they might make.

Labour Legislation. Application of the Masters and Servants Act. Native Pass System.

Mr. GRIMSHAW called attention to the labour legislation of 1927. It was, in his view, a somewhat unhappy fact that during that year there should have occurred in a territory under mandate a change in labour legislation directly opposed to the tendency shown in almost every other country of the world which had similar problems to face. An advance had been made towards increased liberalism in Australia and the Argentine—to name two countries which had been mentioned in the discussion—in regard to the treatment of the natives. The Masters and Servants Proclamation of 1920 in South-West Africa, however, had been amended and made much more severe by Proclamation No. 10 of 1927. The monetary penalties for offences under the Ordinance committed by natives had been generally doubled. The maximum fines had been increased from £3 to £7; that was to say, to seven months' wages. The periods of imprisonment had been extended and a new punishment, that of whipping, had been introduced. Could Mr. Werth inform the Commission whether these severe measures had been productive of that better feeling between the white man and the natives which all desired to see? He would be grateful to have information concerning the effect of this new legislation. Figures might, for example, be given showing offences and convictions under this Ordinance, and the nature of the offences might be indicated. In the present report they appeared to be included in the general figure for "Statutory Offences".

Mr. WERTH said that it was impossible for him to answer Mr. Grimshaw's question, because the Act had not been long enough in force to judge of its results. He would certainly include in the next report the list of offences and convictions under the Ordinance which had just been mentioned. He must once more plead the conditions of South-West Africa. To take an example, in the Vereingte Nossob district, farmers were 150 miles away from the nearest magistrate. A farmer had a native staff and found that the staff, instead of working, went to beer parties. If he wanted to lay a charge against those natives he had to go ox-or

donkey-wagon to find the magistrate, return to his home and then go back to the court again when the case came on. In other words, he had to expend a sum of £30 or £40 in order to secure a conviction of his native boy, who would be fined £1. The result had been that farmers rarely laid any charge against the natives. The strengthening of the Ordinance had been designed to make it worth their while to do so.

Mr. GRIMSHAW said he did not understand how this could possibly be a remedy. What satisfaction was it to the farmer, after a journey of that kind, that a servant should be fined £1 instead of 10s. ? Mr. Grimshaw, however, was glad to note the accredited representative's promise that the report for the following year would contain more information on the working of the Ordinance.

Lord LUGARD asked, with reference to the statement of the accredited representative that farms were often as much as 150 miles from a magistrate, whether it would not be possible for the magistrates to tour their districts continually and deal with these petty offences on the spot.

Mr. WERTH said that a Proclamation had been issued conferring on magistrates the power of holding peripatetic courts. The chief difficulty was the provision of transport. The Act would probably work much better as soon as it was possible to provide magistrates with motor-cars.

Mr. GRIMSHAW referred to a second change in legislation, brought about by Proclamation No. 11 of 1927, Section 3 of which read as follows :

“ Any native who desires to travel within this territory may do so upon a pass issued by his European employer, or, where he has no European employer, by a magistrate, an officer in charge of native affairs, a superintendent of natives, a superintendent of native location, a superintendent of a native reserve, a member of the South-West African Police in charge of a police post, or any other person appointed for the purpose by the Administrator. No person other than the European employer of a native shall issue such pass to a native unless he is satisfied :

“ (a) That the native is not then in the service of a European and that he did not desert from the service of his last European employer ; or

“ (b) That by reason of the absence of his European employer or for other sufficient cause he is unable to obtain a pass from such employer, and that he requires the pass for a proper purpose.”

One apparent effect of that change in the law was that, whereas formerly a native in the employment of a European could approach, not only his employer, but also a magistrate and a number of other persons, he could now, so long as he was in employment, approach only his employer. It would appear to follow that a native who was dissatisfied with his employer, and whose employer refused to give him the pass, must either desert or stay where he was, since the Proclamation made it impossible for him to appeal to any other authority so long as he was in employment, no matter how unsatisfactory that employment might be.

Mr. WERTH replied that a native always had the right to go to a magistrate and ask for a pass or to lay a charge. He could always lay information before the magistrate with regard to any hardship suffered in his employment. Owing to the enormous distances between stations in South-West Africa, native employees might easily disappear and it was impossible to find them. Under the new Proclamation, the native would only be entitled to go before the magistrate if he had a grievance, and, if he satisfied the magistrate that his grievance was a real one, the magistrate would begin proceedings against the employer. If, on the other hand, a native left his employer without due reason, he was liable to punishment under the law.

Mlle. DANNEVIG asked, since some of the farms were situated as far as 150 miles away from the nearest magistrate's station, if a native left the farm to lay a complaint, would not that amount to desertion, as he would have to be a week or more away from his employment ?

Mr. WERTH said that such a case would not amount to desertion. A native thought nothing of going 150 miles, and indeed in many cases it was preferable to send a message by a native to sending it by automobile.

The CHAIRMAN requested all members, in view of the lateness of the hour, to make their questions and observations as brief as possible.

Mr. GRIMSHAW wished to ask Mr. Werth whether he could give any information, either in the next report or in some other form, regarding the contracts of workers on farms. The

International Labour Office had been instructed by the Governing Body to make a special study of the labour contract and this information would be of great value.

Mr. WERTH replied that the contracts varied enormously from district to district and from farm to farm. While the farmers preferred to engage a man for six months or a year, the contract was usually on a monthly basis.

Health Conditions in the Mines.

Mr. GRIMSHAW observed that the situation with regard to the tropical natives employed in the mines did not seem to have improved. The influenza outbreak at Tsumeb had resulted in a death rate of 93.6 per thousand per annum, while in the vanadium-mines, out of 26 deaths from pneumonia, 25 were of tropical natives. It seemed evident that the Ovambo and Angola natives were not standing the conditions in the mines at either of these places. Was the Administrator satisfied that everything which could be done had been done to safeguard their health?

Mr. WERTH replied that he had personally been greatly concerned at the epidemic of influenza in Tsumeb and he had immediately visited the mines. He had brought back photographs with him to show to the Commission. From his personal experience, he doubted whether any employees in Europe worked under such healthy conditions. The rooms were large, clean and airy, and Mr. Werth had personally satisfied himself with regard to the clothing and feeding of the workers.

The medical officer had, as early as 1917, drawn the attention of the Administration to the fact that influenza generally became prevalent during the unsettled weather conditions which are frequently met with during the winter. In the present instance, the usual winter prevalence of moderate severity had developed into a virulent epidemic coincidentally with the appearance of a marked depression in the Grootfontein district. There was nothing that could be done to prevent such an occurrence. At the same time, the climate of Tsumeb was much more tropical than that of Luderitz, and consequently resembled more closely that of Ovamboland; hence it might have been expected that workers from Ovamboland would be much more liable to the effects of cold in Luderitz and yet the influenza epidemic had broken out at Tsumeb. The epidemic had been quite general, and had taken toll of the white population as well. It might indeed be compared with the epidemic that had passed over Europe in 1918.

Mr. GRIMSHAW pointed out that it appeared that the deaths of native workers from other tribes had been much lower in proportion to those of natives belonging to tribes in the tropical districts. The position was well understood on the other side of Africa, and under the Mozambique Convention no natives from farther north than 22° latitude were allowed to come south for employment in the mines.

Mr. WERTH replied that the Administration was studying the problem and doing its best to prevent further occurrences of the kind. At the same time, it was difficult to stop an epidemic.

Mr. GRIMSHAW said that, as the question of the health of Ovambos and other tropical natives employed at the mines seemed insoluble for the moment, he wondered whether the Administration would continue its policy of employing them or permitting their recruitment. As to the epidemic of influenza, was he entitled to suppose that, since the climate of Tsumeb differed little from that of Ovamboland, had the depression to which the Administrator had referred passed over Ovamboland, an epidemic would have broken out there with very similar results among natives living their ordinary lives?

Application of the Colour-bar Act. Grievances of European Workers.

Mr. GRIMSHAW, turning to the question of white workers, asked whether the Colour-bar Act was applied in South-West Africa.

Mr. WERTH replied that the Administration applied the Act to its own workers who were employed on responsible jobs, such as motor-driving and, he thought, on the railways.

Mr. GRIMSHAW said that the International Labour Office had received a communication from the International Federation of Trade Unions, to which the South-West African Workers' Union was affiliated. The communication contained a number of complaints which might be summarised as follows:

1. The members of this Union who, according to their own statements, were residents in South-West Africa, and who for the most part had been originally of German nationality and were now British subjects, were in a position of disadvantage compared with workers coming

from the Union, more especially as regarded employment on the railways and the settlement of unemployed workers on the land in South-West Africa.

2. The social legislation affecting the members of the Union was negligible. They said, for instance, that the only social welfare legislation affecting them was that which established a form of accident insurance.

3. The Union raised a question which had already been discussed with the accredited representative, namely, that of the acquisition and exercise of citizen rights in the country. The complaint was that workers from the Union of South Africa acquired citizen rights, including the right to vote, within one year from their coming to the mandated territory, while some of the members of the trade union who had come into the mandated territory after 1925 would have to wait five years before they could become naturalised, and that, owing to this difference of status, they found themselves at a disadvantage, because it was the policy of the Administration and of the railways to employ only citizens of South-West Africa.

Mr. WERTH said that the organisation referred to by Mr. Grimshaw had laid itself open to censure because it had approached an international organisation before bringing its complaint to him. There had been in the Legislative Assembly of the previous year only one motion asking him to give preference in regard to employment to all residents in South-West Africa. Mr. Werth had objected to the use of the term "residents" and had said that the word "citizens" should be employed. That was the only intimation he had had of any complaint. He was strongly of opinion that the trade union should have approached him before communicating with any international body.

Mr. GRIMSHAW stated that he had not been aware that the Administrator had not first been approached in this matter, and agreed that that would have been the proper course to take.

Mr. Grimshaw asked whether Mr. Werth could reply to the allegation that the Union of South Africa used the mandated territory as a solution for its own unemployment troubles, to the detriment of persons living in the territory.

Mr. WERTH said that he categorically and emphatically denied the charge.

Missions.

M. PALACIOS observed that the annual report did not contain any special chapter or heading referring to religious questions, although, under the Covenant and the mandate, this was one of the principal matters regarding which a report should be submitted to the Commission; the latter had already at various sessions asked for, and still awaited, an account of the activity and work of the missions. He hoped that the report for the next year would give a general outline and would indicate, for instance, the number and distribution of missions in the territory, the places in which they were situated, the work they were doing, whether they received subsidies from the Administration, whether they were under any obligation towards the Administration, whether there was any competition between the various religions and what was the attitude of the missions towards the original customs of the natives. Information on these points would enable the Commission to form a reasoned opinion on the question whether the terms of the Covenant were being observed which required religious equality and freedom of conscience in the execution of the sacred trust of civilisation entrusted to the mandatory Power.

Lord LUGARD referred to an extract from the *South African Outlook* of April 2nd, 1928, concerning the Finnish Mission in Ovamboland. It was stated that:

"Before the war there were German missionaries at work in one of the tribes and success had attended their labours. They were, however, expelled from the field and had not yet been able to return; yet Roman Catholic and Anglican missionaries have begun to work in three of the tribes."

Mr. WERTH replied that the report in the *South African Outlook* was incorrect. There was absolute freedom of conscience in the mandated territory and no distinction whatever was made between missions as regards religion.

M. PALACIOS added that, in the report for 1927, information was certainly given regarding the missions, particularly in the chapter on "Native Affairs". The information, however, was so scattered that it was difficult to obtain from it a precise and constructive picture of the situation. For example, information was to be found on page 42, "Churches in Native Reserves"; on page 46, from which it was difficult to appreciate the "keen competition" between the Finnish Mission and the Roman Catholic; on page 123, where it was stated that the Paris Missionary Society was permitted to cultivate gardens in Caprivi Zipfel, information which left in doubt the question whether this was a privilege or whether it was general to all the missions, etc. Neither was it clear whether all the missions or only some of them were obliged to support the policy of the Administration or to facilitate hiring of labour for

certain work; these were questions regarding which the Mandates Commission had already asked the mandatory Power for additional information, which up to the present had not been forthcoming.

M. ORTS, developing the arguments of M. Palacios, recalled that, in its report on the work of its ninth session, the Commission had drawn attention to the fact that the missions operating in Ovamboland had been required to furnish a written undertaking: "(a) to assist and support the policy of the Administration; and (b) to encourage all natives under their influence to seek employment in South-West Africa; that was to say, within the police zone." The Commission had further expressed a desire to find in the next annual report information which would dispel doubts which had arisen on the question whether these requirements were in conformity with the spirit of Article 5 of the mandate, in accordance with which the Mandatory "shall allow all missionaries to enter into, travel and reside in the territory for the purpose of prosecuting their calling".

From the reply of the Mandatory it would seem that it had not fully understood the preoccupation felt by the Mandates Commission. No criticism, of course, could be made against the Mandatory if it found it necessary to censure a mission which had encouraged the natives to resist the orders of those in authority or to break the law. It was another thing, however, to require the missionaries actively to support the policy of the Administration and use their moral influence to assist in recruiting labour. To demand of the missionaries a formal engagement of this kind would seem to make their admission to the territory or their right to pursue their mission there dependent upon a condition which the missions would be justified in refusing.

Mr. WERTH said that the question of imposing an obligation on the missions with regard to the recruitment of labour was a very important one. The Administration, however, had now waived that condition and was not asking the missions to give such an undertaking. Previously, the Administration used to recruit labour for the mines, but now the mines were doing that for themselves with the assistance of an official appointed by the Administration, and for this purpose the mines entered into their own arrangements with the missions. The management of the mines at Luderitz had invited the head of the Finnish Mission to visit the mines with a view to inspecting the conditions under which the natives worked there, and in consequence of that visit the head of the mission had said that, while he would not actively assist in the recruitment of labour for the mines, he would certainly not discourage the natives from going there. Mr. Werth understood that the head of the Finnish Mission was now sympathetic to the employment of natives in the mines.

M. ORTS understood, therefore, that a similar undertaking was no longer required from the missions.

Mr. WERTH replied that that was the case.

M. ORTS asked whether the three missions in Ovamboland had given the written undertaking previously required.

Mr. WERTH said that he was unable to give a definite and sure reply to that question.

In reply to Mr. Grimshaw, who asked whether the English and Roman Catholic Missions in Ovamboland had been required to give a written undertaking, Mr. Werth said that it was possible that the English Mission had had to do so. The policy, however, had now been discarded.

Education.

Mlle. DANNEVIG said that the report gave a very sad picture of native conditions. It was said that the natives were poor, that their stock was low, that they had to pay taxes, and, in order to do so, had to go to the mines to find work, that only old men were left to look after the women and children in the reserves, and that many boys of under fourteen had to find employment. There was therefore no cause for surprise that the natives were described as lazy, improvident and immoral. The report of the Magistrate of Gibeon stated that the tribes in his district had long since given up strict adherence to the customs of their fathers, and that the state of affairs reported from Gibeon existed in most parts of the territory.

Mr. Werth had told the Commission that he was devoting money and energy to improving native conditions, especially by providing water. Mlle. Dannevig hoped that he would also be able to improve their education. According to the figures for finance, over £118,000 had been spent on education, of which sum only £8,000 were devoted to native education. That was to say, nearly £110,000 were spent on education for a white population of 25,000, and only £8,100 for that of a native population of 93,491 within the police zone, to say nothing of the native children living outside the zone. Mlle. Dannevig fully realised the difference between the whites, who desired education for their children, and the natives, who did not, but she

thought it was essential that education should be given to the children of the natives in order to prevent them from becoming as lazy, improvident and immoral as their fathers and mothers.

According to the report, there were fifty-five State-aided mission schools. Mention was also made of non-aided State schools, but it was stated that there the teaching was of so poor a quality that it was not worth while mentioning the work done in them. Was Mr. Werth satisfied with this state of affairs, or would measures be taken to improve the native education ?

Mr. WERTH replied that Mlle. Dannevig had made an indictment that was certainly not deserved by the Administration. She had herself laid her finger on the real difficulty, the fact that the natives did not want education. Mr. Werth had personally visited Rehoboth with the object of ascertaining what schools should be constructed there, but the majority of the Rehoboths had refused to send their children to the schools subsidised by the Government. He was not going to cause a native war in the attempt to thrust education upon people who did not want it.

The CHAIRMAN knew that Dr. Kastl could confirm Mr. Werth's statement from his own experience. He thought the Mandates Commission would therefore confine itself to taking note of the accredited representative's statement, and to recommending that everything possible should be done to remedy the present state of affairs.

Mr. WERTH added that the reason why so little information concerning native education was given in the current report was that, in the previous report, the Administration had given a very full account on the subject, and had therefore thought it unnecessary to present so full and clear a survey in the present year.

Lord LUGARD observed that no account was given of the schools of the Finnish Mission.

Mr. WERTH said that a full account had been given in the previous report.

Liquor Traffic.

Lord LUGARD said that he saw, in the report of the Magistrates' Conference, that " the question of amending the Liquor Law so as to allow natives to manufacture or possess a limited quantity of Kaffir beer " had been discussed. The Secretary had said that the matter had already been presented to the League of Nations, and it was agreed that two or three of the magistrates should now draft a resolution to be forwarded to the League in favour of the proposal. Lord Lugard was not aware that the mandate prohibited the possession of a limited quantity of native beer, though the *supply* of intoxicating beverages was forbidden. The magistrates were apparently of the opinion that such limited quantities of native beer would be beneficial and not injurious to the native welfare, which it was the duty of the mandatory Power to safeguard.

Mr. WERTH said that he was glad to hear Lord Lugard's statement.

Public Health.

Dr. KASTL said that an examination of the section in the report regarding public health appeared to show that the Administration was doing everything possible to improve health conditions in the mandated territory. On page 102, however, it was stated that the establishment of a pathological laboratory was a question of the utmost importance to South-West Africa, while on page 108 it was said that, owing to the absence of laboratory facilities, the diagnosis of undulant fever was based entirely on clinical grounds, and that in at least one case, in which a European was suspected to be suffering from the disease, the condition was ultimately proved to have been enteric fever. So far as Dr. Kastl knew, there had been, under the German Administration, a small pathological laboratory in Windhoek, and a good bacteriological institute near that town. The reinstatement of these two institutions would be a great advance.

Mr. WERTH said that he himself had felt the want of a bacteriological institute. It was true that one had existed in German times, but it had fallen into decay during the period of military occupation. Owing to the lack of sufficient money to re-establish the institute, he had converted it into an agricultural school. The moment he had sufficient funds he would set up a bacteriological institute.

Lord LUGARD referred to the expenditure for the treatment of natives (£7,795) given on page 105 of the report, and observed that this sum represented less than 1 per cent (0.8 per cent) of the total revenue of the territory.

Mr. WERTH explained that, at the present time in South-West Africa, the medical treatment provided for the natives was superior to that provided for the whites. There were three State-owned native hospitals, as well as the hospitals maintained at Luderitz, Tsumeb and Abenab by the mines. There were no special hospitals for natives at Swakopmund or Gobabis, but the private hospitals there received a subsidy of from 1s. to 1s. 6d. for each

native patient. In addition to this there were native venereal compounds in four other districts, where the natives were treated by the district surgeons.

The CHAIRMAN asked whether native patients were treated free.

Mr. WERTH said that, under the law, all paupers were entitled to free treatment, and in every district there was a district surgeon for this purpose. All natives were regarded as paupers. There were seventeen district surgeons.

Lord LUGARD observed that, in paragraph 235, it was stated that there were only twenty-five medical practitioners actively in practice in South-West Africa at the end of the year, whereas the total number of medical practitioners registered up to December 31st, 1927, was given as fifty-two.

Mr. WERTH replied that presumably twenty-seven medical practitioners had left the territory. Seventeen of the medical practitioners were employed by the Administration. The district surgeons were included in the figures for medical practitioners.

M. RAPPARD thought it difficult for the Mandates Commission to agree that the position as regards health was completely satisfactory in the mandated territory. It would be more at ease regarding the future if the Administrator had said that he would try to improve matters. Seven thousand pounds seemed a very small sum to spend on the health of so vast a territory.

Mr. WERTH replied that provision had been made for medical treatment in every part of the territory, but the natives did not always come in for treatment. It was practically necessary to drag them into the hospitals.

Dr. KASTL assumed that the sum of £7,000 did not include the salaries of medical officials. Further, native public hospitals were run by the industries; for instance, those at Luderitz and Tsumeb were paid for by the mines and not by the Government.

Mr. WERTH replied that there was a well-established hospital both at Luderitz and at Tsumeb run by the mines, so that there were in the territory hospitals in addition to those provided by the Administration.

M. RAPPARD observed that it had been suggested that the rivalry among the tribes in Ovamboland made it impossible to treat natives from different tribes in the same hospital. Hence, even though treatment was provided for the natives, it did not follow that the position was really satisfactory.

Mr. WERTH said that the missions received for medical treatment from 9d. to 1s. per patient, and that they now received, in addition, a lump sum of £300 a year. Further, the Administration employed an official in Ovamboland whose duty it was to examine the health of the natives and to report thereon.

The CHAIRMAN asked whether, in view of the statements the accredited representative had made, he considered that the mandatory Power had done everything possible to ensure that the natives received the treatment which was in accordance with their needs, and to reach them, as far as possible, individually. In the Chairman's colonial experience, medical work and treatment, even more than the schools, constituted the best method of reaching the natives, of gaining their confidence and spreading civilisation amongst them.

Mr. WERTH replied that the mandatory Power and the Administration were progressively doing everything that they possibly could to reach the individual native and to do their duty by him.

In reply to Dr. Kastl, Mr. Werth said that there were no native hospitals run by the municipalities.

The CHAIRMAN insisted on the utility of medical work in the realisation of a good native policy.

Veterinary Service.

Dr. KASTL referred to the observation in the report in paragraph 97 with regard to the figures for cattle and sheep brought into the territory by farmers from the Union seeking grazing in consequence of the protracted drought there. It was estimated that these animals numbered between 150,000 and 200,000. Was there no danger in admitting large herds in such bad condition that they might possibly bring with them infectious diseases such as scab?

Mr. WERTH replied that, under the regulations, the importation of cattle from the Union was very strictly controlled and that consequently no disease would be brought in by such

cattle. No sheep were allowed to come into the mandated territory without a certificate from a veterinary officer saying they were absolutely clean. All sheep were dipped as soon as they arrived in the mandated territory.

Land Tenure.

Dr. KASTL asked whether it was possible for those settlers who had had special facilities for the purchase of land to re-sell their farms and buy another farm from the Administration on the same terms as those on which they had bought their first farms.

Mr. WERTH replied that settlers could only sell their farms with the consent of the Administrator, and he only allowed them to sell if he found that the applicant was not of the type of settler he required, and that he could improve on him by allowing him to sell to a better man.

921. **South-West Africa: Petition from the Kaoko Land- und Minengesellschaft** (Annex 12).

M. PALACIOS explained the object of the petition for which he was Rapporteur, and, since he had found in the information given in the documents before him a number of gaps and certain things which were inexplicable, he wished, in the first place, to ask why the reply of the mandatory Power had not reached the Commission for two years. The petition from the Kaoko Land- und Minengesellschaft was dated March 5th, 1926, and the observations of the Government of the Union of South Africa were dated July 4th, 1928.

Mr. WERTH replied that he was not aware that the petition had reached the Permanent Mandates Commission. He had been negotiating with the company concerned until the time of his departure from South-West Africa. Correspondence was still in progress when the company had said that it was appealing to the League. That was the first intimation Mr. Werth had had of the company's petition.

Dr. KASTL observed that the petition was dated 1928, up to which year the company was in negotiation with the Government.

M. PALACIOS said that the dossier regarding the petition held by the Secretariat contained a letter which was dated a month earlier than the one previously mentioned in which the petition was submitted. It was possible that it had been agreed between the petitioners and the Mandatory that the reply should be postponed, but in any case all the documents he had received officially were dated 1926.

Mr. WERTH added that in the previous year the company had been given a concession in the Kaokoveld. That concession had been withdrawn because the company had failed to comply with the conditions. Negotiations had been opened up again later, but the company had suddenly said that it was appealing to the League.

M. PALACIOS observed that the cancellation of the company's rights in virtue of a Proclamation dated November 1920 had been preceded by the work of a Concessions Commission which had been appointed in 1919 to examine different cases in South-West Africa. Was it true that, of the three members of that Commission, two had voted in favour of continuing the company in its rights, while only one, the Chairman, had voted against the company? This at least was the interpretation given by the company of the news in the *Cape Times* of November 10th, 1920.

Mr. WERTH said that he had no information on this point.

Dr. KASTL pointed out that it would be difficult for Mr. Werth to have information on the various details concerning the proceedings of the Concessions Commission and of the action taken subsequently, since he had only gone to South-West Africa at a much later date. Consequently, the questions raised in that connection could only be dealt with by the Union Government.

The Concessions Commission had been appointed in 1919 to examine the rights of the various companies holding concessions in South-West Africa, and the Government had abolished the rights of the Kaoko Company, with effect from November 1920. Dr. Kastl had at the end of the year 1919 been in South-West Africa in the capacity of German Commissioner, and he had at that time pointed out that the Kaoko Land- und Minengesellschaft and some other companies under consideration did not merely hold a concession but enjoyed full ownership, and that these rights of full ownership had been recognised by the German Government.

While he had no official information as to the decision of the Concessions Commission, Dr. Kastl was aware that two members had voted in favour and one member against the continuance of the company's rights, and that the Union Government had adopted the minority vote and consequently abolished those rights. This had taken place in 1920, and since then

there had been negotiations between the company and the local Administration. The company complained that the treatment it had received was illegal under the laws and statutes existing at the time in South-West Africa. The report of the Union Government had been that its action had been taken under Article 297 of the Treaty of Versailles and that it might be the German Government which was responsible for paying the indemnity. The company, however, had pointed out that its rights had not been confiscated under that article, and had alleged that the Government's action was due to its intention to abolish the larger concessions. The same action had been taken in the case of the South-West Africa Company, which was a British company; but the difference between this latter company and the Kaoko Land and Mining Company was that, while the former company held only a concession, the Kaoko Company held rights of ownership. Furthermore, it should be pointed out that the Union Government had stated that it would make no use of Article 297 of the Treaty of Versailles and that not a single estate had been confiscated under that article.

M. PALACIOS observed that the provision under which the company's rights had been cancelled was contained in a Proclamation of November 1920, which enumerated a list of companies. In the case of the other companies it appeared that only concession rights had been cancelled. In any event, exceptions had been made as regards certain properties. In the case of the Kaoko Land and Mining Company the rights of ownership had been cancelled. What was the reason for this differential treatment?

Mr. WERTH replied that the events to which M. Palacios and Dr. Kastl referred had occurred before he himself had gone to South-West Africa, and he regretted that he could not give a reply without further preparation.

M. RAPPARD observed that a question of fact was involved. He had seen the original of the petition and it was dated March 5th, 1926. Dr. Kastl had said that that was an error due, perhaps, to a misprint. There was another explanation, namely, that the company had in the meantime been negotiating with the Government and had consented to hold up its petition pending the result of these negotiations.

Mr. WERTH said that he would be in a position to reply to this question on the following morning, although he was not authorised to deal with certain important legal considerations involved.

M. PALACIOS explained as follows the questions he wished to ask the representative of the mandatory Power.

In addition to the questions already put, he would like to know whether the discussions and resolutions of the Concessions Commission had been published. Had the Government of the Union promulgated a law to liquidate private ex-enemy property, in accordance with the provisions of the Treaty of Versailles? When had war law ceased to be applied in the territory of South-West Africa? In spite of the negative replies officially given by the Government of the Union to the Mandates Commission (Cape Town, February 19th, 1926, document C.196.1926.VI), it appeared from the observations of the mandatory Power regarding the petition that there were in the territory under mandate ex-enemy landed properties which had been expropriated. Was this so? It appeared that there were other properties besides the Kaoko Land- und Minengesellschaft which had been expropriated. Had the owners of these properties received compensation or was their value credited to the German reparations account?

922. South-West Africa : Petition of Mr. Dewdney W. Drew dated August 9th, 1928.

The CHAIRMAN observed that the Mandates Commission had not yet received the comments of the mandatory Power on the petition of Mr. Drew. This was inevitable, as the petition had only been transmitted to the Government of the Union of South Africa on October 15th, 1928. He enquired whether Mr. Werth had been authorised to make a reply.

Mr. WERTH replied that he was empowered to reply to all matters affecting the Rehoboths. He undertook to reply on the following morning.

TWELFTH MEETING

Held on Friday, November 2nd, 1928, at 10.30 a.m.

Chairman: The Marquis THEODOLI.

923. South-West Africa : Petition from the Kaoko Land- und Minengesellschaft (continuation).

His Honour A. J. Werth, Administrator of South-West Africa, accredited representative of the mandatory Power, came to the table of the Commission.

Mr. WERTH said that Proclamation 59 of 1920 cancelling the rights of the Kaoko Land- und Minengesellschaft had been issued under martial law in South-West Africa before the Union Government had entered the territory as a mandatory Power. The rights of the company had been cancelled in the public interest. It was a company that had acquired a very large area of land many years ago. During that period it had done nothing to develop it, and there had seemed no prospect that it would be able to do so. The Government of the Union of South Africa therefore, before it had assumed the mandate, had cancelled the company's rights.

These were not the only land rights confiscated or cancelled by the Government of the Union of South Africa in South-West Africa. The same action had been taken with regard to the Deutsche Kolonial Gesellschaft. In both cases public interest had been the reason for the decision and also the fact that the land of the latter company had been so enormous in extent that it could not be developed as the interests of the territory demanded.

The proceedings of the Concessions Commission had not, as far as he was aware, been made public and he could not therefore say whether it was true that the Commission had voted by two votes to one that the rights of the Kaoko Company were to be recognised in their essential points. The cancellation of those rights had not taken place in the name of the Commission, but had been effected by the Administrator of South-West Africa in the interests of the territory.

M. PALACIOS said that the Permanent Mandates Commission had also dealt with the question of ex-enemy property and had asked the mandatory Powers to give it information with regard to any such property existing in the mandated territory under their care. In the case of South-West Africa, the reply had been to the following effect (document C.196.1926.VI) :

“ No exceptional war measures were applied to landed estates belonging to enemy subjects, who were allowed to retain their property, and their title was recognised. . . . The provisions of Section 297 of the Treaty of Versailles were applied only to certain moneys received or accrued from or on behalf of diamond-mining companies in the territory. ”

Lord Lugard—or, as he had then been, Sir F. Lugard—Rapporteur for the question, had stated in his report (see Minutes of the Twelfth Session, page 180) that satisfactory information concerning South-West Africa had been received : “ Landed property has been retained by the owners ; other property sold and credited to the custodian. ” This information appeared to be contrary to that which Mr. Werth had just given the Commission.

Dr. KASTL said that martial law had ceased to exist in South-West Africa on January 10th, 1920. The Proclamation cancelling the Kaoko Company's rights had been issued in November 1920. In any case, it could only have been a special war measure, which, moreover, also could only have been of a temporary nature. The Government of the Union of South Africa had not sought to apply Article 297 of the Treaty of Versailles, and it had passed no special legislation regarding the confiscation of land or the cancellation of rights in the territory of South-West Africa. In view of the fact that the confiscation had not occurred in law according to Article 297, it was impossible for the company in question to bring a case either before the Reparation Commission or the German Government. The company, therefore, was in a most difficult position. He held the view that it was impossible for the Union Government to confiscate private property without compensation or without giving the companies in question the opportunity to bring their case before an impartial court.

M. PALACIOS noted that the mandatory Power had refused to recognise the *locus standi* of the company. Had the Union of South Africa adopted any legislation giving effect to Article 297 of the Treaty of Versailles ?

Dr. KASTL said that he was well aware that the Union had passed no such legislation, and asked whether it was possible in the Union to bring a case against the Crown.

Mr. WERTH replied in the affirmative. He was not, however, prepared to maintain that in the particular case in point it was possible to do so.

M. PALACIOS said that, in spite of the statements of Dr. Kastl and Mr. Werth, he thought that provisions determining the application of Article 297 of the Treaty of Versailles existed, namely, Proclamations 148 and 187 of 1920.

M. ORTS recalled that the accredited representative had informed the Commission that he had been in negotiation with the company before he had left the territory. Those negotiations had been abruptly broken off when the company had stated that it had addressed a petition to the League of Nations. The fact that any negotiations had been in progress, however, seemed to show that the Administrator had endeavoured to reach a compromise in the matter, from which it might be supposed that the company had been recognised to have certain rights which deserved consideration.

Mr. WERTH said that the company had applied in 1926 for certain mineral concessions in the Kaokoveld. The concessions had been granted on the condition that the company undertook to do a certain amount of development work during the course of each year. That was the stipulation attached to the granting of mining concessions to all companies. At the end of the first year the company had not complied with this condition, and had therefore been warned by the Administrator that, if it did not do so, the concession would be cancelled. At the end of the second period it had still not proceeded with development work, and consequently the concession had been cancelled. The company had thereupon appealed to the Permanent Mandates Commission.

In reply to a question from Dr. Kastl, Mr. Werth said he was uncertain whether any negotiations had been conducted between the Government of the Union and other companies. The South-West Africa Company had obtained a concession which required renewal every five years.

Dr. KASTL pointed out that there was a distinction between mineral rights and ownership of land. The rights of companies operating in South-West Africa had been fully examined between the years 1907 and 1910 by the then German Administration and had finally been acknowledged. The South-West Africa Company had received 13,000 square miles as a concession. Had any arrangements been made for redemption when its rights to this area had also been cancelled?

Mr. WERTH could give no definite answer to this question. The moment the Kaoko Land- und Minengesellschaft had appealed to the League, the matter had been taken out of his hands.

M. RAPPARD thought that the question put by M. Orts had referred solely to the fact that the Administrator, in offering certain mineral rights to the company, had felt that by doing so he was fulfilling a moral obligation towards it in view of the cancellation of its rights. If, however, this were not the case, and if the Administrator had only thought of granting a concession to the company for purely general reasons, and quite apart from any claims which that company might have in the territory, there seemed no reason to break off negotiations in regard to the concession merely because the company had petitioned the Permanent Mandates Commission in regard to its rights.

Mr. WERTH said that this was not the true history of the case. The company had applied for its former rights and these had not been granted. It had then applied for mineral rights in four large blocks in the Kaoko Land and had been granted the concession on certain conditions. Those conditions had not been complied with and the concession had been cancelled. Correspondence for the renewal of the concession had been in progress when the company had suddenly notified the Administrator that it was petitioning the Permanent Mandates Commission.

M. RAPPARD was still somewhat doubtful. If all companies had the right to apply for concessions, the fact that one of them had petitioned the League certainly did not deprive it of that right. The reason given by the Administrator for interrupting the negotiations for the granting of a concession seemed to imply a relation between the proposed concession and the rights of which the company had previously been deprived.

The CHAIRMAN thought it impossible for the Commission to continue the discussion on this question, regarding which it awaited further information.

924. **South-West Africa : Petition from Mr. Dewdney W. Drew (continuation).**

Mr. WERTH said that, in the first place, Mr. Dewdney Drew was neither a citizen of nor resident in South-West Africa, nor was he domiciled in the territory, nor had he at any time been so domiciled, and therefore had no right to petition the League. He had no *locus standi*

at all in South-West Africa. In the second place, Mr. Drew did not claim to submit his petition on behalf of anyone. In the petition he distinctly pointed out that, at the moment, he was extremely unpopular among the Rehoboths. He could not therefore claim in this matter to be speaking on their behalf and in their name. In the view of the Administrator, therefore, his petition could not be regarded as a proper petition to the League. If this petition were admissible, then any person living at the North Pole could petition the League of Nations on imaginary grievances in South-West Africa.

The CHAIRMAN pointed out that, according to Article 3 of the Rules of Procedure, the petition was admissible.

Mr. WERTH said that the petition disclosed no new facts in connection with the boundary question. The subject-matter of the petition had been made the object of an enquiry by three distinct Commissions—two in the time of the Administrator's predecessor, Mr. Hofmeyer, and one conducted by Mr. Justice de Villiers. All the facts mentioned by Mr. Drew had come before the three Commissions and Mr. Drew had been given an opportunity of appearing in person before the Judicial Commission. Mr. Drew now disclosed no new fact and yet asked for a new enquiry. In view of this fact, and seeing that the complaint voiced in the petition had been considered by three previous Commissions of enquiry, he considered that it would be waste of time and money to reopen the enquiry.

Finally, the document submitted by Mr. Drew showed clearly that his judgment was entirely warped and unbalanced. Without submitting any evidence whatever, he stated that an official document of the former German Government now in the archives of the Administration was a forgery and he accused two distinguished German Administrators of being liars and forgers. Such a petition was not worth consideration.

The CHAIRMAN thanked Mr. Werth for his explanations.

925. **South-West Africa : Examination of the Annual Report for 1927 : Railways**
(continuation).

Mr. WERTH wished to correct any possible misunderstanding which might be in the minds of the Commission in regard to the ownership of the railways. He had said that separately kept quarterly accounts were submitted. These accounts covered, however, not only the railways in the territory, but also the line connecting them with the main railway system of the Union.

In reply to M. Rappard, he said that he could positively assure the Commission that the territory was not debited with any sum to be used to cover the deficit on any part of the railway system outside the territory.

Close of the Hearing.

Mr. WERTH desired to thank the Commission for the courtesy with which it had received him. It was no exaggeration to say that the ordeal to which he had been subjected had been terrible, almost as bad as the "third degree". He was very glad, however, to have passed through it, because not only would it be very helpful to him to have got into touch with the Commission and to be able to realise that its members were not the captious critics they were occasionally thought to be, but also he had been able to furnish the Commission with information which he thought it desired. He said that both he and his Government were anxious to collaborate with the Permanent Mandates Commission, and had no other desire than faithfully to fulfil the sacred trust which they had accepted under the mandate.

The CHAIRMAN, speaking on behalf of the Commission, said he would like to reply briefly to the statement which the accredited representative had made at the beginning of the seventh meeting, and particularly to the preamble of that statement, in which Mr. Werth had told the Commission that one of his objects in coming to Geneva had been to dispel the latent misunderstandings which appeared to exist between the Permanent Mandates Commission and the mandatory Power.

The members of the Commission had been very glad to hear that declaration. As the Chairman had frankly stated, a certain cloud had passed over the relations between the Permanent Mandates Commission and the mandatory Power in question. The presence of that cloud and the persistence of that misunderstanding were not only regrettable from a general point of view, they also impeded the carrying out of the duties of the Permanent Mandates Commission, and thereby prevented the harmonious working of the mandates system itself. It was for these reasons that the Chairman would regard it as a most fortunate circumstance, of very happy augury for the future, if Mr. Werth's journey to Geneva could, as he himself and all the members of the Commission desired, result in finally removing any cause of misunderstanding or mutual suspicion. He wished to say in this connection that the frank and clear manner in which Mr. Werth has given the Commission information had already done much to bring them both nearer the goal at which they aimed.

He was sure that a frank explanation would make it possible to reach that goal, and he was endeavouring to give such a frank explanation in the name of the Permanent Mandates

Commission, while drawing Mr. Werth's attention to the facts which had led to that uneasiness on the part of the Commission from which it desired once and for all to free their mutual relations.

The Permanent Mandates Commission had always been of opinion that success in its task was primarily subject to one condition, namely, that its duties should be carried out, not in a spirit of mistrust and by inquisitorial methods, but in a *spirit of collaboration*. Such a spirit implied confidence on both sides, an absence of any reticence, and an equal readiness to supply information with regard to matters of fact and conceptions of principle. Had the Permanent Mandates Commission always found on the part of the mandatory Power this readiness to supply it with information, and to give the explanations which it regarded as necessary to enable it to form an opinion, and which it was entitled to ask for without being accused of indiscretion?

Much had been said at previous meetings on the Rehoboth petition, and it had seemed to the Commission that the representative of the mandatory Power had attributed the impatience—to use his own words—that he thought he had perceived in the Commission to certain incidents connected with the examination of this particular question. It was certainly true that the silence—deliberate it would seem—of the mandatory Power, which did not regard itself as absolutely bound to attach its comments to this petition, had not given the Commission the impression that in the Mandatory it had a collaborator desirous of facilitating its task.

But this was only one case among many. The Commission had previously dealt with the Bondelzwarts question. This matter had created a great sensation, and public opinion had taken a great interest in it. It had formed the subject of a special resolution of the Assembly addressed to the Permanent Mandates Commission. When the Commission had examined the question, it had only had before it two reports on an enquiry, a majority and a minority report, which contradicted each other on many points. The essential information which should have provided a basis for its discussions, namely, the conclusions of the mandatory Power itself, had not been available.

At the seventh meeting, the accredited representative had explained the scruple of a legal character which had led the Government of the Union to retain in the South-West Africa Railways and Harbours Act, No. 20, 1922, the expression "full dominion", which the Commission had regarded as incorrect, or likely to lead to misunderstandings. This explanation, as to which he was not called upon to pass judgment at the moment, had never been given to the Commission in a clear and complete form, and nevertheless, year by year, since the matter had first been raised in 1923, it had been continuously in the mind of the Commission. It was only after repeated requests by the Commission, during its fourth and sixth sessions, that it obtained in its seventh session a statement as to conditions in the Caprivi-Zipfel part of the mandated territory with regard to which the reports of the mandatory Power had up to that time given no information.

After examining the annual report, and hearing the accredited representative of the mandatory Power, the Commission was accustomed to note, in its observations to the Council, the points on which it desired to receive further information from the mandatory Power.

In the case of South-West Africa, these very proper requests from the Commission had too often been answered in an evasive or dilatory manner. When the Commission, after having heard the accredited representative, thought that it should ask the mandatory Government itself for further information, it obviously could not be satisfied by the reply: "The Government of the Union has nothing to add to the High Commissioner's reply."

The Chairman could quote many more examples, but would refrain from doing so. Nevertheless, before concluding, he would ask Mr. Werth not to be surprised that, during the meeting held on October 30th, the Chairman had drawn his attention to a piece of news appearing in an important European political newspaper. The Commission did not attach an exaggerated importance to Press articles, but the reason why this particular paragraph had attracted its attention was that it could not help comparing it with other and undoubtedly authentic official declarations, and with the terms of the preamble of a recent treaty, which appeared hardly compatible with the mandate. All these facts—certain silences as well as certain statements—had necessarily, throughout past years, confirmed the Commission in its view—a view which it had regretted having to form, and which dated perhaps from the day when it had learned that General Smuts, then Prime Minister, had stated publicly, in September 1920, that in his eyes C mandates constituted a situation almost equivalent to annexation. He could only repeat that the primary duty of the Commission was to ensure full respect for the regime established under Article 22 of the Covenant.

The Chairman hoped that Mr. Werth now understood the origin of the misunderstanding to which he referred, and for which the Permanent Mandates Commission did not think itself responsible.

He would beg the accredited representative not to regard the Commission as a suspicious supervisor of mandatory administrations, but rather as a collaborator which trusted them, and desired to find, in the information supplied by the Mandatory itself, the basis and justification of the report as to the working of the mandate which the Commission had to render to the Council.

As this conception of their respective rôles was shared by both, any risk of a serious misunderstanding between the mandatory Administration and the Permanent Mandates Commission as organ of control seemed to be finally removed.

He would add that the Commission was very grateful to Mr. Werth for the clearness and frankness of the attitude he had adopted towards it. He had done very good service both to his own Government and to the Commission.

(Mr. Werth withdrew.)

926. **Ruanda-Urundi : Examination of the Annual Report for 1927.**

M. Halewyck de Heusch, Director-General at the Belgian Ministry for the Colonies, accredited representative of the mandatory Power, came to the table of the Commission.

Replies of the Mandatory Power to the List of Questions drawn up by the Commission.

The CHAIRMAN wished on welcoming M. Halewyck de Heusch, to thank him once again, on behalf of the Commission, for the methodical and clear way in which the report had been drawn up and for having inserted, in a special chapter, the replies to the list of questions. This would undoubtedly facilitate the task of the Commission and of the accredited representative in examining the report.

Bugufi Frontier.

M. PALACIOS asked what was the exact meaning of the information contained in the report concerning the Bugufi frontier.

M. HALEWYCK DE HEUSCH replied that the matter related to a wedge-shaped portion of Tanganyika which projected into Urundi. The boundary line in this region was unsatisfactory, since it divided native communities having the same language and customs, the majority of whom lived in Belgian mandated territory—a regrettable situation.

Question of the Appointment of a Commissioner-General.

M. ORTS noted that no mention was made in the list of general services of one important office in the Belgian Congo provincial organisation, namely, the post of Commissioner-General. It was the important duty of this official to ensure continuity in the conduct of affairs during the absence of the Governor. It was the more essential to ensure continuity because it was neither possible nor desirable, in the interests of sound administration, for the Governor to be permanently in the capital.

M. HALEWYCK DE HEUSCH replied that the staff of the general services was not very numerous. It comprised, as head of services, a Legal Adviser who acted as Director of Justice, a Director of Finance and Customs, a Medical Inspector, a Chief Engineer, a Registrar of Land Titles, and a Secretary-General. The creation of a post of Commissioner-General had hitherto been adjourned owing to the very modest resources of the territory. In the absence of the Governor, one of the Residents acted for him. The question of the appointment of a Commissioner-General was, however, under consideration.

Policy of Indirect Administration : Organisation of the Chefferies.

M. ORTS said he had noted that, at the beginning, the mandatory Power had adopted the system of indirect administration. Had the Government's ideas altered as a result of its experience? Would its policy develop so far as to become one of direct government or, at any rate, as far as the intermediary system known as a policy of association?

M. HALEWYCK DE HEUSCH replied that the Belgian Government still adhered to the system of indirect Government, which had given excellent results. That did not mean, however, that the European authorities never took direct action. They often had to intervene to limit the abuses and injustice from which the native population suffered when left to the arbitrary will of certain chiefs.

M. SAKENOBE asked if the small chiefs had a tendency to disappear to the advantage of the bigger chiefs, or if, vice versa, the bigger *chefferies* had a tendency to split up into several small ones.

M. HALEWYCK DE HEUSCH replied that the Sultans had always shown a tendency with a view to rewarding loyalty and service to multiply the *chefferies* and *sous-chefferies*, so much so that they had even created on the spurs of a hill *sous-chefferies* consisting of ten to fifteen natives. The Administration had intervened and had persuaded the Mwamis to put an end to these regrettable practices. Moreover, whenever circumstances allowed, they had abolished existing *sous-chefferies* of this kind.

M. SAKENOBE asked if it was indispensable that the chiefs should be recognised by the Administration.

M. HALEWYCK DE HEUSCH replied that no investiture by the European authorities was necessary. Generally speaking, the Administration recognised all chiefs duly taking office in accordance with custom. But it called upon the Mwami to remove chiefs who proved to be incompetent or who misused their power.

M. SAKENOBE asked whether the relations between the chiefs and their subjects were those existing between the conqueror and the conquered, or whether the system was a patriarchal one.

M. HALEWYCK DE HEUSCH replied that the system was rather of a patriarchal nature. The chiefs had fairly extensive rights and levied tribute. When the latter was levied in conformity with the customary law, nobody complained. The natives had no idea of an independent existence and recognised that the supremacy of the chiefs was legitimate and essential.

M. SAKENOBE asked if there was a Regency Council in Urundi.

M. HALEWYCK DE HEUSCH replied in the affirmative. The Mwami was still under age. He had been elected about ten years ago, when he was only four years old. The Regency Council consisted of representatives of princely families who met once a year, the Resident presiding.

In reply to questions by M. Orts, he stated that the word *chefferie* meant the territory placed under the authority of a native directly dependent on the Sultan; and that the Congolese Decree concerning *chefferies* had not been made executory in the Ruanda-Urundi territory.

In reply to a question by M. Rappard, he stated that the *chefferie* was sometimes of a territorial and sometimes of a personal character; for instance, certain chiefs possessed no territory and had no other duty than that of levying and collecting tribute for the Mwami. In practice, the organisation of the *chefferies* was very complicated and there was some confusion of powers.

M. ORTS asked what law governed the Ruanda-Urundi *chefferies*, as Congolese law was not in force there.

M. HALEWYCK DE HEUSCH replied that the law and the whole organisation was based on native custom.

In reply to M. Van Rees, he said that it was perfectly possible for a number of different *chefferies* to exist in one and the same territorial area.

M. RAPPARD asked if there were not between the Sultanates and the *chefferies* certain tribes which had no administrative status.

M. HALEWYCK DE HEUSCH explained that there were in the mandated territories only two large tribes—the Ruanda and the Urundi—placed under the authority of a Mwami or Sultan. Each of the two tribes governed by the Mwami might be regarded as a vast *chefferie* of a higher kind. The term "kingdom" had formerly been employed to designate it, but this had led to misunderstandings and the title had been dropped.

M. ORTS pointed out that the *chefferies* of the Congo were small political units in which an appointed chief possessed a properly defined territory. In the present case, however, mention had been made of a Sultanate, or *chefferie*, of Urundi or Ruanda. Would it be correct to say that these were the only existing political entities in the mandated territory?

M. HALEWYCK DE HEUSCH said that the Sultan was the supreme authority, and had jurisdiction over the whole territory.

In reply to an observation by M. Rappard, he stated that there could be no doubt that the Administration reimbursed part of the capitation tax to the various provincial chiefs. In reality there existed a whole hierarchy of institutions: the Sultanate or Supreme *Chefferie*, the Lower *Chefferie* and the Sub-*Chefferie*, in order of importance.

M. ORTS said that this was a *de facto* situation. Could not a legal statute be produced?

M. HALEWYCK DE HEUSCH replied that if it was a question of written laws, no such laws existed. As he had already pointed out, the organisation was based on custom.

Lord LUGARD said that his conception of a paramount chief was one who was directly responsible to the Government, and subject to no native superior. Was this the meaning of the term in Ruanda?

M. HALEWYCK DE HEUSCH replied in the affirmative.

Treatment of Fugitive Natives.

M. VAN REES drew attention to a passage, on page 10 of the report, from which it appeared that native fugitives who were wanted for breaches of common law were handed over to the country of which they were nationals, namely, Tanganyika or Uganda. To what did this passage refer?

M. HALEWYCK DE HEUSCH replied that natives, in order to avoid the consequences of their misdeeds and also the payment of taxes, frequently sought shelter in neighbouring territory. In such cases, Ruanda-Urundi handed over the offenders and fugitives to the authorities of the other country. It also happened that natives from Urundi stole cattle from the chiefs and fled to Congo territory. The Congo authorities then sent them back to Urundi, under escort if necessary.

M. VAN REES observed that, on page 9, it was said that relations between the native chiefs on the two sides of the Ruzizi frontier were rather bad because, from time immemorial, native malcontents had a tendency to take refuge with cattle on the other side of the river.

M. HALEWYCK DE HEUSCH replied that this was precisely one of the cases to which he had referred.

Budgetary Questions. Currency Profits.

M. RAPPARD congratulated the mandatory Power on the manner in which it had presented the accounts of the territory. He regretted, however, that the explanations in the preamble were somewhat summary in form.

The budget system comprised an ordinary budget, which balanced more or less, and an extraordinary budget maintained by advances from the mandatory Power. He wished to know what was the amount of debt created by successive periods of these extraordinary budgets and the manner in which transfers were effected between the various items of the two budgets.

M. HALEWYCK DE HEUSCH replied that, when the advances promised by Belgium had been fully paid, the public debt of Ruanda-Urundi would amount to 26,400,000 francs. The sums lent carried interest at 6 per cent per annum. Amortisation was fairly rapid.

Transfers from one budget item to another could only be effected under Royal Decree, or an Order of the Governor-General, which was submitted to the Belgian Parliament for approval. The Administration might also, when the credits for some budget heading were expended, apply to the Belgian Parliament for additional credits.

M. RAPPARD thought that this system was formal to a degree.

He would also note that the extraordinary budget referred to on page 20 of the report concerned the year 1926, while the ordinary budget was for 1927.

M. HALEWYCK DE HEUSCH explained that, before the opening of each financial year, the Belgian Parliament had the draft budgets laid before it. But, owing to various circumstances, the budgets were sometimes only finally established and voted during the last months of the year to which they referred. This caused no delay in applying the ordinary budget, since provisional credits were opened for successive three-month periods by Royal Decree. That was not the case with the extraordinary budget, which could not be applied until after the budget law had been voted.

The report, therefore, could always give the accounts referring to the ordinary budget of the year it covered, but could not often give the accounts for the extraordinary budget, which were generally twelve months late. The law, however, made it possible to apply an extraordinary budget for five years.

He pointed out that the total sums already expended up to December 31st, 1927, out of the credits provided in the extraordinary budget for 1926 amounted to 3,112,000 francs. But that was only a beginning.

M. RAPPARD said that the total amount of credit granted at the beginning of 1926 for this item had been 1,396,000 francs. Up to December 31st, 1927, 791,000 francs had been expended. While awaiting the final balance-sheet for the period, had the Government therefore continued the work of construction by means of the budget for 1927?

M. HALEWYCK DE HEUSCH replied that this was not so. It was to the extraordinary budget of 1926—which could be applied within the ensuing period of five years—that the sums for this work had been charged in 1927.

M. RAPPARD noted that the revenue derived from the profits on the currency in circulation was not included in the ordinary receipts. The privilege possessed by the Bank of Issue of the Belgian Congo had, however, recently been renewed. Since the circulation of the currency was extended to the territory of Ruanda-Urundi, ought not that territory to obtain a share in the profits?

M. HALEWYCK DE HEUSCH replied that this point had not been lost sight of, and that an endeavour was at present being made to establish what percentage of the profits of issue should be assigned to the Treasury of Ruanda-Urundi. In any case, it would not exceed 2 or 3 per cent, that was to say, a few thousand francs. The distribution would be made on the basis of the relative importance of the business transacted by the Bank's agencies in the two associated countries.

Native Taxes.

M. RAPPARD noted that an important part of the budget was made up of native taxes as mentioned in the report. Was the capitation tax the same as the tax on the natives referred to in the budget?

M. HALEWYCK DE HEUSCH replied in the affirmative.

M. RAPPARD pointed out that the increase in the amount of capitation tax was stated to be due to the depreciation of the Belgian franc and an increase in the prosperity of the territory. The table on page 18, however, showed that the capitation tax in the case of three categories of taxpayers had been increased, while at the same time the number of taxpayers had grown considerably larger. Was this striking increase due only to an improvement in the manner in which the taxes were collected? It was true that this table was somewhat confusing for, though it professed to give the number of persons paying tax, it gave figures preceded by the sign " fr. ".

M. HALEWYCK DE HEUSCH replied that the number of taxpayers had not increased to any appreciable extent. In examining this table, it should be remembered that the data included 1927 taxpayers and also persons who had not paid their taxes in 1926; hence the apparent increase. Moreover, this table actually contained one material error: the " fr. " in the first column should not be there. There was no question of sums of money.

M. MERLIN asked whether, out of 600,000 taxpayers, it was really useful to constitute a category of large taxpayers, for their numbers could not be more than 1,000.

M. HALEWYCK DE HEUSCH said that taxpayers had always been divided into three categories, and that it was not a bad thing to make everyone pay in proportion to his means.

M. RAPPARD referred to the receipts in Article 11, " Native Taxes and Cattle Taxes ". It would be interesting to have details of each of these items, all the more so as the apparent conjunction of the two was somewhat uncomplimentary to the natives.

M. HALEWYCK DE HEUSCH said he would ask that this distinction should be made in subsequent budgets.

Emigration Tax.

M. RAPPARD said that the emigration tax had been expected to yield 1,000,000 francs. It seemed, however, that no revenue had been derived from this source.

M. HALEWYCK DE HEUSCH replied that this was a tax levied for the recruiting of workmen taken on by the Union minière du Haut-Katanga. Experiments in recruiting had been discontinued during the first months of 1927. Moreover, taxes could only be demanded a few months after enrolment, so that the major portion of the revenue thus obtained was shown in the account for 1928. Some sums had, however, been collected in 1927. The fact that these were not shown in the 1927 accounts under the heading " Tax on Emigration " was due to a material error: the officials of the Ruanda-Urundi Administration had used an old form in which this new item was not included and they had therefore added the yield of this tax to " Various and Unforeseen Receipts ".

In connection with this tax, it should be pointed out that the budgetary forecasts were much too optimistic. In 1927, 70,875 francs had been collected and, in 1928, 80,605 francs; they were therefore very far from the initial estimate of 1,000,000 francs. The fact was that far fewer natives had been recruited than had been anticipated.

THIRTEENTH MEETING

Held on Friday, November 2nd, 1928, at 3.30 p.m.

Chairman : The Marquis THEODOLI.

927. Ruanda-Urundi : Examination of the Annual Report for 1927 (continuation).

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

Budgetary Policy. Programme of Public Works. Construction and Upkeep of Roads.

M. ORTS asked whether the ordinary budget had not been drawn up with an eye to ensuring absolute equilibrium as between revenue and expenditure. In a new country,

which required development in every direction and where the improvement of certain essential services was a matter of urgency, budgetary equilibrium was not always the sign of good administration.

With regard to the extraordinary budget, which was helped out by advances from the Belgian Government, it would be noted that, although all the expenditure included therein was entirely justified, certain items did not appear likely to influence the economic development of the country, nor could they be reckoned as directly productive expenditure the results of which would sooner or later influence the ordinary budget revenue.

In these circumstances, it might be asked whether the development of the mandated territory would not be unduly retarded unless fresh sources of revenue were discovered—a contingency which the report did not foreshadow.

M. HALEWYCK DE HEUSCH replied that the mandatory Power was paying due attention to the country's requirements in the matter of economic development, but the credits allocated for this purpose could only be expended after careful consideration had been given to the manner in which they could best be utilised. In many cases, therefore, it had not been possible actually to employ the very large credits included in the 1927 budget. The mandatory Power was very anxious to develop the territory. It had received numerous requests for mining concessions and was studying a scheme for a railway connecting Lake Tanganyika with Lake Kivu. There could be no doubt that the mandated territory would be developed on the lines recommended by M. Orts.

M. ORTS said he was glad to note that the mandatory Power had not felt obliged to draw up a budget of expenditure strictly calculated according to revenue, to the detriment of certain necessary expenditure.

In paragraph G in the table on page 20 of the report, 1,396,000 francs had been set aside for the construction of main and secondary roads; only 791,262 francs, however, had been actually expended for this purpose during the year. Moreover, on comparing the map attached to the report for 1927 with that attached to the report for 1926, it would seem that, during the course of the year 1927, several hundred kilometers of main roads and an equal kilometrage of secondary roads had been constructed. If the sum used for the construction of those roads was not more than 791,000 francs, the cost of construction per kilometer of road was extremely low, all the more so as some of the roads passed over mountains. He asked that, in the next report, the mandatory Power should state exactly how many kilometers of roads had been constructed in 1927, the amount expended thereon, the proportion of wages paid to labour as compared with the total cost of construction, and the average daily wages paid to workers employed on road construction.

Turning to the ordinary budget, M. Orts noted that in Items 54, 55 and 56 (page 24 of the report), under the heading "Public Works Department", a number of items of expenditure were included amounting to 1,900,000 francs. He desired to know exactly what services were rendered by this Department.

M. HALEWYCK DE HEUSCH replied that the duties of the Public Works Department were to construct and maintain the buildings set aside for the Administration, for the hospitals, dispensaries and schools. The Department also kept in order the streets in the main towns of the country.

M. ORTS asked whether the Public Works Department paid for the upkeep of roads out of its own budget. He raised this point because, with the development of the network of roads and motor-lorry transport, the upkeep of roads was bound to become an increasingly large item in colonial budgets.

M. HALEWYCK DE HEUSCH replied that the upkeep of the main and secondary roads was not part of the duties of the Public Works Department. It was entrusted to the native chiefs, who used their own labour for the purpose.

M. ORTS asked whether the main lines of communication were also maintained by the native chiefs, and if the natives used for this work received wages.

M. HALEWYCK DE HEUSCH replied that the main lines of communication were maintained by the natives of the *chefferies*. There was no need to pay them for their work, since such work was a form of public service consecrated by custom. The native chiefs had maintained the right of raising labour levies. Formerly they had made use of it as they liked and for purposes which were not of practical utility. The previous reports explained the efforts made by the Government of the mandated territory to see that these labour levies should be used for the construction and upkeep of roads. There had therefore occurred, with the consent of the native chiefs, a highly desirable transformation in the use of customary labour levies.

M. ORTS wished to refer to one point. In all colonies in which local conditions made it possible to open out motor-roads, the upkeep of these roads threatened to become a very heavy burden on the population. Already the construction and upkeep of roads called for an excessive amount of labour when such labour was provided by labour levies with the primitive means possessed by the natives. In order to economise labour, mechanical methods should as far as possible be introduced.

In his view, therefore, it would be desirable for future budgets to include larger credits for the purchase of mechanical equipment for the construction and upkeep of the road system.

Dr. KASTL noted that, according to page 20 of the report, large overdrafts had occurred under certain heads of the extraordinary budget, particularly: "(A) General Administration and Occupation of the Territory"; "(C) Prison Service"; "(E) Medical Service". He asked whether the excess of expenditure in certain items of the extraordinary budget found its natural compensation in a reduction of expenditure in other items of the budget.

M. HALEWYCK DE HEUSCH replied that the surplus expenditure under certain items in the extraordinary budget would be covered by the granting of additional credits. This could not be effected by means of transfers from other items, the credits for which had not been fully utilised. It should, moreover, be noted that this apparent predominance of the credits available over expenditure would, in most cases, only be provisional, since the credits provided in the budget were voted for five years. There would therefore be ample time to utilise them.

Customs. Variations in Receipts and Expenditure.

M. MERLIN thought that the figures given, on page 19 of the report, regarding the yield from the Customs did not correspond with the figures given under the same heading on page 26 of the report, where the general situation of the budget was described.

M. HALEWYCK DE HEUSCH replied that he was not able to verify M. Merlin's calculations straightway. He would do so later.

M. RAPPARD noted, on page 23 of the report, that the import duties on goods consigned to certain administrative Departments were debited to those Departments. As he found no statement to this effect under most of the budgetary headings, he would like to know what method of accounting the mandatory Power adopted in this matter.

M. HALEWYCK DE HEUSCH replied that the goods intended for Government services paid import duties just like goods for private persons. Though for certain Departments the budget items did not show this very clearly, in others this expenditure was most explicitly mentioned. The rule, however, was a general one and applied to all Government imports.

Dr. KASTL noted that, on pages 26 and 27 of the report, considerable variations were shown between, on the one hand, figures given respectively for the periods 1925, 1926 and 1927, for the receipts from Customs, native taxes, cattle tax and judicial receipts, and on the other hand the expenditure estimated for the European staff and native staff and the expenditure under the heading "Public Welfare". What was the reason for this considerable difference?

M. HALEWYCK DE HEUSCH replied that the considerable differences noted in the receipts from Customs in 1926 and 1927 were due to the fact that in 1926 the value of the franc had fluctuated very considerably. Importers had therefore refrained from despatching goods either to the mandated territory or to the Congo. Consequently, a considerable difference had been noted between the import and export figures of the mandated territory, this difference being entirely in the favour of the territory. In 1927, after the franc had been stabilised, traders had begun once more to make up their stocks and reprovise their stores. There then occurred a large influx of goods and, as the value of these goods had increased owing to the new level of the franc, Customs receipts also increased considerably for both these reasons. The same reasons—namely, devalorisation followed by the stabilisation of the franc—explained the fluctuations noticed by Dr. Kastl in the figures for revenue derived from other taxes.

With regard to the decrease in expenditure on native personnel, this was explained by a reduction in the number of staff due to better utilisation of their services. The decrease between 1926 and 1927 under the item "Welfare" was due to the fact that the Government of the mandated territory had been obliged in 1926 to expend considerable sums of money on famine relief. As, however, there was no shortage of food in 1927, it had been unnecessary to renew this expenditure.

Dr. KASTL asked if the next report could include all explanations of this kind, in order to facilitate comprehension of the budget.

Subsidies to Missions.

M. RAPPARD noted, on page 22 of the report, under the item "Education", that the grants to the missions had been increased by 100,000 francs, whereas the credits open for the schools had not been utilised *in toto*. He asked if there were any relation between these two facts.

M. HALEWYCK DE HEUSCH replied that there was. It had been observed that in new countries Government education developed less easily than education by the missions. Consequently, it had been decided to devote all efforts to promoting mission work in this field and to encourage the missions by increasing their grants.

Mlle. DANNEVIG asked if it were understood that the credit set aside for the missions must be used entirely for education.

M. HALEWYCK DE HEUSCH replied in the affirmative. The credits in question were granted to the missions on account of the services they rendered in the matter of education—so much so that the budget item "Grants to Missions" was shown under the general heading "Education". The fact that the item "Grants to Missions" appeared in capitals was a printer's error; the phrase should have appeared in italics, to show that it formed part of the chapter "Education".

Expenditure on Medical Services : Foreign Doctors.

M. RAPPARD noted with pleasure, on page 24 of the report, that the Government of the territory had provided a certain sum for the fees of doctors outside the Administration. He asked whether doctors of foreign nationality could be included among this number.

M. HALEWYCK DE HEUSCH replied that this was so. He could not state whether there were at present any foreign doctors in Ruanda-Urundi, but the Congo and the Ruanda-Urundi Medical Service formed one whole. The medical officers of this corps were therefore called upon without distinction to practise in either territory. Many of these medical men were foreigners, so that sometimes there would be practitioners in Ruanda-Urundi not of Belgian nationality.

M. ORTS thought he was right in saying that more than 50 per cent of the Congo Medical Corps were foreigners, whose services were, in general, highly appreciated.

Financial Autonomy of the "Provinces".

M. RAPPARD had read with interest in the report that the question of making the "provinces" of the mandated territory financially autonomous had been considered. He asked what were the new subdivisions to which the term "province" had been given.

M. HALEWYCK DE HEUSCH replied that the compilers of the report had employed this term to designate the very large *chefferies*. He also wished to point out that the financial autonomy referred to was still only a scheme, or rather an ideal which could not materialise for a long time to come.

Attribution of the Expenses of the Central Administration incurred on behalf of the Territory : Attribution of Expenditure incurred in the Printing of the Annual Reports.

The CHAIRMAN reminded the Commission that, at the twelfth session (pages 134-135 of the Minutes of the Twelfth Session), he had raised a question of principle which had given rise to a prolonged discussion concerning the fact that the salaries, allowances, etc., of the staff of the Ministry of the Colonies dealing with Ruanda-Urundi, which had previously been borne by the Home Treasury, had in recent years been transferred to the Ruanda-Urundi budget. The general opinion which had emerged from that discussion was that, although the legal correctness of the measure taken was admitted, it would be dangerous to push the principle of the financial autonomy of the mandated territory to this extreme.

He thought that it might be noted with satisfaction that, according to the Ruanda-Urundi budget for ordinary expenditure for 1928, the Belgian Government had decided henceforth to assume the burden of ordinary expenditure; whereas in the 1927 budget there had appeared a total of 80,000 francs, in the 1928 budget there figured the term "mémoire" (*ad memoriam*).

It would, however, be observed that, at the same time, in Item 3 of the budget, under the heading "Travelling Expenditure, Expenses on Propaganda, Exhibitions and Miscellaneous", which in 1927 had amounted to 25,000 francs, there had been added in the 1928 budget the words "Costs of Printing and Forwarding the Annual Report", and that the total had been increased to 60,000 francs. It seemed, then, that there had been a change of system, and that in future the mandated territory would be expected to cover the expenses of the annual report which the mandatory Power was required to submit to the League under the Covenant. In other words, from the financial aspect, the mandatory Power appeared, in part at least, to take back with one hand what it gave with the other.

M. HALEWYCK DE HEUSCH said that, in November 1927, he had, in his heart of hearts, deeply regretted that the discussion to which the Chairman had just referred should have taken place at that period. He might have avoided it by saying just one word; but he had been obliged to refrain from doing so because the new situation which was crystallising was at

that time only a scheme, so that he could not then use it as an argument. The scheme had now been put into operation and he could give the Commission the necessary explanations.

Since the beginning of 1927, plans had been under consideration for the reorganisation of all the Belgian Ministries. In the Ministry for the Colonies, the first decisions were that the bureau for Ruanda-Urundi should be transformed and given powers and duties in connection with the Belgian Congo. If this scheme were carried into effect, there would be no further question of the mandated territory paying for this Department. The scheme had been approved and this bureau now dealt mainly with Congolese affairs: hence no financial contribution from Ruanda-Urundi was any longer required.

He was astonished at the Chairman's views concerning the inclusion, in the Ruanda-Urundi budget, of the cost of printing the annual reports concerning the mandated territory. He thought the Commission had always understood that the expenditure for the reports was borne by this territory. Ruanda-Urundi had always met this expenditure ever since the mandate had been conferred. That was only right, he thought, since the survey was sent to the League of Nations each year, not in the interests of the mandatory Power, but of the mandated territory.

M. MERLIN said that he agreed with M. Halewyck de Heusch.

The CHAIRMAN said that he could not share this opinion, since he thought that it was a question of principle that these expenses, incurred as a direct result of an undertaking under the Covenant, should be defrayed by the mandatory Power.

Development of the Road System. Staff of the Public Works Department.

M. MERLIN wished to thank the mandatory Power for the particularly clear manner in which it had drawn up its report. The task of the member of the Commission who was following the economic life of the mandated territory was especially difficult, for it meant referring from one chapter to another. The manner in which the mandatory Power had drafted its report had considerably facilitated his task, for a special chapter was devoted to the statistics concerning the economic life of the mandated territory. He hoped that all mandatory Powers would follow this example in their reports.

With reference to page 68, he noted that the road system of Ruanda-Urundi comprised about 1,000 kilometers of main road, 1,300 kilometers of roads for motor-cyclists and 2,800 kilometers of native roads upon which it was possible to ride a bicycle. He also noted that, in regard to the 1,000 kilometers of main road, there were only nine motor-cars and lorries in use in the district. He concluded that the considerable effort made by the Administration to develop the road system had not been utilised by any private company. M. Merlin had also noted that 2,035,610 days of portorage had been required for the transport of 296,796 loads. With M. Orts, he expressed the hope that the Administration of the mandated territory would encourage the use of mechanical means of transport. This was a duty which colonial administrations should be particularly careful to fulfil, for the population was not very numerous and to do so would prevent overburdening the male element.

If the various figures were compared, it would be noted how advantageous it was, often at the cost of an additional effort, to require the natives to construct as complete a road system as possible. If the annual amount of portorage which would be saved in the future by the development of mechanical means of transport were calculated, it would be realised that the natives would be saved what amounted to a real burden. Once a road was constructed, the expense of its upkeep was relatively small. He could not too warmly recommend the Belgian Government to develop the road system of the mandated territory as much as possible, in order to remove the heavy burden of portorage imposed on the population.

M. Merlin asked whether the staff engaged in the Public Works Department was sufficiently numerous. He thought that this staff was somewhat meagre, all the more so as he had not been able to retain a full account of the manner in which it was distributed.

M. HALEWYCK DE HEUSCH replied that the reference on page 13 of the report did not concern white staff as it existed in the capital and chief towns of the Residencies. In addition to this staff at the different centres, there were various other agents, as stated at the top of page 70.

Agriculture: Cultivation and Circulation of Food Crops.

M. MERLIN, referring to the chapter on "Agriculture" (page 73), noted that reference was made to Ordinance No. 7 of August 20th, which laid down the measures to be taken to prevent famine, and in particular allowed the Residents to prohibit the export of foodstuffs. He thought that any measure adopted to prevent the free circulation of foodstuffs was of a particularly delicate kind. His personal experience had led him to note that an Administration would always be tempted in such a case to adopt extreme measures and to prohibit entirely the export of foodstuffs from a province in the fear, sometimes quite unjustified, that there would be a shortage. Results of this kind had been noted in France at the beginning of the

war, when the Prefects thought that they were authorised to publish decrees prohibiting the export of foodstuffs from their Departments.

M. HALEWYCK DE HEUSCH replied that, naturally, the decisions to be taken required careful consideration; the administrative experience and tact of the Residents, however, could be relied upon.

As a matter of fact, the case was not so much one of prohibiting the exportation of foodstuffs beyond the frontier from one region to another as of preventing famine in the interests of the whole community. The regulations were of very recent date. In 1927, they had hardly been applied at all. It would therefore be difficult for him to state as yet whether the system was working well.

M. MERLIN thought that, if the heads of the districts were authorised to take such measures, which interfered with the free circulation of foodstuffs, abuses were to be expected. It was absolutely indispensable that, above the heads of the districts, there should be a higher power to act as arbitrator.

He had also read with interest, in the chapter on "Agriculture", that the mandatory Power was encouraging the native to grow crops, especially wheat and potatoes, of which the latter might become an important article of export.

As regards the cultivation of coffee, he noted that Arabica coffee was mainly grown in Ruanda-Urundi. This was a coffee which was particularly liable to all kinds of diseases. In some of the French colonies it had been necessary to replace this variety, which was very delicate, by another and a more robust one. If it were possible to grow Arabica coffee in the territory of Ruanda-Urundi, the mandatory Power should be congratulated, for it was excellent coffee, but steps should be taken to cope with the diseases to which it was exposed.

Establishment of New Markets.

M. MERLIN had noted with satisfaction that the Government of the mandated territory had established new markets, and, generally speaking, that these markets were very active. He asked whether the Government of the mandated territory had any special policy with regard to these markets, and more particularly whether it encouraged their establishment. From his personal experience he could say that markets played a particularly important part in the economic and social development of a colony. They also constituted a most important centre of political information. The markets accustomed even the most refractory natives to social life. Any colonial Government possessing agents, whose duty it was to move in the markets, would always be kept up to date in regard to anything happening in the territory of the colony and would even be able to prevent unrest. He could scarcely exaggerate his congratulations to the Government of Ruanda-Urundi on its policy of extending markets.

M. HALEWYCK DE HEUSCH replied that the Government of Ruanda-Urundi greatly favoured the development of markets. The report referred to this question in considerable detail. The establishment of new markets had always been enthusiastically welcomed by the population.

Currency.

M. MERLIN would have liked to see a larger amount of space devoted in the report to the currency in circulation. He wished to know the exact amount circulated in the territory of Ruanda-Urundi, both in respect of coin and notes. The extension of currency circulation was a sign of prosperity and economic development.

M. HALEWYCK DE HEUSCH replied that he could not give this information since, as the Congo and Ruanda-Urundi formed one administrative union, it was impossible to determine the amount of coins and notes circulating in each of the two associated territories.

Export and Import Trade.

M. MERLIN had noted that, in the table of general trade statistics on page 80 of the report, the figure of imports and exports had almost doubled between 1926 and 1927. This showed a considerable development of trade and he wondered whether it could be expected that it would be maintained in the future.

M. HALEWYCK DE HEUSCH said that, in his opinion, this development of trade in 1927 should be regarded as exceptional, for the reasons he had already stated: the stabilisation of the franc had led to a considerable influx of goods into the Congo and Ruanda-Urundi after a period of stagnation during which importers—being uncertain as to the future of the franc—had to a large extent held up their consignments.

M. RAPPARD wished fully to associate himself with the compliments paid by M. Merlin to the mandatory Power for the manner in which it had drawn up its report.

He had read with interest the tables, on pages 81 and following of the report, concerning the movement of trade. When the report spoke of countries of destination or of origin, was the actual country of destination or origin meant, or the country from or to which the goods were consigned? Tanganyika would seem to be in a special position in this respect in view of the fact that many goods imported into it were destined for ultimate re-export. It was difficult to take account of such re-export.

M. HALEWYCK DE HEUSCH said that "country of destination or origin" meant the country from or to which the goods were consigned.

M. RAPPARD said he did not doubt that the principle of economic equality was strictly applied in the territory of Ruanda-Urundi. He noted, however, that Belgium showed a preponderance in the export and import trade of the territory, a fact which was all the more striking since Belgium was not a very large country and the mandated territory had no direct outlet to the sea.

M. HALEWYCK DE HEUSCH replied that this was a very natural state of affairs. National trade always followed the flag of the country which exercised authority in overseas territory. The principle of economic equality as defined in the mandate was strictly respected in Ruanda-Urundi.

Cultivation of Cotton.

M. SAKENOBE noted that, from the statistics, important quantities of cotton piece-goods, especially Indian cotton piece-goods, were imported into the territory. Was not the cotton cultivated in the territory enough to meet the needs of the native population?

M. HALEWYCK DE HEUSCH replied that it was too early to form any definite judgment. Up to the present, cotton-growing in the Ruanda-Urundi territory had only been conducted as a private enterprise. These experiments had been considered favourable and a development of the plantations was expected in the future. Cotton was grown mainly along the shores of Lake Tanganyika.

Sleeping-Sickness.

M. MERLIN noted that about 95 per cent of the population had been examined for sleeping-sickness. The report once more drew a distinction between suspect cases (*ganglionnaires*) and known cases (*trypanosomés*). Out of 1,266 cases treated, 520 had been considered cured. In his view, the proportion of cures to the number of affected persons was very considerable, and, if accurate, showed that the Government of the territory of Ruanda-Urundi was using a radical remedy to cure the disease.

M. HALEWYCK DE HEUSCH explained the headings of the table to which M. Merlin had referred. By the term *ganglionnaires* was meant natives in whom the discovery of swollen glands warranted a fear that they might be infected with sleeping-sickness germs and that this disease might develop in them later; *trypanosomés* meant persons who were infected with sleeping-sickness beyond all possible doubt.

It could be said, however—though, of course, all exaggerated hopes must be avoided—that very appreciable results had already been obtained by the Belgian medical authorities in the campaign against sleeping-sickness.

Judicial Organisation.

Dr. KASTL noted that frontier courts were mentioned on page 10 of the report. What was the exact position of native fugitives from justice who were brought before such courts?

M. HALEWYCK DE HEUSCH replied that this referred to natives who, by leaving the country, sought to evade their civil obligations in one or another of the regions neighbouring on the frontier. It also referred to natives who passed the frontier driving cattle, this giving rise to disputes which had to be settled by the courts. Claims were not always in connection with stolen cattle; they sometimes referred to cattle detained in good faith on one side of the frontier to which claims were laid by natives living on the other side.

Dr. KASTL asked under what legal authority the natives who did not themselves belong to the territory of Ruanda-Urundi had been placed.

M. HALEWYCK DE HEUSCH replied that these natives were in the jurisdiction of the European courts, which thus, in penal matters, did not apply native customary law, but the Congo Penal Code. An Ordinance had made the Congo penal laws applicable in the territory of Ruanda-Urundi, and these laws were followed in cases judged by a European court.

Prison Labour.

Dr. KASTL noted that, on page 17 of the report, reference was made to prison labour. Did the convicts who worked in the workshops receive wages ?

M. HALEWYCK DE HEUSCH replied in the negative. Their sentence included the obligation to work.

Defence of the Territory.

M. SAKENOBE asked where the troops mentioned on page 10 of the report were stationed.

M. HALEWYCK DE HEUSCH replied that the black troops, whose strength was 670 men, were distributed among three centres—Usumbura, Kigali and Kitega. At Usumbura there was only a machine-gun company.

M. SAKENOBE asked whether these troops were detached from the Congo occupation force. Further, could natives of the mandated territory be enrolled and incorporated in these detachments ?

M. HALEWYCK DE HEUSCH replied that the troops in the mandated territory were detachments of the Congo forces. No native of the Ruanda-Urundi was enrolled and incorporated in them.

M. SAKENOBE asked whether the native chiefs had any private forces.

M. HALEWYCK DE HEUSCH replied in the negative. There were in the *chefferies* only a few policemen, who were, moreover, unarmed.

Over-Population in the Territory. Emigration. Concessions.

Lord LUGARD said that he had not received the report until his arrival at Geneva and had had no time to examine it in detail. He warmly approved the policy of payment in cash instead of in kind and the creation of native courts (page 39). He hoped that this latter step would become general.

He observed (page 31) that a company had obtained a concession of 12,000 hectares, while another had obtained 7,000 hectares. Was not this a somewhat remarkable fact in a country which was said to be over-populated ?

M. HALEWYCK DE HEUSCH replied that the anomaly was only apparent. The country could be divided into three regions. The western and eastern regions were tropical, with fairly large areas of unoccupied land in which the natives took no interest, and which were suitable for European colonisation. The central part, which stood higher and enjoyed a more temperate climate, was occupied by so dense a native population that the average amount of land allotted to each inhabitant was only 30 ares. In that area, and near the administrative stations, land was only given as an exception and in very small lots. But in the sparsely populated areas of the first two regions it was possible to grant fairly large areas.

Lord LUGARD asked if there was any scheme of emigration of families to the Congo, and what was the estimated cost.

M. HALEWYCK DE HEUSCH pointed out that the question of transferring a number of families was only under consideration as yet. Up to the present, there had only been temporary departures of workers for the Union minière du Haut-Katanga.

Dr. KASTL asked if it was possible to transfer to foreign territory part of the population of the mandated territory.

M. HALEWYCK DE HEUSCH thought that it would be possible if the natives agreed to go voluntarily.

Dr. KASTL enquired whether it would not be possible to transfer the surplus population from the centre to other parts of the territory.

M. HALEWYCK DE HEUSCH explained that this could not be done. The people living in the temperate regions could not be sent into the tropical regions ; they could not become acclimatised and were unwilling to proceed thither on any consideration. The natives were even loath to descend for a few days into the plains around Lake Tanganyika.

M. ORTS observed that it was almost impossible to refer to land tenure without touching on emigration. He would deal with page 30 and pages 62, 63 and 64 of the report together. It appeared to him that there was some inconsistency between the description of the

consequences of over-population given on pages 62 and 63 and the argument in Chapter VII to the effect that concessions of land could be granted to Europeans without harming native interests.

The impression gathered from the report was that the cultivated area and pasture-lands barely sufficed for the present needs of a very dense population. He would have thought, therefore, that it would be necessary most carefully to preserve any land still available for the future expansion of the native population. It had been said that the people of Ruanda did not descend into the plain below a height of 1,300 meters. On referring, however, to the map attached to the report, it would be noticed that Lake Kivu was situated at an altitude of 1,450 meters. It would therefore seem that the land granted to the Société coloniale des produits tannants et agricoles in the neighbourhood of Shangugu, above the level of the lake, must be somewhere in the neighbourhood of the altitudes which, according to the report, were suitable for native settlement.

Furthermore, how were concessions granted? The report said, "after very careful enquiry". To take an example, M. Orts wished to know whether the granting of the concession to the Société coloniale des produits tannants had been preceded by an enquiry. Who had undertaken the enquiry? How had it been conducted? What were the results? He also asked what was the nature of the land granted and whether this land was suitable for pasturage and for crops.

M. HALEWYCK DE HEUSCH replied that the lands bordering on Lake Tanganyika and the Ruzizi were, in point of fact, tropical lands. The plain having a torrid climate which stretched along the shore of Lake Tanganyika continued up the Ruzizi and rose in terrace formation as far as the neighbourhood of Lake Kivu. There was no reason to reserve this area for the settlement of natives from the over-populated region of the high plateaux, since these natives knew the land in question, did not find it suitable and deliberately kept away from it. There had always been a tendency among these people to push out to the west, and this tendency had led certain groups to proceed beyond the western shores of Lake Kivu. They had never, however, stopped to occupy and cultivate the zone in which the concessions had been granted. They had preferred to pass on to foreign soil—which was clear proof of the fact that these lands were of no value to them. With regard to the land granted in the neighbourhood of Shangugu in particular, this land was covered with small woods of mimosa and black wattle, trees which provided tanning materials. The Société coloniale des produits tannants et agricoles had applied for permission to exploit this land, and the permission had been granted.

What guarantees were provided, when concessions were granted, that the land in question was really unoccupied? In Ruanda-Urundi, as in the Belgian Congo, there was always an enquiry. In the case of small concessions of land, the situation of which could be immediately determined, the enquiry took place beforehand. It was conducted by officials who signed written statements, and by the representatives of the nearest native groups, to make sure that no rights existed over the land in question. The Colonial Council carefully supervised these proceedings. In the case of large concessions, the same procedure could not be applied in every instance before the authorities took their decision. In such cases, they granted the right of choosing such unoccupied land covering a large area as was to be found in a given region. When the person receiving the concession stated that he had selected some given land and that this land was unoccupied, it was clear that then, and then only, could the enquiry be instituted. Before the concession was granted, however, the authorities obtained information concerning the general situation in the area contemplated by the petitioners, concerning the probable existence of unoccupied land and the size of the population. If the authorities then came to the conclusion that they could grant the concession, it was only granted subject to native rights. Certain concessions, when the time came to select the land, had been very considerably reduced because at the time careful enquiries had shown that the land was not vacant, as had been thought.

M. ORTS asked if the enquiry had been made in the case of the company in question.

M. HALEWYCK DE HEUSCH replied that the enquiry had been conducted on the lines he had just indicated. There had been a general enquiry before the concession, and special enquiries were in progress now that the land had been selected.

M. ORTS asked whether the decree concerning native land in the Congo, earmarking lands for expansion for the natives, applied to Ruanda.

M. HALEWYCK DE HEUSCH replied in the affirmative.

M. ORTS then asked whether Ruanda was to be regarded as a single big *chefferie* of which the land earmarked for native expansion was preserved for the requirements of the whole population.

M. HALEWYCK DE HEUSCH replied that the various groups established in this territory should be considered separately. It was in the neighbourhood of these groups that land for expansion would probably have to be reserved.

M. ORTS wished to know in what way the obligation placed upon the concessionaire to set up schools was carried out.

M. HALEWYCK DE HEUSCH replied that the company to which the concession was granted established the schools and that the Government appointed the teachers.

M. ORTS observed that, on page 64, it was stated that the Belgian Congo authorities had agreed in principle to the possibility of setting aside in Congo territory lands for the expansion of the Ruanda people. Where were these lands ?

M. HALEWYCK DE HEUSCH said that they were to the west of Lake Kivu, but he could not there and then indicate the exact position. This colonisation scheme was still under consideration at the present time.

M. ORTS noted, from the report, that these lands :

“ Extended over some hundreds of thousands of hectares, and were situated in high-lying districts which formed the natural prolongation of Ruanda and which climatically and pastorally presented conditions appreciably identical to those existing in the mandated territory. ”

M. ORTS wondered, in these circumstances, why the lands had not already been peopled by spontaneous emigration towards the west, to which M. HALEWYCK DE HEUSCH had referred.

M. HALEWYCK DE HEUSCH said he could not explain why emigrants from the Ruanda-Urundi had, after crossing the frontier of their country, selected one region rather than another.

The land to be reserved at present for expansion was being sought on the other side of Lake Kivu, mainly in the south. If the enquiries had reached a sufficiently advanced stage, the report for the following year might give more definite information on the subject.

M. ORTS asked whether the south of the lake was not a region of colonisation in which European plantations already existed.

M. HALEWYCK DE HEUSCH answered that they were not contemplated sites situated on the shores of the lake itself.

Dr. KASTL said that he would be glad to know what labour would be employed by the Ruzizi syndicate. Would it be labour from the hills ? In that case, the same difficulties might arise on account of the climate.

M. HALEWYCK DE HEUSCH said that the natives would themselves refuse to do this work. It should be remembered that, though sparse, there was some population in the regions of the concession. He wished to add that the Government included among the clauses of its contracts for concessions the obligation to employ as much mechanical apparatus as possible.

Lord LUGARD said that this scheme opened up a new and interesting question. If a mandated territory founded, as it were, a colony beyond its frontiers, would the conditions of the mandate be applied to that colony ? What steps would be taken to keep the Permanent Mandates Commission informed of the conditions of life of the people who emigrated ?

M. HALEWYCK DE HEUSCH replied that the provisions of Congo legislation made it impossible for these people to become Congolese. They would therefore maintain their previous status ; hence the Mandates Commission would obviously continue to have supervisory power in their case as in the case of all other nationals of Ruanda-Urundi.

M. RAPPARD believed that there were two possible reasons for this vast and ambitious emigration scheme : (1) the existence of natural resources in the Congo, which acted like a suction-pump ; and (2) over-population, which acted like a forcing pump. Was the main purpose that of developing the Congo, or that of alleviating the demographic congestion ? The Mandates Commission could approve only the latter object.

M. HALEWYCK DE HEUSCH replied that the scheme did not contemplate emigration towards the mining regions nor towards any centre of European exploitation. The desire of the Belgian authorities was to reconstitute in the Congo, if the opportunity arose, the emigrant groups from Ruanda-Urundi with all the characteristics they possessed in their own country. Nothing in their mode of life would be changed from a social, economic, agricultural or pastoral point of view ; they would come to settle with their Batutsi chiefs, would cultivate the same crops and would breed live-stock in the same manner.

M. RAPPARD asked whether private interests would benefit by this.

M. HALEWYCK DE HEUSCH stated that in this matter the Belgian Government was paying no attention to any capitalist interests.

Mr. GRIMSHAW said that he had found no mention in the report of the kind of work which the Ruzizi Syndicate was proposing to undertake.

M. HALEWYCK DE HEUSCH answered that the syndicate proposed mainly to grow cotton and coffee.

Mr. GRIMSHAW observed that this area (the Ruzizi Valley) had been stated to be very thinly peopled. The operations of the syndicate would, however, require a considerable amount of labour, and the highland peoples who formed the great mass of the population would, he supposed, be unwilling to descend into the valley. He hoped that the granting of this and similar concessions would not have the result noted in many other parts of Africa, namely, a pressure upon the population to engage themselves with white employers under conditions unsuitable to their habits and health.

With regard to the lands conceded to the Société coloniale des produits tannants et agricoles in the Shangugu district, he noted that they appeared to be highlands and therefore presumably suitable for settlement by the overcrowded peoples of the other highlands of the territory. He had heard the accredited representative's observation that these lands had been traversed by these peoples on their way to the western side of Lake Kivu and his conclusion that, since they did not settle there, the Shangugu lands were unsuitable for their stock or their methods of agriculture. He somewhat doubted whether this conclusion justified the Administration in alienating these lands and putting them out of the reach of a land-hungry people. It might well be—as a result of the very praiseworthy efforts being made by the Administration to improve stock, introduce new crops and improve methods of agriculture—that these lands would prove suitable, possibly within a relatively short time, to the methods and needs of the more highly evolved population. He thought, therefore, that concession of lands of this type should be made with great caution.

M. HALEWYCK DE HEUSCH thought that native agricultural methods could only be improved gradually and very slowly. The Government could not await this result and must immediately take steps to increase the well-being of the population.

Mr. GRIMSHAW had noted in the report—for example, on page 9—references to natives who proceeded from Ruanda to the Congo side of Lake Kivu to seek employment with the numerous colonists settled there. Could he be informed as to where precisely these colonies were, the nature of the work for which the natives engaged themselves, their rates of pay and the general conditions under which they lived there? Some data by which a comparison might be made between wages and cost of living, for instance, would be very useful. Further, he would like to know whether these workers were recruited, and, if so, by whom, and under what control.

M. HALEWYCK DE HEUSCH replied that, apart from the labour recruited by the Union minière du Haut-Katanga, natives proceeding to the Congo went to work in the south of the western area of Lake Kivu, in a country which was agricultural in character. These workmen were not recruited by agents; they went spontaneously and for a very short period. Their laws allowed them to proceed without any formality to regions quite near to their own territory.

To a further question by Mr. Grimshaw, he replied that, as the work of these natives near the frontier was not controlled by the Government, he could not give any definite information on the subject. All he could say was that the wage in the district was 1 franc *per diem*. To understand the value of this wage, it should be remembered that the cost of living was very low in Ruanda-Urundi: a head of cattle fetched from 500 to 600 Belgian francs and a kilogramme of butter cost from 7 to 8.50 francs.

Recruiting for the Katanga Mines.

Mr. GRIMSHAW observed, with regard to the experiment of recruiting for the Katanga (page 64), that the death rate amongst workers from Ruanda-Urundi was close on 48 per thousand. Was that a normal rate for the whole of the working population in the mines?

M. HALEWYCK DE HEUSCH replied that the first experiments in recruiting labour had given excellent results, but that, later, cases of typhoid fever had occurred. The Union minière had thereupon immediately stopped recruiting, in order to meet the situation. Its experiments and enquiries showed that the natives of Ruanda-Urundi were very ill-prepared to undertake the journey to Katanga. Before they were engaged, they were under-fed and carried the germs of various diseases. Further protective measures had since then been taken and applied immediately. After they had been recruited, the natives were now sent to concentration camps established, one in Ruanda, the other in Urundi. They were examined by medical officers and, if found suitable, were kept under observation for one month, during which time they were specially well nourished. Thereupon, if they were passed fit, they were sent to the camp at Usumbura, where they stayed for a further month, and a second sorting-out took place. They then embarked for Katanga, where they were, in another concentration camp, given work the severity of which was gradually increased. They there received a real form of training which enabled them, after a time, to undertake work in the mine. Since these precautions had been taken, the results of recruiting had become very satisfactory.

Mr. GRIMSHAW said that it was because he knew of the great precautions taken by the Union minière in its care for its employees that he had been surprised at this death rate, which was almost double that found in other similar mining districts. It was possible, of course, that the information supplied by the Union was correct, while that supplied for other districts was not.

M. ORTS said that, when in the Belgian Congo in March 1928, he had gone over part of the route followed by labourers proceeding from Usumbura to Katanga. The conditions of transport were at present excellent. He had visited in the port of Albertville a barge of several hundred tons specially fitted up with separate bunks, shower-baths, cook-houses, good ventilation, etc. Conditions on the railways were also very good.

M. RAPPARD was very glad to hear this statement in mitigation of the facts mentioned on page 64. He was surprised, however, that it was proposed to make less severe the regulations in force.

M. HALEWYCK DE HEUSCH replied that the Commission should not be misled as to the real meaning of this passage. There had been no derogation from the regulations for the protection of labour, but merely a modification of two administrative measures.

(1) The company found the tax of 300 francs per annum, which it had to pay for each native recruited, very heavy.

(2) The natives complained—as did their employer—that, six months after their arrival at Katanga, they should be already obliged to return to their country. No sooner did they reach their country again than they asked, of their own free will, to go back to the mines.

The sentences to which M. Rappard had drawn attention referred to these two complaints, which deserved consideration.

M. RAPPARD nevertheless thought that the heavy mortality and incidence of disease which had broken out *en route* showed a very serious state of affairs.

M. HALEWYCK DE HEUSCH replied that those were events of the past and that, as he had explained, the steps taken by the Union minière in the interests of its workers' health had produced excellent results.

Mlle. DANNEVIG asked if, supposing the contracts were extended, suitable measures would be taken, as to lodgings, etc., when wives wished to accompany their husbands.

M. HALEWYCK DE HEUSCH replied that the Union minière accepted families as readily as bachelors. It undertook to transport the families and reserved special dwellings for them in the locality in which the contract was to be carried out.

Mr. GRIMSHAW wondered whether the people on the plateaux, who, he understood, objected strongly to passing even a short time in areas where the climate was unsuitable to them, were aware of the peculiarities of the Katanga climate.

M. HALEWYCK DE HEUSCH replied that they were, owing to the information given by those who had already been there. This information was very favourably received, for it had been observed that, when twenty-five men were to be recruited, two hundred and fifty applicants had come forward.

Mr. GRIMSHAW asked whether the climate or the work was responsible for the high death rate.

M. HALEWYCK DE HEUSCH said he thought that the death rate was due, in the past, to the passage from one climate to another without adequate preparation. But, as he had stated, new methods had been adopted and the recruited natives were carefully prepared, from a health point of view, before they left their country.

Compulsory Labour : Development of European Enterprises.

Mr. GRIMSHAW noted that compulsory labour was employed for the construction of local roads (page 61). By what means were the main roads constructed ?

M. HALEWYCK DE HEUSCH replied that the roads were constructed by paid labour, but that their upkeep was ensured by the chiefs, who utilised labour-gangs for the purpose.

Lord LUGARD asked what guarantees could be furnished that the chiefs did not employ more labour than was allowed under the regulations.

M. HALEWYCK DE HEUSCH stated that, in case of an abuse of power, the natives would complain to the European authorities. At the beginning of the occupation, when they were unaware of the power these authorities possessed, they would have hesitated to do so ; but now, taught by experience, they would have confidence.

Mr. GRIMSHAW drew attention to a matter which was causing him a certain disquietude. In the present report, he had noted that concessions of land for various purposes had been made to Europeans. The accredited representative had stated that the Administration had granted all requests for mining concessions, and other concessions had been discussed during the present session. These all involved, or would involve, demands for labour. He noted, further (page 62), that construction works and "the multiplication of private establishments had had the effect of intensifying portorage and augmenting in a general way the demand for labour".

What he was about to say on this matter had reference, not directly to Ruanda-Urundi at the present moment, but to the situation that had developed in many other colonial areas as a result of a too-rapid forcing of economic development, and a too-lax control of that development in regard to its social effects.

One feature of that situation was the heavy pressure of the demand for the labour of the native population. There were colonies where, though legal forced labour was abolished, the whole labour situation was in fact one of compulsion. The interests controlling invested capital and the white settlers dominated the entire position, and their influence was frequently so powerful that Administrations were unable to resist it. Economic development was, in fact, pushed harder than social development, and the result for the native population appeared to be uniformly disastrous.

The second feature to which he wished to draw attention was the necessity of controlling the *nature* of capital investment and economic development, in the interest of the native population. The social usefulness of one form of development might be infinitely greater than that of another. The development of agriculture was preferable, for example, from this point of view to that of mining, though it might be less profitable to others than to the native population. Further, in agriculture itself, it was not always the crops or the methods which gave the best returns to capital that were best from a social point of view. He would point out that the capital usually belonged to strangers not particularly interested in the social progress of the country, and there was a great danger that the latter would be sacrificed to the former.

He knew that the Belgian colonial authorities were well aware of these dangers, and his object in referring to them here was simply to commend them to the earnest consideration of the mandatory Power.

M. HALEWYCK DE HEUSCH said that the situation described by Mr. Grimshaw would never occur in Ruanda-Urundi, and that there would never be any compulsory labour, for the simple reason that there was a superabundance of labour available, and workmen offered their services willingly.

FOURTEENTH MEETING

Held on Saturday, November 3rd, 1928, at 10.30 a.m.

Chairman : The Marquis THEODOLI.

928. Ruanda-Urundi : Examination of the Annual Report for 1927 (continuation).

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

Education : Work of the Missions.

Mlle. DANNEVIG observed, from page 55, paragraph 4, that the mandatory Power was intending to place the elementary schools in the hands of the missions. She was sure that the missions were perfectly qualified to undertake this work ; but would there be enough missionaries ?

M. HALEWYCK DE HEUSCH replied that the missionaries were much more successful than the Government in obtaining and training teachers. The size and efficiency of the teaching staff would not be reduced, therefore, if the Government gave up a certain number of its schools and asked the missionaries to take them over. Moreover, the Government would not give up all its teaching establishments ; for instance, it would keep its two schools for the sons of chiefs.

In reply to another question, the accredited representative pointed out that, in entrusting education to the missions, the Government was not granting them a privilege but asking for their assistance.

Mlle. DANNEVIG pointed out that the people who contributed to the missions in the different European countries would have to take over part of the charges incumbent on the Belgian Government. Did the missionaries furnish accounts to the Government?

M. HALEWYCK DE HEUSCH, in reply to the first observation, said that the missions were very well satisfied with the rôle which had been given them without being imposed on them.

As regards the second point, the only condition for the grants was that the Government should have the right to inspect the schools. It was through these inspections that the Administration ascertained whether its curriculum was being strictly adhered to and whether the pupils were being well taught. That was sufficient, and it was not otherwise concerned as to how the grants, which took the form of a lump sum, were used.

Lord LUGARD asked whether any cases had occurred in which missionaries had refused to allow Government inspection.

M. HALEWYCK DE HEUSCH replied in the negative.

Mlle. DANNEVIG asked how the young chiefs who had been educated by the missions were received when they succeeded their fathers.

M. HALEWYCK DE HEUSCH replied that there was no difficulty about this. When chieftaincies became vacant, they were filled by other young chiefs not necessarily relatives of the deceased chiefs. These young men were not appointed directly by the European Administration, but either by the Sultan of Ruanda or the Regents of Urundi, on the advice or with the consent of the Administration. The people accepted the choice without discussion, because it was made by the traditional authority.

Mlle. DANNEVIG asked if that were the case when the chiefs were deposed and replaced by their heirs.

M. HALEWYCK DE HEUSCH replied that such cases, though rare, did sometimes occur. Certain chiefs who had acted in opposition to European civilising influences by permitting, notwithstanding full warning, private vendettas, ordeal by poison, denials of justice, etc., had had to be deposed, but in such cases, again, the decision had been taken by the Sultan. Since the decision had been pronounced by the customary authority recognised by all, it had been generally accepted and there had been no opposition to the new chief.

Mlle. DANNEVIG observed that, on page 54, it was stated that "education was limited to notions by which pupils could benefit in their economic environment". It seemed somewhat strange that the pupils should be engaged in manufacturing cigars for sale.

M. HALEWYCK DE HEUSCH replied that this work was only carried on in one trade school, in a district in Northern Ruanda, where the tobacco industry was highly prized long before the Belgian occupation.

Mlle. DANNEVIG asked if the native language was some sort of patois of Kiswahili.

M. HALEWYCK DE HEUSCH replied that there were two, Kinyaruanda in the Northern Sultanate and Kirundi in the Southern Sultanate. These two languages differed from Kiswahili, which was the native language of the eastern seaboard and was a commercial language. As such, it was, however, spoken throughout Central Africa.

Lord LUGARD asked what progress had been made in the scheme of training of native medical assistants.

M. HALEWYCK DE HEUSCH regretted to say that no very great results had yet been obtained. Candidates had an insufficient knowledge of the French tongue, which was the only language in which they could be given a sound grounding in medical training. Up to the present, some twenty had entered the school for medical assistants, but only three or four had been sent out on service.

M. SAKENOBE asked whether the grant made to the Catholic Missions was a regular annual grant or whether it was made for the current year. How was the grant spent? What was the total sum spent by the missions on education?

M. HALEWYCK DE HEUSCH said that the grant was an annual one. There was no auditing of the accounts, as this matter did not concern the Government, which granted lump sums.

One fact was certain, namely, that the sum which would be spent by the Government, if it were to organise the schools itself, would be much higher than that spent in subsidising the mission schools.

In reply to a further question of M. Sakenobe, the accredited representative observed that there were still too few European children—only about twenty of school age—and these were too scattered to make it possible to provide special primary education for them at the present time.

M. RAPPARD said that he had been much struck by what was said in the report with regard to the evangelising methods of the missions. Even in places where they gave no education in the strict sense of the term, they gave first-class instruction in civics.

The CHAIRMAN recalled that the "White Fathers" were pioneers of the first class.

Public Health : Recruiting of Doctors.

Dr. KASTL asked if the six European doctors gave treatment for sleeping-sickness also, and whether the mandatory Power considered the medical staff sufficient for the territory.

M. HALEWYCK DE HEUSCH observed that sleeping-sickness was found only in the districts of Tanganyika Lake and the Ruzizi. Two doctors were treating the disease, the specialist at Rumonge and his chief at Usumbura.

The mandatory Power realised that the medical staff was inadequate, but allowance must be made for difficulties in recruiting doctors, and for many other difficulties. Furthermore, it was not only doctors who gave treatment to patients. All the officials, before leaving Belgium for Ruanda-Urundi, underwent a course of medical training in Brussels. This was also the case with the missionaries, many of whom held diplomas from the School of Tropical Medicine.

Dr. KASTL observed that the finances of the territory were good. Would it not be possible to increase the number of doctors or the grants to the missions ?

The CHAIRMAN asked if there was no financial difficulty.

M. HALEWYCK DE HEUSCH answered that the difficulties were of all kinds : recruiting, training, adaptation, accommodation, etc. The Government would do everything in its power to improve the medical service, but it must not be forgotten that doctors without special training would bungle their work.

M. RAPPARD doubted whether these difficulties could really be considered as insurmountable. If offers were made to doctors from outside, even on condition that they underwent a course at the Brussels School of Tropical Medicine, there would certainly be good candidates available.

M. ORTS feared that M. Rappard was under a misapprehension. As already stated, the Belgian Government accepted offers from doctors from all countries, but there were no candidates. As President of the Congo Red Cross, he had himself made an appeal to foreign doctors. Very few and in particular no Swiss doctors had replied.

The CHAIRMAN asked what was the amount of a doctor's initial salary.

M. HALEWYCK DE HEUSCH answered that it amounted to 75,000 Belgian francs, plus an allowance of 3,000 francs. If a doctor were employed on prophylactic work (sleeping-sickness, etc.), he received a further allowance of 10,000 francs. Return fares were paid. Doctors undertook to remain three years in the country before going home on leave. If they were then re-engaged by the Government, they received 75 per cent of their full salary during their leave.

Mlle. DANNEVIG asked whether, for instance, Norwegian doctors would be accepted.

M. HALEWYCK DE HEUSCH assured her that they would be accepted. Some knowledge of French, however, was necessary.

The CHAIRMAN, on behalf of the Commission, took note of the statements made by M. HALEWYCK DE HEUSCH and expressed satisfaction at the endeavours made by the mandatory Power in this connection.

M. HALEWYCK DE HEUSCH pointed out further to Mlle. Dannevig that, outside their official service, doctors could practise privately.

Land Tenure.

M. VAN REES, referring to the regulations to be found on page 110 of the report, asked for explanations as to the term *droit de superficie*.

M. HALEWYCK DE HEUSCH explained that there were various real-estate rights in the territories under Belgian authority in Africa : *droit de pleine propriété* (full ownership) ; *droit d'emphytéose*, that was to say, full rights to a property for a maximum period of ninety-nine years ; and *droit de superficie*, which signified usufruct of a property for a maximum period of fifty years, with the right to dispose of the buildings, timber and vegetation of various kinds belonging to it.

M. VAN REES asked if an applicant had to be an inhabitant of the territory in order to obtain *droit d'emphytéose* or *droit de superficie*.

M. HALEWYCK DE HEUSCH replied in the negative.

In answer to a further question, he replied that the *droit de superficie* was subject to certain conditions laid down in the Civil Code and to any special conditions which might be embodied in the title-deed.

M. VAN REES took the case where the land granted as a concession included native enclaves. Were such enclaves excluded from the concession or were the natives compensated ?

M. HALEWYCK DE HEUSCH answered that a native could refuse to cede his rights or could consent to negotiate them. In the latter case, an official record was drawn up in the presence of a special delegate appointed by the Government to explain to the natives the meaning of the proposed agreement. Provision was made for equitable compensation. The deed did not become binding until the Governor had given his consent. In cases where the native enclaves were maintained, *servitude de passage* (right of way) was granted over the conceded land round the enclaves.

Lord LUGARD asked what was the nature of these legal rights.

M. HALEWYCK DE HEUSCH said that the rights of the natives were determined by their customary rules. They generally resulted from occupation for some considerable period. The natives then had to prove that they utilised the land either by cultivating it or by pasturing their cattle thereon.

In reply to a further question, he explained that, as a rule, the concessionnaires received, in the first place, a right of occupation or usufruct, which was afterwards converted, subject to the fulfilment of certain conditions and to the payment of certain sums, into a *droit de pleine propriété*.

M. VAN REES thought, however, that the agreement concluded with the Ruzizi Syndicate (page 31) was a contract of sale.

M. HALEWYCK DE HEUSCH said that, on the contrary, the ordinary procedure had been followed. This was shown by the report, which stated that 12,000 hectares of the concession " might be acquired in full ownership " (*en toute propriété*).

M. VAN REES asked whether it would not be dangerous to sell such large estates in full ownership in a country so thickly populated as Ruanda-Urundi.

M. HALEWYCK DE HEUSCH said that he had replied on the previous day to these observations. As for safeguarding the future of the land by granting only rights of *emphytéose*, they should remember that prospective purchasers of land for development kept away unless the prospect of being able to acquire the property in full ownership was held out to them. The law of *emphytéose* had not been very successful in Belgium.

M. VAN REES asked that, in the next report, a clear statement of the principles, methods and result of the land policy should be given.

Solution of the Problem of Over-Population.

M. RAPPARD pointed out that the situation in Ruanda-Urundi was almost unique. The country was over-populated, without any town development. One of the consequences was a high infant mortality at the moment of weaning (page 35). It was stated, however, that the influence of the missions caused the birth rate to increase. The problem would therefore soon become acute. How could the Administration hope to solve it by transporting a few hundreds or thousands of inhabitants ? This could only be a slight palliative.

M. RAPPARD asked whether the Administration had considered the partial industrialisation of the territory as a possible remedy.

The CHAIRMAN thought that the remedy was not real industrialisation, but improvement in agriculture.

M. HALEWYCK DE HEUSCH agreed that the problem, which was due to over-population, was a very difficult one. Was it necessary to have recourse to the industrialisation of the country ? The social transformation which would ensue might not be devoid of inconvenience. The development of agriculture was more in accordance with the maintenance of the present organisation. It would be a long time, however, before the natives could be induced to intensify cultivation.

Dr. KASTL was anxious to have, in the next report, a table of the trades followed by the natives not belonging to the tribes and by Europeans or other elements of the population.

M. HALEWYCK DE HEUSCH replied that classification was not very difficult in the case of Europeans, but there was difficulty in the case of the natives. He would, however, submit Dr. Kastl's request to the local authorities.

M. RAPPARD said that he had been much struck by what was said in the report with regard to the evangelising methods of the missions. Even in places where they gave no education in the strict sense of the term, they gave first-class instruction in civics.

The CHAIRMAN recalled that the "White Fathers" were pioneers of the first class.

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Dr. KASTL asked if the six European doctors gave treatment for sleeping-sickness also, and whether the mandatory Power considered the medical staff sufficient for the territory.

M. HALEWYCK DE HEUSCH observed that sleeping-sickness was found only in the districts of Tanganyika Lake and the Ruzizi. Two doctors were treating the disease, the specialist at Rumonge and his chief at Usumbura.

The mandatory Power realised that the medical staff was inadequate, but allowance must be made for difficulties in recruiting doctors, and for many other difficulties. Furthermore, it was not only doctors who gave treatment to patients. All the officials, before leaving Belgium for Ruanda-Urundi, underwent a course of medical training in Brussels. This was also the case with the missionaries, many of whom held diplomas from the School of Tropical Medicine.

Dr. KASTL observed that the finances of the territory were good. Would it not be possible to increase the number of doctors or the grants to the missions?

The CHAIRMAN asked if there was no financial difficulty.

M. HALEWYCK DE HEUSCH answered that the difficulties were of all kinds: recruiting, training, adaptation, accommodation, etc. The Government would do everything in its power to improve the medical service, but it must not be forgotten that doctors without special training would bungle their work.

M. RAPPARD doubted whether these difficulties could really be considered as insurmountable. If offers were made to doctors from outside, even on condition that they underwent a course at the Brussels School of Tropical Medicine, there would certainly be good candidates available.

M. ORTS feared that M. Rappard was under a misapprehension. As already stated, the Belgian Government accepted offers from doctors from all countries, but there were no candidates. As President of the Congo Red Cross, he had himself made an appeal to foreign doctors. Very few and in particular no Swiss doctors had replied.

The CHAIRMAN asked what was the amount of a doctor's initial salary.

M. HALEWYCK DE HEUSCH answered that it amounted to 75,000 Belgian francs, plus an allowance of 3,000 francs. If a doctor were employed on prophylactic work (sleeping-sickness, etc.), he received a further allowance of 10,000 francs. Return fares were paid. Doctors undertook to remain three years in the country before going home on leave. If they were then re-engaged by the Government, they received 75 per cent of their full salary during their leave.

Mlle. DANNEVIG asked whether, for instance, Norwegian doctors would be accepted.

M. HALEWYCK DE HEUSCH assured her that they would be accepted. Some knowledge of French, however, was necessary.

The CHAIRMAN, on behalf of the Commission, took note of the statements made by M. Halewyck de Heusch and expressed satisfaction at the endeavours made by the mandatory Power in this connection.

M. HALEWYCK DE HEUSCH pointed out further to Mlle. Dannevig that, outside their official service, doctors could practise privately.

Land Tenure.

M. VAN REES, referring to the regulations to be found on page 110 of the report, asked for explanations as to the term *droit de superficie*.

M. HALEWYCK DE HEUSCH explained that there were various real-estate rights in the territories under Belgian authority in Africa: *droit de pleine propriété* (full ownership); *droit d'emphytéose*, that was to say, full rights to a property for a maximum period of ninety-nine years; and *droit de superficie*, which signified usufruct of a property for a maximum period of fifty years, with the right to dispose of the buildings, timber and vegetation of various kinds belonging to it.

M. VAN REES asked if an applicant had to be an inhabitant of the territory in order to obtain *droit d'emphytéose* or *droit de superficie*.

M. HALEWYCK DE HEUSCH replied in the negative.

In answer to a further question, he replied that the *droit de superficie* was subject to certain conditions laid down in the Civil Code and to any special conditions which might be embodied in the title-deed.

M. VAN REES took the case where the land granted as a concession included native enclaves. Were such enclaves excluded from the concession or were the natives compensated ?

M. HALEWYCK DE HEUSCH answered that a native could refuse to cede his rights or could consent to negotiate them. In the latter case, an official record was drawn up in the presence of a special delegate appointed by the Government to explain to the natives the meaning of the proposed agreement. Provision was made for equitable compensation. The deed did not become binding until the Governor had given his consent. In cases where the native enclaves were maintained, *servitude de passage* (right of way) was granted over the conceded land round the enclaves.

Lord LUGARD asked what was the nature of these legal rights.

M. HALEWYCK DE HEUSCH said that the rights of the natives were determined by their customary rules. They generally resulted from occupation for some considerable period. The natives then had to prove that they utilised the land either by cultivating it or by pasturing their cattle thereon.

In reply to a further question, he explained that, as a rule, the concessionnaires received, in the first place, a right of occupation or usufruct, which was afterwards converted, subject to the fulfilment of certain conditions and to the payment of certain sums, into a *droit de pleine propriété*.

M. VAN REES thought, however, that the agreement concluded with the Ruzizi Syndicate (page 31) was a contract of sale.

M. HALEWYCK DE HEUSCH said that, on the contrary, the ordinary procedure had been followed. This was shown by the report, which stated that 12,000 hectares of the concession " might be acquired in full ownership " (*en toute propriété*).

M. VAN REES asked whether it would not be dangerous to sell such large estates in full ownership in a country so thickly populated as Ruanda-Urundi.

M. HALEWYCK DE HEUSCH said that he had replied on the previous day to these observations. As for safeguarding the future of the land by granting only rights of *emphytéose*, they should remember that prospective purchasers of land for development kept away unless the prospect of being able to acquire the property in full ownership was held out to them. The law of *emphytéose* had not been very successful in Belgium.

M. VAN REES asked that, in the next report, a clear statement of the principles, methods and result of the land policy should be given.

Solution of the Problem of Over-Population.

M. RAPPARD pointed out that the situation in Ruanda-Urundi was almost unique. The country was over-populated, without any town development. One of the consequences was a high infant mortality at the moment of weaning (page 35). It was stated, however, that the influence of the missions caused the birth rate to increase. The problem would therefore soon become acute. How could the Administration hope to solve it by transporting a few hundreds or thousands of inhabitants ? This could only be a slight palliative.

M. RAPPARD asked whether the Administration had considered the partial industrialisation of the territory as a possible remedy.

The CHAIRMAN thought that the remedy was not real industrialisation, but improvement in agriculture.

M. HALEWYCK DE HEUSCH agreed that the problem, which was due to over-population, was a very difficult one. Was it necessary to have recourse to the industrialisation of the country ? The social transformation which would ensue might not be devoid of inconvenience. The development of agriculture was more in accordance with the maintenance of the present organisation. It would be a long time, however, before the natives could be induced to intensify cultivation.

Dr. KASTL was anxious to have, in the next report, a table of the trades followed by the natives not belonging to the tribes and by Europeans or other elements of the population.

M. HALEWYCK DE HEUSCH replied that classification was not very difficult in the case of Europeans, but there was difficulty in the case of the natives. He would, however, submit Dr. Kastl's request to the local authorities.

M. RAPPARD wondered whether the agricultural resources, if used in a rational manner, would suffice to feed the population for ten or twenty years, for example.

M. HALEWYCK DE HEUSCH replied that, at the present time, when there was no famine, the resources of the territory were sufficient to support the inhabitants; there was even a surplus of production and possibilities of exportation, but, unhappily, famines were not rare. The cultivation of manioc and sweet potatoes, which was introduced a few years ago and which the Administration was trying to intensify, would lessen the risk of famine, because those products were not affected by the weather. When this first result had been obtained, the improvement of agriculture would enable the population to be fed for a considerable period, but it would take some time to persuade the natives to adopt rational methods of cultivation.

Lord LUGARD said that he must record his dissent from M. Rappard's view that industrialisation was the best remedy for such a people. In his opinion, the best remedies were organised emigration and intensive cultivation; the latter was, of course, a process of education.

Dr. KASTL emphasised the fact that over-population in an African territory raised one of the hardest problems imaginable. If industrialisation were attempted, mortality usually increased. If an attempt were made to improve agricultural methods, prejudices and native habits were encountered, and the work always took a long time.

The CHAIRMAN shared the views of Lord Lugard, and did not agree with M. Rappard in regard to the question of industrialisation. He urged the employment of better agricultural methods.

M. ORTS said that all who knew the country recognised that, under pressing necessity, the inhabitants of Ruanda were making an extraordinary use of the land, although primitive methods of cultivation were still employed. There was not one square inch of fertile land which was not cultivated, even on the rocky slopes which Europeans never considered using. In that country, as elsewhere, there was a perpetual conflict being waged between the shepherd and the peasant. Just as in Europe, where the peasant in a fair way of business who encountered labour troubles abandoned sowing for grazing, and thus came into conflict with the small owner who could work his land with the aid of his children, so, in Ruanda-Urundi, the large landowner was a shepherd and the peasants cultivated the land. The Administration might consider sacrificing the interests of one class for the benefit of the other; that was to say, sacrifice the interests of the minority (the persons engaged in cattle-breeding) to those of the majority (engaged in agriculture), and improve methods of cultivation and grazing and the standard of the cattle, which, at the present time, yielded very little meat.

The spontaneous emigration suggested by Lord Lugard was a poor solution. The natives, being bewildered and lonely, would be bound to fall into the hands of unscrupulous employers. As regards organised mass emigration, M. Orts shared M. Rappard's view: even if, at great expense and after enormous efforts, some 50,000 or 100,000 natives were transferred in ten years from Ruanda to the Belgian Congo, the problem of over-population would remain untouched.

M. MERLIN pointed out that similar problems had arisen in other countries. A single general solution could not be found. He did not think, moreover, that it was the duty of the Commission to suggest solutions. It was for the mandatory Power to do so, and for the Commission to express an opinion on them, according to the results. To act otherwise would be to shift the responsibility.

M. HALEWYCK DE HEUSCH pointed out the disadvantages of the suggestion made by M. Orts. It was no small thing to do away with cattle-breeding in a country which, according to the calculations of its Administration, produced only 3 kilogrammes of meat per head per annum. It was true that the methods of breeding were defective, but efforts were already being made by the local authorities to improve them.

Economic Equality.

Dr. KASTL asked whether economic equality existed between nationals of the mandatory Power and foreigners.

M. HALEWYCK DE HEUSCH replied that, under the mandate, absolute equality was granted to nationals of all States Members of the League. Without being obliged to do so, Belgium granted the same equality to nationals of other States. Anyone who desired to enter the territory, however, was required to produce a passport and to obtain an entrance permit, which was only refused if the applicant's respectability, health, etc., were not in accordance with the general conditions of the immigration laws.

Close of the Hearing.

The CHAIRMAN thanked M. Halewyck de Heusch for the explanations given by him to the Commission, and congratulated the Belgian Government on the excellent report submitted to the Commission.

M. HALEWYCK DE HEUSCH was very grateful for the Chairman's kind remarks. He was glad that the report had made a good impression. This would encourage him to try to improve it still further in future.

(M. Halewyck de Heusch withdrew.)

929. Petitions rejected as not deserving the Commission's Attention.

The CHAIRMAN submitted the following note regarding petitions which he had rejected, in conformity with Article 3 of the Rules of Procedure :

" Since our last session, I have rejected the following petitions as not deserving the Commission's attention :

" 1. *Letter from Mrs. von Shirp (widow), dated Stendal (Saxony), July 10th, 1928,* concerning property situated in the mandated territory of South-West Africa. Since the dispute to which this petition refers does not, in its present stage, concern the execution or interpretation of the provisions of the Covenant or the Mandates, I did not consider that it could be admitted.

" 2. *Letter from Mr. Newton Rowe, dated London, July 8th, 1928,* enclosing two documents intended to throw further light on the allegations contained in his petition of July 1st, 1927. Since Mr. Newton Rowe's communication deals with points which were settled by the Permanent Mandates Commission at its thirteenth session and does not contain additional information of any importance, I did not consider that it could be regarded as a petition deserving attention in accordance with the existing Rules of Procedure.

" 3. *Communication from the Bund der Deutsch-Togoländer, dated Accra, August 25th, 1928,* concerning the capitation tax in Togoland under French mandate. I did not consider that it was necessary to submit this petition to the Commission, since it does not contain any fresh information with regard to this question, which has already been dealt with in a previous petition from the same source, and concerning which the Commission formed its conclusions at its eleventh session.

" 4. *Eight telegrams received in August and September 1928 from local sections of the 'New Syrian Party' in the United States of America,* protesting against the recent adjournment of the Syrian Constituent Assembly. In view of the very general terms in which these communications are framed, I did not think that the petitions could be regarded as admissible under the existing Procedure.

" 5. *Petition from Emir Chékib Arslan, dated September 8th, 1928,* transmitted by the President of the ninth ordinary session of the Assembly, and dealing with the Syrian electoral system, the amnesty, the independence of Syria and a trivial incident which occurred at Damascus on the day following the adjournment of the Constituent Assembly. This latter point appeared to me to be quite insignificant, no definite details being given. As regards the electoral system and the amnesty, the petition contains no additional information of any importance. As regards the claim concerning Syrian independence, this appears to me to be incompatible with the provisions of the mandate. I did not think, therefore, that this petition could be regarded as admissible.

" 6. *Telegram from M. Lotfallah, dated Cairo, September 5th, 1928,* transmitted by the President of the ninth ordinary session of the Assembly, and protesting against the adjournment of the Syrian Constituent Assembly. In view of the very general terms in which it is conceived, I did not think that this communication could be regarded as a petition admissible under the existing Procedure.

" 7. *Letter from the Syrian Association in Northern Minas (Brazil), dated April 24th, 1928,* containing an appeal on behalf of Syrian independence. As this petition is incompatible with the provisions of the mandate, I did not consider that it could be regarded as a petition admissible under the existing Procedure.

" 8. *Letter from Mme. Katharine Assad Christodoulidis, dated Cairo, October 4th, 1928,* concerning the payment of her pension as the widow of a former Turkish official of Syrian origin. In connection with this case, the Lebanese authorities require the person concerned to furnish proof of her Lebanese nationality. This proof should presumably be supplied at her request by the authorities of Homs, the birthplace of her late husband. The matter does not appear to concern the execution of Article 22 of the League Covenant and the provisions of the Mandate for Syria and the Lebanon. At this present stage, it would appear to come within the competence of the administrative and judicial authorities in the mandated territory. I did not consider, therefore, that the application in question could be regarded as an admissible petition. "

M. RAPPARD thought that the petition of the Emir Chékib Arslan (mentioned under No. 5) should be rejected for reasons of form, having been forwarded to the President of the Assembly. If the Commission did not adopt this procedure, petitioners would form the habit of approaching the President of the Assembly direct.

M. CATASTINI pointed out that, if a petition were sent to the Assembly—and this case had already occurred in 1925—the Assembly would refer it to the competent organisation, which was in this case the Permanent Mandates Commission.

M. MERLIN took the view that a petition sent to the President of the Assembly or to the Assembly itself was in reality addressed to the League of Nations. All petitions should be submitted to the Permanent Mandates Commission for investigation and its Chairman, acting for the Commission, had the absolute right to accept or reject them.

M. PALACIOS expressed a similar view.

M. RAPPARD thought that, in that case, the Commission ought to inform the Assembly of its decision.

M. PALACIOS said that it was the Council's duty to report to the Assembly.

M. CATASTINI pointed out that, since the Commission made its report to the Council and the Council reported to the Assembly, the question finally came before the Assembly.

930. Question of the Representation of Liberia when Questions of Possible Interest to it were being discussed by the Commission.

M. CATASTINI reminded the Commission of the correspondence exchanged between Baron Lehmann, Minister of Liberia in Paris, and the Secretariat. Baron Lehmann had desired to know whether a representative of his Government could be present at certain meetings of the Permanent Mandates Commission during which questions of interest to Liberia would be discussed. The Secretary-General had furnished him with explanations regarding the procedure of the Commission. Their correspondence had been circulated to the members for information. He asked what action the Commission wished to take upon the correspondence.

The Commission decided that there was no necessity to take any action.

931. Palestine : Petitions from Agudath Israel and the Askenasic Community.

The CHAIRMAN recalled that the discussion regarding these two petitions had been postponed at the thirteenth session (see Minutes, page 54) in view of the fact that the petitioners had announced the despatch of further information.

The following telegram, dated Jerusalem, October 22nd, 1928, had just reached the Secretariat :

“ Now collecting additional information regarding ordinances of Palestinian Community. Request postponement to another session of examination of memoranda submitted on January 1st and April 29th.—Palestine, Agudath Israel Centre and Vaad Leumi Askenasic Community. ”

M. PALACIOS, Rapporteur, saw no objection to postponing the discussion of these petitions to another session in view of the fact that the petitioners themselves had made a request to this effect, stating that they had not submitted complete information.

Agreed.

932. Tanganyika : Letter from the Arusha Coffee-Planters' Association, dated January 23rd, 1928.

The CHAIRMAN recalled a letter (document C.P.M.771) from the Arusha Coffee-Planters' Association, Tanganyika Territory, dated January 23rd, 1928, and addressed to the Secretary of the Permanent Mandates Commission.

This letter had been forwarded by the British Foreign Office to the Secretariat without observations. An unofficial letter from the Foreign Office contained the information that this letter had been forwarded on May 28th, 1928, to the British Government by the Governor of Tanganyika. The British Government did not regard this letter as a petition but as a comment upon certain statements made in July 1927 by the Governor of Tanganyika to the Permanent Mandates Commission. In those circumstances, the mandatory Power had decided that the letter should be forwarded without observation to the Secretary of the Permanent Mandates Commission.

From the point of view of procedure, the Chairman thought that the Commission could agree with the view of the mandatory Power. As regards the substance of the letter, if any

member of the Commission thought it necessary that certain points raised in regard to the matter should be especially brought to the notice of the Government of Tanganyika, action in this sense could be taken at the next session of the Commission, at which it would examine the annual report on the administration of Tanganyika for the year 1928.

The Commission agreed with the views of the Chairman.

933. Economic Equality : Purchase of Material for the Administrations of Mandated Territories, either for their Use or for Public Works.

The CHAIRMAN pointed out that a certain amount of information concerning the practice followed in territories under A and B mandates had been asked for from the mandatory Powers as the result of the work of the thirteenth session of the Commission. This request for information had been forwarded by the Council in September last. Had M. Orts, who was the Rapporteur, any proposal to make ?

M. ORTS thought that, in view of the fact that information had been requested from the Governments, the Commission should wait until it arrived.

The CHAIRMAN said that in that case it might be better to ask the mandatory Powers to forward their observations soon, at least before May 1st, 1929.

M. CATASTINI took the view that, since the general report of the Commission would only be examined by the Council at its session in March 1929, this question should be laid before the Council in December if it were desired to grant the mandatory Powers a reasonable period in which to reply. The Chairman of the Commission might perhaps send a letter to the Council to this effect.

After an exchange of views, the Commission decided that it was not necessary to submit the question to the Council, but that the Secretariat might unofficially draw the attention of the Governments concerned to it.

934. Postal Rates in Territories under A and B Mandates.

The CHAIRMAN recalled that, in March 1928, the Council had asked for information on this matter as the result of the work done by the Mandates Commission during its twelfth session. Up to the present, replies from Belgium and France and a provisional reply from Great Britain had been received.

M. CATASTINI said that he had reason to believe that the final reply of the British Government would arrive shortly.

The Commission decided to place this question on the agenda of its fifteenth session.

935. Petition from the International Office for the Defence of the Natives, dated May 20th, 1928.

The CHAIRMAN recalled that this petition, dated May 20th, 1928, referred to certain passages dealing with mandated territories occurring in a book by Mr. R. L. Buell, called *The Native Problem in Africa*.

On June 30th, 1928, the petition and Mr. Buell's book had been forwarded to the British, French and Belgian Governments for observations. The Belgian Government had replied on September 12th, 1928, that the reports on the administration of Ruanda-Urundi for 1925 and 1926, as well as the explanations given to the Commission by the accredited representative, contained an explicit reply to the criticism made by Mr. Buell.

The French Government had informed the Commission, on October 9th, 1928, that it did not consider it to be necessary to reply to this petition in writing, but that M. Duchêne would be instructed to give any verbal explanations desired.

Had the members of the Commission any proposals to make ?

M. MERLIN thought the question could not be discussed at the moment. He was surprised that the mere reference to certain passages in a book was regarded as a petition and was to be dealt with in the same way as a petition.

M. VAN REES said that the Commission would confine itself to points mentioned in the book which could in reality be considered as a petition.

M. PALACIOS agreed with M. Van Rees.

The question was postponed.

FIFTEENTH MEETING

Held on Monday, November 5th, 1928, at 10.30 a.m.

Chairman: The Marquis THEODOLI.

936. Cameroons under British Mandate : Examination of the Annual Report for 1927.

Mr. E. J. Arnett, C.M.G., Resident in the Cameroons, and Mr. T. I. K. Lloyd, of the British Colonial Office, accredited representatives of the mandatory Power, came to the table of the Commission.

The CHAIRMAN, in the name of the Commission, thanked the British Government for having accredited Mr. Arnett, who, as a result of his duties in the Cameroons, had direct experience of the territory. The Commission had more than once urged the importance of the despatch to Geneva by the mandatory Powers of high officials of the mandated territories when the annual reports relating thereto were under examination. The practice followed by the British Government took account in large measure of the desire of the Commission in this respect.

Inclusion in the Report of a Paragraph containing the Replies of the Mandatory Power to the Observations of the Commission on the Last Annual Report.

The CHAIRMAN was glad that the mandatory Power, in order to facilitate the Commission's task, had also introduced into the report a paragraph referring to the passages in the text which constituted replies to the Commission's observations made in the previous year.

General Statement by the Accredited Representative.

In reply to an invitation from the Chairman, Mr. ARNETT made the following general statement :

I should like to thank you, Mr. Chairman, for your kind welcome and to say that I shall be very glad to give the Commission all the information in my power about the administration of the territory.

The mandated territory of the British Cameroons is generally described as a long, narrow strip of territory ; actually, it tapers both from the north and from the south to vanishing-point and so falls into two portions, with a gap of about 40 miles separating the northern from the southern districts of Adamawa. From the shores of the Atlantic Ocean at Victoria to the shores of Lake Chad, the territory covers a distance, as the crow flies, of about 700 miles, yet the total area of the territory is only a little more than 34,000 square miles. If this geographical factor be kept in mind—the great distance of the northern parts from the southern—and the varied nature of the country and climate, it will be realised that it is difficult to make any generalisations which are true of the whole territory. The mangrove-swamps of the coast, the forests of Kumba and Mamfe, the high grass-lands of Bamenda, the sandy plain of Dikwa and Lake Chad, are not more varied in their nature than the peoples who inhabit them.

For purposes of administration, the territory is divided into three areas. The northernmost forms the Emirate of Dikwa and is administered as part of the province of Bornu. The central area, with its gap of 40 miles between the northern and southern groups of the district, forms part of the Province of Adamawa. The third or southern part of the territory is the most compact. It contains about half the total area and about half the total population of the territory, and is administered as a separate province, the Cameroons Province.

Of these three administrative units, the two northern ones are under the Lieutenant-Governor of the Northern Provinces of Nigeria, and the Cameroons Province is under the Lieutenant-Governor of the Southern Provinces. It has been the practice of the mandatory Power to send a representative to the Mandates Commission in alternate years from the Northern and the Southern Provinces—last year from the Northern provinces, this year from the Southern. The Commission will therefore understand that I can speak with personal knowledge of most matters in the Cameroons Province, but with regard to the northern half of the territory my knowledge is not so detailed or complete.

The observations of the Commission on the 1926 report are referred to in paragraph 7 of this report, and references are given to the paragraphs of the report in which the replies appear under their pertinent subject-headings. There is a small misprint in the reference

dealing with the first observation. The correct reference is to paragraph 42 and not 242. The recommendation made by the Commission during its thirteenth session that such replies should be given in a special document or a separate chapter of the annual report has been noted for future guidance.

The past year has been one of general good progress and contentment. The policy of native administration has been consistently followed in all parts of the territory with good results, and it is noticeable that this policy gives a zest in life and a stimulus to social activity in those communities whose corporate organisation had broken down through the impact of European civilisation. Tribal chiefs, village head-men and elders take a keen interest in the judicial work of their native courts, and also in their executive duties as leaders of their communities.

Substantial increases in imports of general cargo and exports of produce from the port of Victoria are shown in the schedule given on page 92 of the report. These figures relating to the trade of the principal port of the territory are paralleled by the increased activity of internal and of export trade in other parts of the territory. Both the western trade route via the Cross River to Calabar and the eastern route to Nkongsamba and the French railway are known to be carrying a larger trade, although there is no means of precisely measuring the quantity. The improvement made in roads and communications and the introduction of motor transport are the principal factors in this prosperity.

With reference to education, the demand for education in the Cameroons Province is keener than ever, and great disappointment was shown when a number of would-be pupils had to be turned away from the Government schools at the beginning of the term. The Government is determined to improve the quality of education in all the schools of the territory, and this entails a strict limitation of the numbers of pupils admitted until more teachers can be properly trained. I can from personal observation assure the Commission that improvement in the teaching and in the tone, conduct and discipline of the pupils is already apparent, but the quality and efficiency of many teachers are still lamentably inferior to what is desired. The Normal Class for training teachers at Buea is making progress and the number in the class has increased from eleven to eighteen since January 1st this year.

In the northern half of the territory the demand for education hardly exists at present. The efforts of the Administration to stimulate the demand and to supply teachers for it are described in the report. The reason for this difference between the north and the south is that the north has for several centuries been in contact with an ancient Oriental civilisation, and the south first emerged from savagery in contact with European civilisation.

The labour supply has been unusually good. In certain popular areas there has been a glut of labourers looking for employment, and it is satisfactory to record that the number seeking employment who have come from the British area of the mandated territory is now larger than the number of those coming from the French area. Wages have remained the same.

As regards the use of armed force, there has been no occasion to use armed force in the Cameroons Province or in the Adamawa districts. It is noted in the report that the Hill Pagans of the Uba district, where it was necessary to employ a military patrol in 1926, are beginning to leave their hills to make farms on the more fertile plain, and to carry produce for sale to the markets of Mubi and Yola.

In the Daladiba hill district of the Dikwa division, three armed disturbances of a minor nature took place. The cause in the first two instances is reported to have been inter-village hostility, and in the third case hostility aroused by the arrest of a criminal.

A further contretemps of the same nature was reported from the hill village of Chikidde in January last, when the District Officer's camp was attacked after the arrest of a village elder whose section of the village had for some time resisted authority.

In each of these instances resistance was short, and the villages have since been on good terms with the Administrative Officers. These instances are regarded as the inevitable concomitants of the introduction of law and order into isolated mountain districts.

There are one or two new items in the report. By the appointment of a Superintendent and an assistant to the Botanical Gardens at Victoria, and of a Superintendent of Agriculture at Kumba, the Administration has fulfilled the promises made in the 1926 report. Since these officers did not begin work until the year 1927 was well advanced, the extra expenditure thereby entailed did not appear in the Statement of Expenditure given in Appendix I. That statement is carried only to March 31st, 1927.

Question of Naturalisation.

LORD LUGARD, with reference to the status of the people, referred to the Imperial Conference of 1923. The British Government had undertaken to consider the introduction of legislation whereby inhabitants of protectorates and also of British mandated territories would be equally eligible for British naturalisation as residents in a colony. Had any further steps been taken in the matter?

Mr. LLOYD replied that a Bill to effect this purpose had been drafted but, owing to the pressure of Parliamentary business, had not yet been submitted to Parliament. The question whether it could be submitted during the forthcoming session was, he believed, under consideration.

Delimitation of the Frontier between the Cameroons under British Mandate and the Cameroons under French Mandate.

M. ORTS, referring to paragraph 356, noted that the delimitation of the frontier between the French and British Cameroons had been completed. When it was finally ratified, would any substantial change, as compared with the old frontier, have been made?

Mr. ARNETT, while having no special information on the subject, thought that the frontier which would finally be accepted would very closely correspond to the frontier laid down in the Arrangement of 1919.

Application to the Mandated Territory of International Conventions.

M. ORTS noted, from paragraph 358, that the accession of the British Cameroons to the Treaty of Commerce and Navigation between the United Kingdom and Greece concluded on July 19th, 1926, had been considered but not recommended. Was there any reason of principle against such accession?

Mr. LLOYD replied that the probable reason was that there was no trade between the British Cameroons and Greece. That was ordinarily the sole reason for the non-accession of a particular territory to a particular commercial treaty.

M. ORTS reminded the accredited representative that, under the terms of the resolution adopted by the Council, the mandatory Powers had been asked to explain why they had not acceded on behalf of their mandated territory to a treaty.

Mr. LLOYD said that in future reports this practice would be followed.

Transfer of the Population.

Lord LUGARD referred to the following sentence in paragraph 103: "Nevertheless, it seems to be clearly for the good of the country that some transfer of population should take place", and asked whether such transfer meant that the natives in question would become tenants on the European estates or whether a whole unit, under its chief, would be transferred and established on Government land. In accordance with the system of administration in force in the Cameroons, the latter process would maintain tribal authority and tradition, which the former would destroy. It would also undoubtedly encounter the opposition of the tribes to which the natives belonged.

Mr. ARNETT replied that neither scheme outlined by Lord Lugard had been considered by the Administration, which had never contemplated inducing natives to become tenants on the large estates, nor had there been any idea of transferring a whole unit. The natives came from the north to work on the plantations. When they got tired of such work, they settled on the nearest native lands, with the result that there was a tendency to overcrowding. In many cases they moved from these native lands to the unused land of the estates of private owners. Such a measure could, in the nature of things, be only temporary. The Administration did not regard it as feasible to transfer a whole unit, because the chiefs and people were ardently attached to their own land.

M. ORTS, with reference to the transfer of population, would refer to the passage already quoted by Lord Lugard in paragraph 103. The reply of the accredited representative to Lord Lugard referred merely to individuals, but from the text it would appear that some definite scheme of transfer by groups was in contemplation. Was this a fact?

Mr. ARNETT replied in the negative. No plan had been made for the transfer of a native unit. The Administration was carefully watching the automatic transfer which occurred when labourers came from the north to work on the plantations in the south and then settled there after their contract was terminated. They had probably originally intended to return to their homes, but in many cases had not done so and therefore became absorbed in the native units of the south.

M. ORTS enquired whether there was any tendency on the part of the inhabitants of the mandated territory to move out of the territory to the adjacent colony of Nigeria.

Mr. ARNETT replied in the negative.

Terms of Sale and Development of Private Estates.

Lord LUGARD said that, from information he had received, it appeared that from 50,000 to 100,000 acres of private land were still undeveloped. Did the Administration allow private individuals to own huge estates quite undeveloped and at the same time prevent the natives from occupying them as free settlers?

Mr. ARNETT replied that the majority of the estates were in the Southern Cameroons. They had originally been granted on a contract whereby an increased area had to be brought under cultivation each year. Strict attention was paid to this clause in the contract. Many years, however, would have to elapse before such large estates could be completely developed.

Lord LUGARD was interested to learn of this clause in the contract for the sale of the estates in question. Could the Commission have details of the manner in which these estates had been sold and were being developed?

Mr. ARNETT undertook to supply this information in the next report, which would contain a table showing the conditions in the contracts of sale in the case of the different estates, with special reference to the clause requiring their development.

Lord LUGARD asked whether any map was in existence showing the area of the estates of private owners, the area of native lands, the area of Government lands and the area of that part of the estates not yet developed.

Mr. ARNETT said that a skeleton map of the estates had been prepared when they had been auctioned. A larger and better edition had later been published by the firm of Reimer, in Berlin.

Administrative Staff.

Lord LUGARD, with reference to paragraph 21 on page 8, noted that the number of authorised European administrative staff of the Cameroons Province was nineteen. In the table, however, in paragraph 20 on page 7, the number of staff was shown to be only fifteen.

Mr. ARNETT said that there was a mistake in paragraph 16. The reference there should be to the whole of the territory and not only to the Cameroons Province. The number fifteen showed the Administrative Officers actually in the territory on December 31st, 1927. The number nineteen given in paragraph 21 was the authorised administrative staff of the Cameroons Province. Of these nineteen, the average number on duty in the province was 11.83.

Tribal Administration.

M. SAKENOBE asked whether there was any part of the territory in which the natives were not organised and not under their chiefs.

Mr. ARNETT replied in the negative as regards the Cameroons Province. The whole province had been brought under administration. The small part in the northern area which in 1926 had still remained unvisited had now been assessed and native courts and tribal authority established. The same was true of the Adamawa and Dickwa area with the exception of a few very backward hill-tribes.

M. SAKENOBE noted that a number of chiefs possessed administrative rights. Were they being trained in the art of government?

Mr. ARNETT said that the method followed by the Administration was to choose the chief after obtaining the advice of the elders. The primary duty of the chief was to sit in the native court, which constituted the highest native authority. It was the constant duty of the Administration and District Officers to supervise the work of the native courts and to see that the men best qualified for the work sat on them. Constant advice was necessary.

In reply to a further question from M. Sakenobe, Mr. Arnett said that the chief was nominated by the District Officer after consultation between himself and the elders of the tribe. In previous reports, the clan system had been described. It was one of the first duties of the Administrative Officer to study the line of descent of a possible chief from the original ancestor of the clan.

Deficit in the Budget of the Territory. Taxation. Apportionment of Revenue and Expenditure between Nigeria and the Cameroons under British Mandate.

M. VAN REES noted that the annexes to the report contained replies to the Commission's request for statistics. On page 121, a table was shown of the amount of non-recoverable grants made to the territory by Nigeria between the years 1920 and 1927. Presumably these grants had been made to cover the deficit in the budget of the territory.

Mr. ARNETT replied in the affirmative.

M. VAN REES said that, on page 85, the total deficit of the territory from the period 1916 to 1927 was given, whereas the table given on page 121 only covered the period 1920 to 1927. He presumed that the difference between the two sums represented the cost of the military occupation of the territory between the years 1916 and 1919.

Mr. ARNETT thought this to be the case. He was unaware of the exact views of the British Government in regard to the non-recoverable grants, but in all probability they were regarded as being partly in the nature of capital expenditure on an undeveloped country. As the prosperity of the Cameroons increased, it was hoped that its deficit would be turned into a surplus.

M. RAPPARD noted that the grants from Nigeria were stated to be non-recoverable. They were therefore to be regarded as gifts.

Mr. ARNETT thought this to be the case.

Dr. KASTL noted that the total deficit from 1916 to 1924 had amounted to £242,000. The report for 1924 had said that 16 per cent of that deficit should be deducted. No mention of this, however, appeared in subsequent reports. The present total deficit amounted to £358,000. In view of the fact that the deficit increased each year, did not the accredited representative consider that the mandated territory bore too large a share of the general expenses of Nigeria? Expenditure was calculated on the number of the population. Nigeria possessed 18,700,000 inhabitants, whereas the mandated territory possessed only 700,000. It was impossible to compare the two territories, for the standard of life was much lower in the mandated territory, where the natives were far less highly developed. According to estimates in Nigeria, the taxation amounted to about £4 10s. per head, whereas in the mandated territory it was only 13s. It would seem to him to be more reasonable to charge the population of the mandated territory according to their capacity to pay and not according to their numbers. Any other system would mean that the deficit would merely increase each year.

Mr. ARNETT thought that it would surely follow from the argument of Dr. Kastl that, in view of the fact that the mandated territory was less developed, it should possess a less developed and inferior form of administration, whereas in actual fact the mandatory Power had regarded the Cameroons to be a favoured ward to be given special consideration during its infancy. It was hoped to reap the benefit later on when the inhabitants became more developed.

Dr. KASTL said that what he had meant was that Nigeria, being far larger than the mandated territory, cost more to administer per head of population. If the Administration costs were compared on this basis, it would be seen that the share of the mandated territory was too high. It was impossible for the administration in the mandated territory to be conducted on so intensive a scale as in Nigeria.

M. RAPPARD put a supplementary question to that put by Dr. Kastl. How was it that the British mandated territory of the Cameroons leant so hard on Nigeria and had accumulated a large though a non-recoverable debt, whereas in the French territory of the Cameroons the surplus of revenue was so large that the authorities found it difficult to dispose of it?

Mr. ARNETT, in reply to M. Rappard, said that the vital factor in the situation appeared to be the fact that in the French Cameroons there was a complete working apparatus taken over from the time of the German Government. In the British Cameroons, on the other hand, there was no railway and development was much less advanced. Hence the total expenditure was necessarily much higher.

M. RAPPARD pointed out that in the French Cameroons it had been found possible to construct railways out of current revenue.

M. ARNETT replied that the British Administration's policy had been to tax the natives very lightly until the country was more developed.

The CHAIRMAN observed that this was not the first occasion on which the Mandates Commission had been hindered in its work by the difficulty of understanding the figures and accounts furnished for the territories under British mandate. He wondered whether the Commission could ask some definite questions in order to clear up the situation once and for all.

M. RAPPARD did not think that the figures contained in the report under review could be criticised. Under the present system of administration, the method adopted in the report appeared to be the only possible way of presenting the figures. At the same time, the Commission noted that the Cameroons under British mandate were administered with a deficit, while the administration of the Cameroons under French mandate showed a profit, either because taxation in the latter territory was heavier, which might possibly be the case, or because the expenditure there was less, which did not appear to be the case, or, lastly, because

the Cameroons under French mandate were more prosperous and therefore the yield from taxation was higher.

Mr. LLOYD reminded the Commission that the system of presenting financial statistics had been changed at the desire of the Mandates Commission and the new system had, it was understood, been accepted by the Commission. If the Commission so desired, the Administration could no doubt revert to the old system.

M. RAPPARD replied that he would merely state that the Mandates Commission found it impossible to obtain figures which would enable it to form a clear idea of the finances of the territory. It must console itself with the thought that the deficits of the mandated territory were regarded as non-recoverable.

Mr. ARNETT said that, in regard to direct taxation of the native, the British officials were in fairly close and constant touch with their French colleagues, and that the direct taxes on the natives were approximately the same in the two territories. Direct taxation, however, was a very small item in the revenue of the Cameroons under French mandate, where the bulk of the revenue was derived from trade—for instance, import duties, which were directly dependent upon the prosperity of the country. The existence of the big port of Duala and of the railways in the Cameroons under French mandate caused revenue in that territory to flow in in a way which was impossible in the Cameroons under British mandate, which was a much smaller territory and much less developed.

Lord LUGARD asked whether the owners of the European plantations, whom he understood to be very prosperous, paid a full share of the taxation.

Mr. ARNETT replied that, while there was no income tax, the European plantations contributed a large share of the taxes in the form of import duties and, to a certain extent, of export duties.

Lord LUGARD asked why there was no direct tax on Europeans.

Mr. ARNETT said that the question of income tax on all non-natives and Europeans in Nigeria was now under consideration.

Dr. KASTL observed that, while he would not go so far as to say that the charge on the mandated territory was an unfair one, he nevertheless considered that the basis on which that charge was calculated did not appear quite reasonable. On pages 108 and 109 of the report it was stated, in the column headed "Remarks", that all except two of the details of expenditure were "proportional"; that was to say, that the Cameroons paid a proportional amount of the total expenditure of Nigeria and the Cameroons for the items in question. Nigeria, however, was very highly developed and therefore needed a more highly developed administration. Dr. Kastl hardly thought it reasonable to take population as a basis of calculation.

M. RAPPARD pointed out that, under the present system, the inhabitants of the mandated territory should also receive more than their normal share of the total revenues of the two territories.

Dr. KASTL observed that this applied only to the Customs revenues.

Mr. ARNETT thought that the system worked both ways. For instance, the expenditure on the Cameroons under the heading "Medical" was shown, in the table on page 110, as "proportional", but that sum was less than the expense actually incurred under this heading in the mandated territory.

M. RAPPARD asked what was the approximate Customs revenue of Nigeria.

Mr. ARNETT replied that he thought it was about £5,000,000.

M. RAPPARD observed that, if £5,000,000 were divided by 28, the quotient would yield a sum greater than the total expenditure of the Cameroons. If, therefore, the method of apportionment for both the expenditure and the revenue of the mandated territory were the same, the Administration would find itself in possession of a surplus. It would therefore appear to be quite natural that, with the present method of calculation, there should be a deficit.

Mr. ARNETT pointed out that the inhabitants of the mandated territory were very much poorer than those of the more-developed part of Nigeria, and that therefore their imports were very considerably lower. A calculation based on population would not therefore be in accordance with the actual facts.

Lord LUGARD thought that Dr. Kastl was mistaken in supposing that the tribes of the Cameroons were less developed than those of Nigeria. There were many tribes in Southern Nigeria which were in a far less advanced stage of development than the tribes in the Southern Cameroons.

Dr. KASTL agreed that the tribes in the Victoria district might be regarded as fairly far advanced. He, however, had been referring to the two territories generally, and more especially to the northern section of the Cameroons.

Mlle. DANNEVIG said that Dr. Kastl's observation would apply with particular force to education. It was said in the report that practically nothing could be done for education in the Northern Cameroons.

Mr. ARNETT said that was the case. The same remark would also apply to Northern Nigeria. In Bornu, for instance, there were many peoples similar to those in the Northern Cameroons, where there was very little education in the European sense. This was due in part to the previous existence of a Koranic system of education, to which the tribes were deeply attached.

Mlle. DANNEVIG asked if the amount spent on education in Northern Nigeria and Northern Cameroons would be approximately proportionate.

Mr. ARNETT replied in the affirmative.

M. RAPPARD observed that the accredited representative had stated that the French Cameroons, being a larger and more highly developed territory, was easier and cheaper to administer, and that the British Cameroons was a small strip which it was difficult to administer cheaply. Was this to be considered the main reason for the difference in the expenditure of the two territories ?

Mr. ARNETT replied that there could be no question that this was the prime factor in the situation.

Direct Taxation. Native Treasuries. Expenditure on Public Works and on the West African Frontier Force. Ex-Enemy Property.

M. RAPPARD referred to the division of the finance of the territory into : (1) Government Finance ; and (2) Native Treasuries (see page 85). With reference to the proposal to introduce an income tax, would it be correct to infer from the statement in the report that if the tax were introduced it would be paid to the native treasuries and not to the Government finance ?

Mr. ARNETT replied that the distribution of the total taxes was a matter of convenience. It had been found convenient to assign half the taxes to the native treasuries for local administration and the other half to the Government Treasury. No change in this system would be brought about by the introduction of an income tax. The problem now being undertaken was that of turning the poll tax into a tax proportioned according to income, but time would have to be allowed in order to accustom the natives completely to this new conception.

M. RAPPARD said that he had had in mind the question of an income tax on Europeans, which was something more than a graduated poll tax. He had been particularly interested in the information given on the present evolution of the poll tax, which, from page 86 of the report, appeared to be an apportioned tax. Apportioned taxes had gradually disappeared from Europe because it had been found difficult to apportion the tax fairly between the different administrative sub-divisions called upon to pay it. It had been noted that the system almost certainly gave rise to serious inequalities as regards the sums paid by the taxpayers. What was the opinion of the accredited representative on the way in which the tax worked out in the Cameroons ?

Mr. ARNETT said that the Administration was working out the problem on the basis of many years' experience of this system of taxation in the northern provinces of Nigeria, where it had been found that the chief was better acquainted with the wealth and earning capacity of his subjects than the British Administration and was better able to make a fair apportionment of taxation.

M. VAN REES asked whether any complaint had been received in regard to the apportionment of taxation.

Mr. ARNETT replied that very little complaint had been made.

M. VAN REES asked if there was any check on the apportionment.

Mr. ARNETT said that the apportionment was properly scheduled and that, if any complaint was made, the schedule could be called for.

M. RAPPARD, referring to statistics on page 106 and the following pages of the report, observed that, while the receipts from " Customs " and " Direct Taxation " showed an appreciable increase from 1925-26 to 1926-27, the revenue from " Posts and Telegraphs " and from " Marine " showed a heavy decline. Was this due to a different system of rating ? The general development of the mandated territory would have suggested that there should be an increase under these headings.

Mr. ARNETT said that he was unable, without making further enquiries, to explain the decrease in revenue from " Posts and Telegraphs ".

As to " Marine ", practically all expenditure under this heading was incurred at the port of Victoria, where all the work, *e.g.*, lighterage, was carried on by the Marine Department. Owing, however, to the development of the port of Tiko, where ships were able to go alongside the wharf, which was worked by the plantation company under an agreement with the Government, the receipts at Victoria had fallen off very considerably.

M. RAPPARD observed that, according to the figures on page 108, expenditure on " Marine " had increased from £10,339 in 1925-26 to £10,892 in 1926-27.

Secondly, the expenditure under heading 23, " Public Works Extraordinary ", was entered as expenditure in the ordinary budget, instead of being placed, as would appear to be the more normal procedure, to capital account.

Thirdly, the proportional expense of the mandated territory for the West African Frontier Force seemed very high.

Mr. ARNETT replied that the small increase in expenditure on " Marine " was no doubt due to the fact that the officers employed in the Cameroons were of senior rank and that, although the work in the port of Victoria had fallen off, it had not been found possible to remove the only permanent marine officer or the engineer, who, moreover, spent half his time at Calabar.

With regard to " Public Works Extraordinary ", this heading was placed under current expenditure for the sake of convenience. Expenditure incurred was spent on the construction of non-recurrent works, such as quarters. It had not been customary to regard such work as capital expenditure to be placed to loan account.

The expenditure on the West African Frontier Force was calculated on the same basis as the other proportional expenditure. The force was not stationed in the mandated territory, but, when necessary, was called across the frontier to police tribes who had given trouble.

M. RAPPARD asked whether the accredited representative thought it fair that more than 10 per cent of the mandated territory's expenditure should be incurred for a force which was not stationed in the mandated territory.

Mr. ARNETT said that, if the Administration could not use the West African Frontier Force, it would have to incur a very considerable increase under the heading " Police ". The police force was at present very small.

M. RAPPARD pointed out that, whereas the Government budget always showed a deficit, the native treasuries, according to the report, usually recorded a surplus. He presumed that the surpluses in the native treasuries were being accumulated with a view to the development of the territory.

Mr. ARNETT replied that the Administration's policy was to spend the surpluses of the native treasuries as soon as possible on public works. This had been done, for instance, in the Victoria district and in Kumba, where the money had been spent on public roads. It would be seen from the report that the surpluses in the native treasuries of these two districts had decreased considerably in the last year. Similarly, expenditure, which would be met from the surpluses, would be incurred in Mamfe and Bamenda on roads as soon as the engineer in charge had reported. In point of fact, however, the surpluses taken as a whole did not amount to a very large sum.

Lord LUGARD asked what was the total estimated value of the ex-enemy estates.

Mr. ARNETT replied about £240,000.

Lord LUGARD observed that the value of the estates which had been sold was credited to the Reparation Account and was therefore lost to the territory. The original owners of these estates had presumably paid something when they acquired them from the then existing Government, and this capital sum was an asset of which the territory was now deprived. Some of the estates, however, had not been sold, he understood, but leased. Did the rentals derived from the estates which had been leased go to the Reparation Account or to the mandated territory?

The net result of the present arrangement appeared to be that the mandated territory derived no direct profit from its most valuable properties, though, of course, they increased its indirect profits from Customs, etc. This was a handicap to the territory and he hoped that it would be possible to give further details in the next report.

Dr. KASTL observed that the expenditure on police in the mandated territory seemed relatively high. Under Government finance there was entered £7,000 for police and £12,000 for the West African Frontier Force stationed in Nigeria; to these must be added the expenditure for police incurred by the native treasuries, which brought the total cost of police in the territory up to £21,000. This sum, if compared with that expended in the French Cameroons of 1,151,000 paper francs, seemed somewhat excessive. He would therefore be glad if, in the next report, information could be given of the details of actual expenditure

in the mandated territory and of the proportion of the expenditure for police borne by Nigeria and the Cameroons.

Mr. ARNETT said that he would make a note with a view to satisfying Dr. Kastl's request.

Auditing of Native Treasuries.

Lord LUGARD asked what steps were taken to audit the native treasuries.

Mr. ARNETT replied that there was a regular and constant audit of those treasuries. The District Officer was responsible for the audit and for seeing that every item of expenditure was set down to an item in the approved estimates. A copy of the monthly schedule was sent to the Resident's office and there entered in the ledger.

Export and Import Trade.

M. MERLIN observed, from the statistics of trade in paragraph 306, that exports of dried bananas had jumped from 15,346 lb. in 1925 to 138,534 lb. in 1926 and 258,707 lb. in 1927. This represented a tremendous increase and M. Merlin wished to ask whether it was a purely temporary one, or whether it might be expected to continue in future.

Mr. ARNETT said that there was in the British Cameroons a group of large estates which had originally intended to organise the export of fresh bananas to Europe. That trade would first require the clearing and planting of a very large area of land and other developments. During the interval while this development was taking place, the group had found that it was able to sell in Europe all the dried bananas it could produce from its plantations. He had been informed that the profit per branch earned by this trade was more than could have been expected from the trade in fresh bananas. He thought, therefore, that there was every chance of the trade becoming a permanent one.

M. MERLIN referred to the great increase in the export of rubber, which had risen from 37,640 lb. in 1925 to 1,328,233 lb. in 1926 and 2,277,589 lb. in 1927. According to the report for Togoland, the rubber export trade had been abandoned because it failed to pay. Was the increase in the export of rubber from the Cameroons to be regarded as normal, and would it continue?

Mr. ARNETT thought it likely that the trade would continue to increase because the rubber-tree grew very well in the mandated territory.

Lord LUGARD pointed out that the Cameroon rubber was cultivated on the European estates and scientifically prepared, whereas the rubber exported from Togoland was derived from wild trees, and was now almost worthless.

M. MERLIN expressed the hope, on behalf of the Commission, that the export would continue to increase at the same rate.

He then drew attention to the decline in cocoa exports. He himself had seen very flourishing plantations at Buea. Were the plantations declining and did they produce less?

Mr. ARNETT thought that it was a question of the season and crop. The cocoa output changed from year to year.

M. MERLIN observed that in that case there had been two bad years.

M. Merlin then drew attention to the statement, in paragraph 310 of the report, that "the principal articles of contraband trade are tobacco and cigarettes, owing to the very large difference in duty on these goods in the French and British Customs tariffs". It appeared from this passage that tobacco was smuggled into the British mandated territory from the French territory, a fact which need cause no surprise, for the tobacco plantations on the French side were situated on the frontier, so that it would be difficult to stop smuggling. This would explain the existence of smuggling notwithstanding the difference in tariffs.

Mr. ARNETT replied that he understood that the tobacco which was smuggled was not the locally grown variety but tobacco imported into the French Cameroons. This tobacco, which was of the same quality as the tobacco imported into Nigeria for native consumption, was smuggled from Duala into the British-administered territories.

M. MERLIN said that, while he attached no great importance to the question, he wondered whether the tobacco duties in Nigeria were too high.

M. Merlin then observed that all trade statistics given in the report applied to the port of Victoria. Why was there no Customs office at Tiko?

Mr. ARNETT replied that this was a matter of convenience to the Customs Department. Tiko had hitherto been regarded as a part of the port of Victoria. In the next year's report, however, there would be a separate return of statistics for Tiko.

M. RAPPARD said that the Commission would be glad to receive statistics showing the distribution of the trade of the mandated territory among foreign countries.

Justice.

Dr. KASTL drew attention to the statement, in paragraph 61 of the report, that "in the Provincial Courts the Resident in Charge of the Province might sit with native assessors if he so wishes". Were native assessors only appointed for native cases?

Mr. ARNETT replied that that was the intention of the provision in question, but he could not recall any case where native assessors had been employed. In consequence of the development of native courts, the work of the Provincial Courts had become much less.

Defence of the Territory: West African Frontier Force.

M. SAKENOBÉ asked why the West African regiment was not stationed in the Cameroons.

Mr. ARNETT said that the occasions for using the Force in the mandated territory were very few, and the scheme of organisation was better adapted to the Force in its present position.

M. SAKENOBÉ asked whether a detachment of the Force had ever been stationed in the mandated territory.

Mr. ARNETT replied that, up to 1924 or 1925, a company had been stationed at Bamenda. So little use, however, had been made of the Force that it had been thought no longer necessary to keep the company at that place.

The CHAIRMAN asked why the mandated territory should bear an expenditure of over £10,000 for the Force when so little use had been made of the troops which had been maintained in Nigeria.

Mr. ARNETT replied that the territory had the use of the Force to quell resistance to authority, as had occurred in Dikwa and Adamawa, where the local police force was very small.

The CHAIRMAN replied that the question whether the troops might or might not be found useful was another matter. If they were used in the mandated territory, it was natural that it should be charged for them, but it did not seem fair that the mandated territory should pay for the whole of their permanent upkeep if the troops were not stationed in the Cameroons.

Mr. LLOYD said that it might equally be argued that neither should Nigeria pay for the troops except when they were being used in Nigeria. Somebody had to pay for them when they were not actively engaged in operations. The West African Frontier Force was maintained for the common defence of Nigeria and the mandated territory. If the principle were adopted that the troops should only be paid for when used, who would pay for them at other times?

The CHAIRMAN thought that it would be desirable to have, at any rate, part of the Force stationed in the mandated territory, which would thus be repaid to a certain extent for its expenditure by supplying the provisions, etc., necessary for its maintenance.

M. SAKENOBÉ observed that the expenditure incurred must be very high each time the Force was sent for use in the mandated territory.

Mr. ARNETT replied that, under the present system, the expenditure of the mandated territory remained stationary, whether the Force were used or no.

Distribution of the Food Supply.

Lord LUGARD, referring to the passage in paragraph 258, page 81, where it was stated that there was a considerable shortage of food in Kumba and Mamfe Divisions, while the Bakossi district exported very large quantities of native food crops to the French Cameroons, asked whether the crops exported from the Bakossi district could not be transferred to the districts where there was a food shortage. According to paragraph 260, it was stated that it was highly probable that the shortage would disappear entirely when means of transport were improved between producing and consuming areas. What steps had the Administration taken to supply improved means of transport?

Mr. ARNETT replied that any prohibition of food exports from the Bakossi district would be a severe interference with trade and would not necessarily remedy the evil. It would be impossible to force the natives of Bakossi to send their crops to Kumba and Mamfe if it did not pay them to do so. The Kumba and Mamfe populations had the remedy in their own hands. They had vast areas which they failed to cultivate. The Mamfes, for example, did

not grow the yam, because the yam was regarded as a man's crop; the women grew all the food crops in Mamfe with the exception of the yam, which they refused to cultivate on the foregoing grounds, while the men were too lazy to do so.

With regard to the question of transport, the motor road already reached Kumba, and would be extended as soon as possible beyond Kumba. It was hoped to join up Kumba by road with the Bakossi district in the following two or three years, and it was then expected that it would be easy to provide sufficient food for the districts where there was a shortage.

SIXTEENTH MEETING

Held on Monday, November 5th, 1928, at 3.30 p.m.

Chairman: The Marquis THEODOLI.

937. **Cameroons under British Mandate : Examination of the Annual Report for 1927** (continuation).

Mr. E. J. Arnett, Resident in the Cameroons, and Mr. T. I. K. Lloyd, of the British Colonial Office, accredited representatives of the mandatory Power, came to the table of the Commission.

Protection of Workers. Construction and Upkeep of Roads. Compulsory Labour.

Mr. GRIMSHAW wished to thank the mandatory Power for the very full information in regard to the labour conditions contained in the report. The following sentence appeared in paragraph 100: "Throughout the mandated territory, all permanent labour, as distinct from casual labour engaged for short periods, is voluntary". A similar phrase had been used in a previous report and had given rise to misunderstandings. Did it imply that casual labour was not voluntary?

Mr. ARNETT replied in the negative. It would have been better to have stated that both casual and permanent labour were voluntary. The only casual labour still compulsory was that described in paragraphs 112 and 113, which was native customary communal labour. In the technical sense of the word, there was no recruiting of labour. Porterage was compulsory, but porters were never engaged for more than a week or two at a time, and it was regarded as casual labour.

There was no recruiting for labour on the plantations, which was entirely voluntary.

Mr. GRIMSHAW noted with great interest the details, in paragraph 106, of the measures taken by the Administration, under the Masters and Servants Ordinance, to make enquiries into accidents and to grant compensation. The practice of granting compensation for accidents was rapidly spreading in Africa. Could the next report contain further details as to the method of deciding cases, the amount of compensation awarded, etc.? He noted that, in many cases, the award had been granted a very considerable time after the accident.

Mr. ARNETT replied, first, that the information asked for by Mr. Grimshaw would be supplied; secondly, that the reason for delay in the granting of compensation lay in the fact that it could not be fixed until a final report from the medical officer in charge of the case had been made. Only on receipt of such a report could the magistrate fix the amount of compensation due.

Mr. GRIMSHAW said that an International Labour Convention on accidents was in existence. He thought that, if the Administration of the Cameroons under British mandate were to examine it, it would find that it was, in actual fact, applying the Convention in the territory with the necessary modifications to meet local conditions. If that were so, it would be an encouragement to the International Labour Office if it could be so stated.

Mr. ARNETT undertook to bring the terms of the International Convention in question to the notice of the Governor of Nigeria.

In reply to Lord Lugard, he said that there were no labour contracts in the territory.

Lord LUGARD asked for details regarding the system, referred to in paragraph 116, whereby a native contractor engaged to build a road with native labour, the money for their wages being paid to the contractor.

Mr. ARNETT said that such a system was not in use in the Cameroons Province, but only in Adamawa, where it had been found successful. Details in regard to its working had been given by Mr. Palmer at the Commission's twelfth session (Minutes of the Twelfth Session, page 76).

Lord LUGARD said that those details did not reply entirely to his question. Were the wages paid direct to the labourers or to the contractor?

Mr. ARNETT replied that he understood that the natives themselves received the money.

Lord LUGARD, with regard to page 102, noted that new roads were under construction. Were they built by voluntary labour or by "native customary labour"? What limitations were there on the power of the chiefs to employ "customary labour"?

Mr. ARNETT replied that road construction work in Victoria and Kumba was done entirely by voluntary and paid labourers. In the Bamenda Division, the work was carried out by the chiefs and their people. The chiefs were most anxious for the roads to be built.

Lord LUGARD could quite understand that the chiefs might desire the roads, but did their people also wish for them?

Mr. ARNETT replied that in that district the chiefs were subject to a considerable degree of influence on the part of their people. The principle followed by the Administration in the matter of road-making was to offer a sum of money to the chief provided that so many miles of road were constructed. The sum so paid over was divided up among the village units which had been engaged in the work.

In reply to a further question from Lord Lugard, Mr. Arnett explained that the division of the money was supervised. Whether the division had been satisfactory or not could be judged entirely from the attitude of the people towards future road-building. There had been no complaints.

M. VAN REES concluded that the chiefs had no power to compel natives to work on road construction.

Mr. ARNETT agreed. Natives could only be compelled by their chiefs to keep clean the paths connecting the villages. A villager refusing to do such work would be brought before the native court and, if found guilty, sentenced to a small fine or to a few days' imprisonment.

Lord LUGARD was under the impression that the Roads and Rivers Ordinance had been repealed.

Mr. ARNETT said that such a practice on the part of the Administration was a mere continuation of the native customs. Before the entry of the mandatory Power into the territory, the natives had been accustomed to maintain communications with trade outlets and with the tribes with which they desired to establish friendly relations.

Lord LUGARD pointed out that much of the old native customary law had been mere slavery.

Mr. ARNETT said that, in respect of road maintenance, this was not the case.

Lord LUGARD was unable to understand why the chief should have recourse to compulsory labour for the maintenance and upkeep of the second-class roads. The chief now received from the Government a salary, out of which he could pay for such labour.

Mr. ARNETT replied that the work done on the maintenance of paths was not paid for because, in many instances, they were so far away from the circuits of the District Officers that it would not be possible for the Officer concerned to inspect the road every quarter and to pay over the sum for its maintenance.

Mr. GRIMSHAW desired to be quite clear as to the meaning of the authority possessed by the chiefs to compel their people in certain circumstances to perform compulsory labour. Did such labour apply only to the cleaning and maintenance of the village paths? Even in that case, could the chiefs actually compel a native to perform such work?

Mr. ARNETT replied that no actual compulsion was used, except that the chiefs could bring a recalcitrant native before the native court. The Administration, from the returns of the court, would instantly be made aware of the extent of the compulsion used. In any case, compulsory labour was not used for road construction, but only for the upkeep of the village paths.

Missions.

M. PALACIOS thanked the mandatory Power for having replied to the questions put at the previous session. He noted that the Ordinance passed to fulfil the terms of Article 438 of the Treaty of Versailles had now apparently been repealed. Were not the missions operating in the territory the same as those existing formerly under another name?

Mr. ARNETT replied in the negative. A change of personnel had occurred. The German Catholic Mission had transferred its work to the St. Joseph's Mill Hill Mission.

Relations between Christians and Animists.

M. PALACIOS, referring to paragraph 152, asked for details regarding disputes between Christians and Animists.

Mr. ARNETT replied that disputes not infrequently arose in regard to sites for a church or a mission-house. The catechist was inclined to build a house or a church wherever he wished without consulting the local pagan authorities, who were naturally annoyed at this omission, with the result that a dispute arose.

Another source of dispute was the practice followed by the Animists of holding certain religious (Ju-Ju) ceremonies in the village street, which they closed for the purpose. In more than one instance, Christians had forced their way through the street and had thus provoked a riot. In such a case, the Administration had informed the leaders of the Animists that, if they wished to close the village street for their ceremonies, they must provide an adjacent public thoroughfare for the use of other persons.

M. PALACIOS thanked the accredited representative for his explanation.

Education.

Mlle. DANNEVIG had been much struck by the full and interesting details in the report, especially in regard to the schools in the Dikwa Division. It was difficult, however, for her to form an adequate idea of the whole system owing to its complexity. What, for example, did the term "proportional" mean in the various financial details given about schools on page 109 of the report?

Mr. ARNETT replied that the reason for showing certain expenditure as proportional lay in the fact that it was impossible to compute the exact amount spent by the Cameroons on certain matters connected with education; for example, there were a number of training colleges at Katsina and there were Provincial Schools at Maiduguri and Yola, outside the territory, which were none the less attended by a number of pupils from the mandated territory. Also the senior officers of the Education Department of Nigeria visited the territory periodically.

Mlle. DANNEVIG would have thought it possible to compute the exact amount spent on education, such as teachers' salaries, etc.

Mr. ARNETT said that that practice had originally been followed, but the system of showing the proportional expenditure was first adopted in 1926. In that year, actual figures of expenditure had been furnished for the Cameroons Province. He would note for future action the suggestion that actual expenditure should be given as far as possible.

In reply to a further question from Mlle. Dannevig, Mr. Arnett explained that there were no grants-in-aid to missions, except a small amount from the native administration fund.

Mlle. DANNEVIG pointed out that such grants amounted to only £200.

Mr. ARNETT said that the reason for this lay in the fact that no mission school had yet been provided with properly certified teachers. These were necessary before any grant-in-aid was made by the Government.

Mlle. DANNEVIG concluded that, the rate of progress being slow, it would be a long time before mission schools received any grants-in-aid.

Mr. ARNETT said that the first grant would probably be paid during the present year. No grant was made to help the missions to improve their teachers, because the Government was very strongly of opinion that a grant-in-aid should be the reward for reaching the required standard.

M. RAPPARD recalled that the work of the Basle Mission had been interrupted by the war, and that consequently the training of its monitors and teachers had necessarily been delayed. The mission was not in a position to supply suitable candidates at the moment, but it hoped that the mandatory Power would recognise its difficulties and consent to reduce temporarily its requirements.

Mr. ARNETT said that special provision had been made for the case of the teachers of the mission. Those without a certificate were being registered in a special grade as probationary or provisional teachers and would be allowed to teach for three years—that was to say, up to the end of 1929. During that period they were required to obtain the necessary certificates. Failure on their part would mean closing the schools in which they taught. The Basle Mission and the Government had, however, reason to hope that they would reach the required standard, and thus enable the village schools to continue and to receive a grant.

Mlle. DANNEVIG noted that the total expenditure on education appeared to be only about 25 per cent of the expenditure on police and military forces. The reason for this was presumably because no grants-in-aid were given to missions.

Mr. ARNETT explained that the real reason why the Administration could not spend more money on education was the lack of teachers. When the teachers reached the necessary standard, the schools would be subsidised.

In reply to a further question from Mlle. Dannevig, Mr. Arnett explained that there was a scholarship system in force whereby pupils from the native administration schools could move on to Government schools. This system was also open to pupils of mission schools. In the Normal Class at Buea, there were several pupils of this kind.

M. SAKENOBE, with reference to page 58, noted that only eleven students had been under training at the Normal Class at Buea. This number did not appear to be very high.

Mr. ARNETT explained that the number had increased to eighteen by July last, and it was hoped to bring that number up to twenty-four by the end of the present year. As far as possible, local teachers who could speak the vernacular were trained to teach in the local schools. It was not always easy to find such men.

Lord LUGARD enquired whether the new Educational Ordinance of Nigeria, which was applied in the mandated territory, was working satisfactorily.

Mr. ARNETT replied that difficulties were being discovered and overcome. One amendment made this year was mentioned in the report. There might be others which would necessitate small amendments.

Mlle. DANNEVIG noted that very few girls were recorded as going to school. Was this because the natives objected to the education of women ?

Mr. ARNETT replied in the affirmative. Native social custom made women the agricultural labourers. It would be many years before the male element of the population realised that agriculture was for the man and that education and housework were more suitable spheres for the woman.

M. PALACIOS enquired the legal position of the Koranic schools referred to on page 55.

Mr. ARNETT replied that these schools were purely for religious instruction. No secular subjects were taught in them, and consequently they were exempted from the strict regulations concerning the qualifications of the teachers.

M. PALACIOS asked whether the qualifications required before the bestowal of a grant-in-aid were necessary in the case of Christian schools giving only religious instruction.

Mr. ARNETT replied in the negative. Religious instruction was given by native catechists. Very often, however, such catechists, being ambitious, held out promises of teaching secular subjects in addition to religious instruction. They had to be restrained from such a practice, since secular subjects must be properly taught by qualified teachers in the schools.

Mlle. DANNEVIG enquired at what age the children left school. It appeared that in the north they left very young.

Mr. ARNETT replied that it was hoped that the quite young children now in the new schools being established would be kept for six or eight years.

Lord LUGARD noted that there were only three schools altogether in the province of Dikwa—two village schools and a day school with forty day pupils and six boarders. This seemed a very small number for so large a province.

Mr. ARNETT replied that there were two reasons for this—a psychological and a practical reason. In the first place, the idea of education was quite new, and had to be stimulated. Education in such a province had always meant attendance at the Koranic schools, which the Government would certainly not discourage, but which, on the other hand, gave no instruction except in religious subjects. The practical reason was that there were at the moment not enough teachers to make it possible to open schools.

In reply to a question from Lord Lugard, Mr. Arnett said that all schools were inspected by British inspectors.

Liquor Traffic.

Lord LUGARD observed that the increase in the imports of spirits in the Cameroons was not nearly so striking as that in Togoland and the Gold Coast. He would, however, ask the accredited representative to say whether any of the measures Lord Lugard had suggested to the accredited representative for Togoland with a view to restricting imports of liquor were in force in the Cameroons and which of them he considered feasible.

Mr. ARNETT observed that the figures for imports of liquor into the Cameroons was given on page 47 of the annual report. While no doubt there had been an increase, imports were still small in comparison with the population of the areas in which liquor was still allowed to be sold.

With regard to the suggestion for increasing the duties, while that system would obviously be an excellent one, it would be necessary to have a similar increase in the neighbouring territories under other Powers. The duty of £1 7s. 6d. per gallon, though much lower than the duty in Great Britain, was still far higher than that in the Cameroons under French mandate.

Lord LUGARD asked what was the duty per gallon at the same degree of alcohol in the Cameroons under French mandate.

Mr. ARNETT replied that it had been estimated that the French duty worked out at 7s. 6d. per gallon for ordinary imported liquor ; though it was true that the French duty had been increased and was now, he believed, equivalent to about 10s. per gallon, it was still considerably less than the duty in the territory under British mandate. The licensing system was already in force in the British Cameroons. Lord Lugard had suggested that the cost of licences should be increased. Mr. Arnett would suggest that an even more effectual method would be to make further use of the power of the Licensing Boards to restrict the issue of licences. The Victoria Licensing Board had granted twenty-seven licences in the past year, while it had refused, so far as he could remember, about thirty-seven.

M. RAPPARD asked whether the refusal of applications for licences signified that certain areas received no licences at all or that certain villages received only one.

Mr. ARNETT replied that an application for a licence might be refused on the ground that the number of licences already granted in a particular area was sufficient for that area, or that the premises were not suitable, or that the applicant was not considered a suitable person to conduct a licensed business.

The question of restricting the hours of sale was under consideration. It had been suggested that the power to restrict the hours of sale should be conferred upon the local Licensing Boards. Under the present Ordinance, liquor could be sold from 6 a.m. to 10 p.m.

Lord LUGARD, with reference to the equalisation of duties, observed that, in the previous year, M. Duchêne had informed the Commission that there was no prospect of stopping smuggling until the liquor duties had been equalised. What steps had been taken to this effect ?

Mr. LLOYD said that the question had first been brought forward by the Permanent Mandates Commission in 1923 or 1924. The British Government had then approached the French Government with the suggestion that, owing to the fluctuation in the franc, the only method of securing equalisation would be for the French Government to fix the duty in the French Cameroons and French Togoland in gold francs. For one reason or another, the matter could not be carried further at the time and, so far as he was aware, no progress had been made. Now, however, that the franc had been stabilised, there was apparently nothing to prevent the equalisation of duties. He was unable to say whether the French Government had been approached again.

In reply to M. Rappard, Mr. Lloyd said that he thought that the British Government would warmly welcome the equalisation of duties.

Lord LUGARD asked whether the statement in paragraph 133 of the report was intended to mean that the Native Liquor (Sale) Ordinance of 1927 was to cover the whole of the Victoria and Kumba Divisions.

Mr. ARNETT replied that the effect of the Ordinance was to empower the Administration to make provision that in the two divisions in question all sellers of native liquor must be in possession of a licence. The Administration, however, was not enforcing the Ordinance everywhere, but only in certain districts.

Lord LUGARD enquired as to the position of the frontier of the prohibition zone.

Mr. ARNETT replied that the frontier was the administrative boundary between the Kumba and Mamfe Divisions. Mamfe was situated in the prohibition zone.

With regard to the proposal for rationing imports, Mr. Arnett thought that the total consumption of liquor in the Cameroons under British mandate was still so small in comparison with the population that rationing, while an excellent measure to hold in reserve in case of the failure of the measures now in force, was not yet required.

Medical Staff.

Lord LUGARD, with reference to paragraph 223 of the report, asked why it had not yet been found possible to " extend the services of African women trained in midwifery to the mandated territory ".

Mr. ARNETT said that he believed that great difficulty had been experienced, even in Nigeria, in finding suitable women who were willing to be trained as midwives. He doubted whether there was in the mandated territory either the staff or the hospitals to train midwives.

Lord LUGARD observed that, according to paragraph 224, "three of the plantations retained the services of the Government medical officer". Was it compatible with the official duties of Government medical officers to engage in private practice on their own account?

Mr. ARNETT said that it was preferable that the estates should employ Government medical officers than that they should have no medical treatment at all. Some of the estates were unable to afford medical officers of their own.

Lord LUGARD asked if the smaller estates could not combine to engage a medical officer between them.

Mr. ARNETT said that many of the estates in the Victoria Division did so, but there were many others which were too far distant from one another to have a combined medical service and which could only be reached by doctors at rare intervals.

Lord LUGARD observed that, in paragraph 231 of the report, it was stated that there were no medical officers stationed in the Northern Cameroons and that, on the last visit of the Medical Officer of Yola to the southern districts of Adamawa, he had been greeted with enthusiasm by a large crowd. Why should it be found impossible to keep a medical officer in these districts?

Mr. ARNETT replied that the medical officers who toured the districts in question lived at a comparatively short distance from them. The provision of medical officers solely for the Yola and Adamawa districts would involve the posting to those districts of too large a proportion of the medical staff in comparison with the number of the population.

The population of the Dikwa Division was about 170,000. He doubted whether Nigeria was able to afford more than one medical officer per 200,000 inhabitants.

Lord LUGARD observed that the report contained very little information with regard to junior native medical staff and, more particularly, their training.

Mr. ARNETT said that he would make a note of the point with a view to giving information next year.

Lord LUGARD asked what was meant by a "Labour Health Area" mentioned in paragraph 110.

Mr. ARNETT said that the term would be defined in the new Labour Ordinance which was still under discussion and had not yet been enacted.

Land Tenure.

M. VAN REES asked if it would be possible to reproduce, in an annex to the next annual report, Ordinance No. 1 of 1927 (the British Cameroons Administration (Amendment) Ordinance 1927), and also the Land and Native Rights Ordinance, a Nigerian Ordinance which had been extended to the British Cameroons by the former Ordinance.

Mr. ARNETT was surprised that the Ordinances in question had not been supplied and said that he would certainly make a note of M. Van Rees' request.

M. VAN REES observed that, according to the present system of land tenure applicable in the mandated territory, it did not seem that provision was made for any real rights except "rights of occupancy" (page 80 of the report). Was it to be inferred that there were no means of obtaining other rights for any purpose?

Mr. ARNETT said that a non-native could not obtain any right other than a right of occupancy; a native, however, might hold his land in accordance with native law and custom.

M. VAN REES thought that his question had not been quite understood. It appeared from the report that no discrimination was made, in regard to rights of occupancy, between natives and non-natives. He wished to know whether, for any purpose, it was possible to obtain rights other than rights of occupancy.

Mr. ARNETT pointed out that a difference was made between natives and non-natives with regard to land tenure. A native might hold his rights as an original inhabitant. He could also obtain fresh land direct from his chief by native customary law, in which case there was no need for the Government to interfere. He could also obtain rights of occupancy from the Governor.

In reply to a question by Lord Lugard, Mr. Arnett added that, under the Ordinance, a native's title to land, if granted by native customary law, was declared to be no less valid

than if it had been granted by the Governor. His title to such land could only be revoked in such ways as were permitted by native customary law.

M. VAN REES said that the accredited representative had already replied to a second question which he had intended to ask, namely, whether a native could still obtain land under native procedure and whether he had a choice of applying to the Governor or of following the native customary system, and whether titles held under that system were still regarded as valid.

Lord LUGARD asked whether a native paid rent in either case.

Mr. ARNETT said that, if a native held rights of occupancy from the Governor, he would pay rent. If he held land under native customary law, that amounted to right of occupancy, but he paid no rent.

The matter was explained in paragraph 253, where it was stated :

“ The rights of Class (b) (i.e., natives who occupy land under and in accordance with native laws and customs) are governed by the native laws and customs of the district in which the land is situated, modified by the provisions of the Ordinance and Regulations thereon. Class (a) (i.e., natives or non-natives who have been granted a right of occupancy by the Governor) must, except in a few excepted cases provided by the Ordinance, pay rent, which is to be credited to local native administration funds. Class (b) are not required to pay rent. ”

Lord LUGARD said that the Governor, in granting a right of occupancy to a native, had to take cognisance of native customary law, which did not recognise rents for land. Why, then, should a native pay rent in one case and not in the other ?

Mr. ARNETT pointed out that rights of occupancy granted by the Governor constituted a much more definite instrument than any native tenure. The mere fact that tenure under the Government was held under a document put it in a different category from tenure granted by a chief.

Lord LUGARD asked whether the native administration was precluded from revoking rights of occupancy granted by the Governor. What were the grounds on which the native administration could revoke grants held under native law ?

Mr. ARNETT replied that the native administrations could not revoke grants made by the Governor. They could revoke their own grants for good cause, but the causes might be different from those involved in the case of Government grants. The grounds on which the Governor could cancel a grant were quite definite. In the case of native tenure, there was nothing to prevent the native administration from making out a written agreement, and this was sometimes done in the more advanced parts of Nigeria. Until the agreement was reduced to writing, however, it obviously could not have the same value as a Government agreement.

M. VAN REES asked for what period rights of occupancy granted by the Governor were valid.

Lord LUGARD thought it was formerly limited to seven years, except for building sites.

Mr. ARNETT thought that a Government grant could be made for nine hundred and ninety-nine years, but he could not say for certain without reference to the law. The rent was subject to revision after ten or twenty years, according to each particular agreement.

Lord LUGARD observed that the administration had repealed the German Missions Ordinance No. 21 of 1927. What had been done regarding the land which had already been vested in trustees under the Ordinance ?

Mr. ARNETT replied that the land had never actually been vested in trustees owing to the fact that the Roman Catholic Church had turned over the rights of the German Roman Catholic Mission to the Mill Hill Mission and that, therefore, the land had been handed back to that mission, which represented the Roman Catholic Church. The Mill Hill Mission had arrived in the territory in about 1922.

Demographic Statistics.

M. RAPPARD observed that the statistics of population given on page 89 were very complete and precise and had greatly impressed him ; on page 90, however, it was stated that “ the large increase in the population of the northern areas is due to a closer census of the population ”. Was not this statement such as to invalidate completely the data previously given ?

He would like to ask two questions : (1) What was the policy of the Administration in computing the population ? (2) Was it Mr. Arnett's impression that the population was increasing normally ?

Mr. ARNETT, in reply to M. Rappard's first question, said that the Administration certainly obtained as good figures as were possible. The statistics amounted to a fairly close estimate.

He would have some difficulty in replying to M. Rappard's second question. Certain tribes, for instance, were disappearing. The chief of one tribe in the Victoria district had recently spoken to Mr. Arnett of his tribe as a dying race. Nevertheless, Mr. Arnett thought that the change which was slowly taking place, owing to the fact that the native races had now overcome the worst impacts of European civilisation, would tend to arrest any tendency to depopulation. It would, however, be difficult to make any definite statement one way or the other for another thirty years.

M. RAPPARD said that he would merely ask that further reports should give as accurate estimates as possible.

Lord LUGARD referred to the large excess of women given in the statistics for Kumba, Mamfe and Bamenda Divisions on pages 10 and 11 of the report. He asked what were the causes of this excess.

Mr. ARNETT replied that girls were classed as adults as soon as the marriage contracts were made. The marriage age in the territory was low and therefore there would be more girls classed as adults than boys of similar age.

Preservation of Wild Animals.

Lord LUGARD asked what steps had been taken to prevent the extermination of gorillas.

Mr. ARNETT said that the Administration had taken no special steps beyond those provided by the Wild Animals' Protection Ordinance. He was sceptical of the alleged grave danger of the extermination of gorillas.

Lord LUGARD observed that Dr. Sharp had drawn attention to the question in a paper.

Mr. ARNETT reminded Lord Lugard that Dr. Sharp had also stated that the population required protection for its food-crops from the depredation of wild animals.

Lord LUGARD observed that gorillas did not raid the crops.

Close of the Hearing.

The CHAIRMAN, on behalf of the Permanent Mandates Commission, thanked the accredited representative for the valuable information he had given the Commission.

Mr. Arnett and Mr. Lloyd withdrew.

938. Treatment extended in Countries Members of the League to Persons belonging to Mandated Territories and to Products and Goods coming therefrom. Report by M. Van Rees (C.P.M.782).

M. VAN REES, referring to his report (Annex 3), first observed that the examination which the Council was expecting on the part of the Commission must deal with two quite distinct questions—that of the treatment of persons belonging to the mandated territories living in the territory of States Members of the League, and that of the treatment to be applied to the products and goods coming from mandated territories.

As regards the first question, he would only have a few observations to make in addition to the report he had submitted to the Commission. He would merely point out that, in the instruments in force concerning the mandates system, he had discovered nothing which could be used as a basis for a recommendation of a general kind which might be added to the resolution adopted by the Council on September 15th, 1925, and referred to on September 1st, 1928. This resolution urged the extension to the mandated territories of the benefits of special conventions concluded between the mandatory Powers and other States Members of the League. Could the Council take any other action in this matter to complete that already taken? Any complementary action affecting, in particular, the natives living outside their territory could only be explained by adducing for this purpose either some principle which was the basis of the mandates system, or some concrete stipulation included in the mandates instruments. In the absence of either, M. Van Rees, recalling the right of emigrants to the diplomatic and consular protection of the mandatory Power concerned, which was granted under Article 127 of the Treaty of Versailles, and by the mandates instruments governing the Asiatic territories, had arrived at the following conclusion, which was contained in Section 5 of his report:

“ To conclude, it appears to me that, as regards equality of treatment, no general suggestion calculated to strengthen or to supplement the Council resolution of September 15th, 1925, of which States have just been reminded, could usefully be made to that body. ”

In reply to a question by Dr. Kastl, Lord LUGARD explained that the English term "natives" was not invariably confined to coloured people, but when speaking of others the term "natives of the country" was more generally used.

Dr. KASTL thought that, in the French text, the word *ressortissants* might with advantage be substituted for the word *indigènes*.

M. VAN REES thought that the exact meaning of the term employed was of little importance. The main thing was to determine what was contemplated in the Council's recent resolution. To his mind, the Council wished to know the Mandate Commission's opinion on the question of the treatment of natives of territories under A and B mandates residing in the countries Members of the League.

Lord LUGARD thought that the right exercised by the mandatory Powers of adhering, on behalf of the mandated territories placed under their charge, to any special international conventions they concluded introduced a new factor into the problem.

M. RAPPARD said that the question dealt with in M. Van Rees' report was of very great importance, and that it would be unfortunate to give a negative reply without having an exhaustive discussion. While he paid a tribute to M. Van Rees for his persistent endeavour to find a legal solution, he wished to raise two questions concerning the conclusions of the report.

The Commission had been invited by the Council to undertake a general enquiry into the question of "the treatment extended in countries Members of the League to persons belonging to mandated territories and to products and goods coming therefrom". The question, however, to which M. Van Rees had given a reply seemed to be rather whether the Covenant and the instruments in force authorised the Mandates Commission to ask that a more favourable regime should be applied to the nationals of the mandated territories residing outside those territories. Was it, however, really impossible to draw some positive deduction from the text of Article 22 of the Covenant, from which it clearly resulted that the inhabitants of the mandated territories were, in a sense, the wards of the mandatory Power? In the second place, it did not appear that the Council's resolution asked the Commission to confine itself to saying what could be done under present legislation. The resolution, on the other hand, appeared to authorise the examination by the Commission of better legislation which might be proposed for adoption.

Dr. KASTL fully agreed with M. Rappard. M. Van Rees' conclusions were justified only in so far as the texts in force at the present time were concerned; it had, however, been ascertained that those instruments did not give satisfaction or were, at any rate, inadequate. Would it not therefore be expedient to draw the Council's attention to this point, and to ask it to take a decision in conformity with the spirit of the mandates system? That system should permit of unceasing development and if, in any particular point, the instruments in force were defective, it was for the Council to propose that modifications should be made in order to safeguard the interests of the natives. Every national of a State Member of the League was free to settle in a mandated territory. That might result in over-population, with the consequence that the natives of the territory might be forced to emigrate. The moral protection of the mandatory Power which they enjoyed abroad would, in such cases, be illusory.

Dr. Kastl added that the example he had just given was, he was glad to admit, purely theoretical.

M. MERLIN said that he had not been convinced by the arguments brought forward against the views of M. Van Rees. The Commission should not forget that the basis of its action must always be the provisions contained in the texts of the mandates.

M. RAPPARD agreed on this point.

M. MERLIN took note of M. Rappard's agreement. The mandates were in the nature of conventions concluded by contracting parties and laying down a law which could only be modified by those parties. It was always possible, it was true, to draw the attention of the mandatory Powers concerned to any particular point. It had been, however, the letter sent by the French Government to Baron Lehmann which had led to the present discussion, and, as M. Van Rees had pointed out, France was in this matter the natural protector of Syrian nationals.

M. RAPPARD said that this protection was insufficient in the view of the French Government itself, which asked that its action should be supported by the Permanent Mandates Commission.

M. MERLIN said that, in principle, the mandatory Power did not find itself helpless in the case now before the Commission. The matter merely related to difficulties encountered by Syrian nationals residing in Liberia. The question could be settled by means of negotiations between the two Powers, and there could be no question of granting in Liberia preferential treatment only to Syrian nationals.

M. RAPPARD explained that all that was asked for in the case of these nationals was equality of treatment and rights equal to those enjoyed by the French in Liberia.

Lord LUGARD thought that two distinct questions arose. In the first place, was the effect of the mandates system to withdraw from the inhabitants the enjoyment of certain rights which they would have enjoyed if they had remained nationals of the country of which they had been nationals before the mandates system had been introduced?

Secondly, was it necessary for the Council to give a new interpretation of the mandates system in order to remove the disabilities under which these inhabitants were living?

In regard to the first point, Lord Lugard pointed out that, under the mandates system, the Mandatory possessed the power of extending to the mandated territory the application of the international conventions which it had concluded with other Powers by means of which the inhabitants could acquire such rights as the particular convention might afford. It was true, as Dr. Kastl had said, that the rights in question would in that case be conferred on these inhabitants only indirectly, but this method could not be ignored.

M. VAN REES explained that he had reflected at length on the considerations put forward by M. Rappard, but had reached the conclusion that, in the present state of the problem, it would be useless to propose to the Council that the States Members of the League should be invited to take certain measures if this request were not justified by the existing texts of the mandates. The mandates system consisted of a group of concrete principles and provisions. Any proposal which did not coincide with one of those provisions or principles was untenable. Any positive action, however, on the part of the Commission in the present case would be equivalent to asking a State to apply reciprocally to inhabitants who were neither its own nationals nor those of the mandatory Power a principle of equality which the mandatory Power only enjoyed in respect of its own nationals residing in the territory under mandate.

Lord Lugard had pointed out the possibility, in so far as the mandatory Powers were concerned, of extending to mandated territories the application of special international conventions concluded by them. That possibility did in fact exist, but this was not the question with which the Commission was dealing at the moment. What it was important to ascertain could be stated as follows: Was the Commission right in claiming in the present instance the principle of equality of treatment for inhabitants *who had emigrated*, in view of the fact that this principle was not valid even in the case of inhabitants residing in the mandated territory? M. Van Rees did not think so. Nevertheless, if his colleagues thought otherwise and could bring solid arguments in support of their views, he would be happy to agree to any proposal they might make.

M. RAPPARD recognised that the actual legal position authorised M. Van Rees to draw this conclusion, but it was precisely the legal provisions in force at the moment of which France complained. An endeavour must therefore be made to change the legal position. The Permanent Mandates Commission had on several occasions induced similar amendments to be made. The Commission could refer to the Minutes of its third session, where it would see (page 310) that, in July 1923, having discovered that the system in force, in so far as international conventions were concerned, was unfavourable to the inhabitants, it had asked for that system to be modified. Also on its initiative a change in the frontier had taken place between a territory under Belgian mandate and a British colony.

M. Rappard would next emphasise the following passage in the letter sent by the French Government on May 14th, 1928, to the Liberian Minister in Paris:

“ The absence of any commercial treaty with the mandated countries, which is regarded by the Liberian authorities as warranting the application to Syrians and Lebanese of the prohibitive measures introduced by the Act of February 16th, 1928, to which Act the note sent on April 4th by the Liberian State Department to the French Consul at Monrovia expressly refers, is not a proper reason for indiscriminately forbidding all Syrian and Lebanese nationals to trade in a part of Liberian territory. ”

In the present state of the law, Liberia could maintain that there was no text of which the provisions forbade the adoption of the measures which it had put into force. What France asked for was precisely that the Permanent Mandates Commission should take the necessary steps to remedy this omission. M. Van Rees had pointed out that it would be difficult to ask for these inhabitants a privilege which the colonial subjects of the mandatory Power did not enjoy. This might be true as long as it applied to the inhabitants of Togoland or of the Congo, for example. In the case, however, of inhabitants of a State so far advanced in civilisation as Syria, M. Rappard did not understand why they should be refused rights which the inhabitants of Iraq would shortly be called upon to enjoy.

The Permanent Mandates Commission might therefore point out to the Council that, from the strictly legal point of view, and only if the present legal situation were considered, no request could be made to the Powers concerned, but that the legal situation to which reference had been made was but little compatible with the principles of Article 22 of the Covenant and that it should therefore be improved. He did not think that the Permanent Mandates Commission would go beyond its terms of reference by making such a proposal.

M. VAN REES thought that any new proposal could only repeat the terms of that already made upon which the Council had taken its decision of 1925 of which the Powers had just been reminded. It must not be forgotten that this proposal provided, amongst other things, that the original native inhabitants of a territory under mandate who were legally established elsewhere should have the right to possess property, to trade, etc. The Commission, therefore, was required—if he had understood correctly the wish of the Council—to ascertain whether the mandates system, and in particular the principle of economic equality, could serve as a legal basis for a new proposal intended to strengthen the first one.

Dr. KASTL agreed that in certain cases the extension of the principles of complete reciprocity to cases affecting the nationals of mandated territories might give rise to certain objections. There was no reason, however, to refuse this extension generally.

The CHAIRMAN understood that M. Rappard and Dr. Kastl had reached agreement. M. Van Rees and the Chairman himself were not far from accepting their view. Would the Commission see any difficulty in extending the privilege in question to peoples in a not very high state of development residing in territories under B mandate ?

M. RAPPARD pointed out that the establishment of the mandates system had not diminished the rights of natives of territories under B and C mandates. This was not the case as regards inhabitants of territories under A mandate who might have been able, if the mandates system had not been set up, to enjoy the advantages conferred, for example, by Egyptian or Turkish nationality. He thought that the Commission might well adopt a recommendation drafted in general terms, and that, in any case, it would be better to repeat the proposals formerly made than to reach a negative conclusion. M. Rappard based his opinion on considerations of the same kind as those which had dictated M. Van Rees' reply to the second question before the Commission.

M. MERLIN thought that the advantages resulting from the treaty concluded by France should be extended to Syrians by France herself. The Commission could not ask for advantages to be granted to nationals of mandated territories which the nationals of other Powers did not enjoy.

This said, M. Merlin quite understood that inhabitants of civilised States of the Near East might be upset by the fact that they were prohibited access to a territory into which Turkish nationals, to give but one example, had the right to enter. The Commission should therefore draw the Council's attention to the case of those nationals residing in territories under A mandate who laboured under the disability to which reference was made in the French Government's letter.

The CHAIRMAN raised the question whether it was possible to make a distinction in a resolution between nationals of territories under A mandate and nationals of territories under B mandate.

M. RAPPARD said that the inhabitants of territories under A mandate were in quite a different position, both from a moral and a legal point of view, from inhabitants in territories under B mandate. A Syrian or an Iraq nationality was in existence. It could not be maintained that, for example, a Togo nationality existed. It should also be pointed out that only the most highly developed inhabitants of mandated territories travelled.

Dr. KASTL also thought that it would be possible to draw a distinction between the inhabitants of territories under A mandate and inhabitants of territories under B mandate. The only difficulty arose in the case of whites born in certain African territories.

M. VAN REES took the following example.— Suppose it were possible to distinguish between inhabitants of territories under A mandate and those under B mandate about whom it was not certain, for there were very highly developed Africans in territories under B mandate. Would it be possible in this case to propose that the Council should make any request to the Powers concerned after the renewal of its request formulated in 1925 ?

M. Van Rees had never denied that a State had the right to grant reciprocity in any matter. He would, however, point out that any further steps the Council might take in the question could not, in his view, be based on any legal grounds. This was not so in regard to the treatment accorded to goods and products coming from mandated territories, in regard to which M. Van Rees had made the following statement in his report.

“ Whereas the absence of reciprocity in the principle of equality of treatment can affect only the private interests of persons belonging to mandated territories who have left their country of origin, the absence of reciprocity in commercial matters affects the general interests of the mandated territories and of their inhabitants. ”

Therein rested the difference which made it possible to require, in virtue of the principle of economic equality, reciprocity in matters of trade, particularly as regards the import duties to be paid on goods entering the territory of States Members of the League, and coming from the territories under mandate, although a request for reciprocity in matters of

establishment, etc., could not be based on that same principle of equality. He added that he would be glad if M. Rappard would undertake to prepare a draft recommendation, to serve as a basis for discussion, on the question of equality of treatment of natives who had left the territories under A and B mandates.

Dr. KASTL agreed, but thought, with M. Rappard, that, from the legal point of view, the Commission would be as justified in making a recommendation on the first point as it would be on the second. That point, however, gave rise to difficulties which did not occur in regard to the second.

He also agreed with M. Merlin in considering that the Government of Liberia, if it had not granted to anyone the rights referred to in the French Government's letter, could refuse them to Syria also.

M. MERLIN said that he could not agree with the conclusions of M. Van Rees on the second point. He was by no means certain that the Powers concerned would approve of them. It might be in the interests of those Powers for the flow of imports and exports to occur in different directions. There was also the danger that goods coming from foreign territories might be taken out of the Customs in a mandated territory and then re-exported under more favourable conditions.

The Commission requested M. Rappard to prepare a draft recommendation regarding the treatment of nationals of mandated territories in the territories of States Members of the League of Nations.

SEVENTEENTH MEETING

Held on Tuesday, November 6th, 1928, at 10.30 a.m.

Chairman : The Marquis THEODOLI.

939. Iraq : Examination of the Annual Report for 1927.

Mr. Bourdillon, C.M.G., Counsellor to the High Commissioner for Iraq, and Mr. Lloyd, of the British Colonial Office, accredited representatives of the mandatory Power, came to the table of the Commission.

The CHAIRMAN, on behalf of the Commission, thanked the British Government for having accredited Mr. Bourdillon, Counsellor to the High Commissioner for Iraq.

Inaccuracy in the Minutes of the Twelfth Session regarding the Iraq Currency Bill.

M. CATASTINI said that the Minutes of the twelfth session referred on page 34 to a statement of Mr. Bourdillon regarding the *promulgation* of the Iraq Currency Bill, though the accredited representative had merely informed the Commission that it was in *preparation*.

At the request of the mandatory Power, which had informed him of this inaccuracy in a letter dated May 11th, 1928, he would ask the members of the Committee to take note of this correction.

General Statement by the Accredited Representative particularly concerning the Economic Development, Foreign Trade and Public Finance of Iraq.

Mr. BOURDILLON made the following statement :

I am very grateful to the Commission for again giving me an opportunity of making an opening statement, and I will endeavour to repay its kindness by a confession and an apology. I regret to say that, when I read the printed Minutes of the twelfth session of the Commission, I discovered that I had made one or two inaccurate statements, and I am glad to have the opportunity of correcting these in person.

In the first place, in answering a question put to me by M. Rappard about the preparation of the annual report, I stated that the various chapters of the report are prepared by the Departments of the Iraq Government, seen and approved by the Ministers, and form the official record of the Department. That is not correct ; the material is given by the British adviser in the Ministry or Department concerned, who is a servant of the Iraq Government, but the documents which the advisers compile are confidential communications to the High Commissioner, and are not seen by their Iraqi chiefs.

Later on I informed the Commission that, pending the approval by Parliament of the budget for the year, the British system of voting funds was followed. The actual procedure, however,

is that laid down in Article 107 of the Organic Law. If Parliament is not sitting, the budget of the previous year is followed, without prejudice to the power of the King to pass Ordinances for emergency expenditure. If, however, Parliament is sitting the Minister for Finance submits to it draft laws containing provisional budget estimates for a period not exceeding two months.

Subsequently, in response to a question put on behalf of Lord Lugard, I stated that there were no "tithes on minerals". As a matter of fact, the income from such tithes in 1926-27 was about 70,000 rupees. I now lay on the table a brief note giving details of this source of revenue, which is, however, comparatively unimportant.

I regret that I should have misled the Commission on these points.

I promised the Commission last year that it should be supplied with information as to the distribution of the capital of the Turkish Petroleum Company. This information was not available in time for inclusion in the 1927 report, but I am now in a position to give it. The distribution is as follows :

	Per cent
D'Arcy Exploration Company (Anglo-Persian Oil Company) ..	23.75
Anglo-Saxon Petroleum Company (Royal Dutch-Shell Group) ..	23.75
Compagnie française des pétroles (French Group)	23.75
Near East Development Corporation (American Group)	23.75
Participations and Investments, Limited (Mr. C. S. Gulbenkian) ..	5.00

While I was re-reading the Minutes of the twelfth session of this Commission, my attention was particularly caught by two questions which were asked me at that session. M. Merlin said that the trade of Iraq would appear to be falling and its budget growing less, and asked whether the country was in a state of torpor and its prosperity on the wane, while M. Rappard asked if it were true that Iraq was in a state of economic stagnation. These questions appeared to me to point to a general impression among members of the Commission that, even if our experiment in Iraq is proving fairly successful as far as political progress and internal security are concerned, it is not so successful from the point of view of material and economic progress.

I am prepared to admit that the economic progress of Iraq under the present regime has not been as fast as its progress in some other respects, and for this there are three reasons. In the first place, in a new State, the problems of political adolescence inevitably demand so much attention that more practical matters are liable to be neglected. Secondly, internal security is a necessary condition of economic progress, and the establishment of such security must therefore take precedence over economic considerations. Thirdly, the burden of her share of the Ottoman Debt has weighed heavily upon Iraq, and has made economy in the spending departments imperative. The adoption of the scheme outlined on page 91 of the report has brought a satisfactory settlement of Ottoman Debt liabilities within sight, and the day when Iraq will be able to provide considerably greater sums for productive capital expenditure now seems much nearer.

While, however, I am prepared to admit that, for these three reasons, economic progress has lagged somewhat, I cannot admit that Iraq is in a state of torpor or economic stagnation. Far from a decrease in its budget, the exact opposite is the case. I would invite the attention of the members of the Commission to pages 115 and 116 of the report, and ask them to study the figures for the last four years shown on those pages. I may add that the figures of actual receipts and expenditure for 1927-28, excluding the subsidy given by the British Government for the Iraq army, amount to 572.87 lacs and 533.59 lacs respectively.

Lest I be suspected of choosing only those years the figures for which suit my arguments, let me hasten to explain why I wish to ignore the figures for 1921-22 and 1922-23. Up till 1921-22, the country had been administered by the British Army of Occupation. Military considerations had been paramount, economy a matter of secondary consideration, and the civil administration had worked at a loss, making it necessary for the British Government to pay the new Iraq Government a sum of nearly 163 lacs of rupees in order that it might start its financial life with a clean sheet. It was impossible for the new Administration to rid itself at once of all of the extravagant habits of its predecessor. A staff which the country could not possibly afford could not be reduced in a day to economically sound proportions. Reductions had to be gradual, and the first two years of the transition stage cannot, I maintain, be taken as in any way normal.

I hope that the Commission will agree with me, therefore, that it is reasonable to take 1923-24 as the first year in which the Iraq Government had a fair chance of making an intelligent effort to cut its coat according to its cloth. An examination of the figures for that and the succeeding years gives, I submit, ground for considerable satisfaction. Receipts for 1927-28 amounted to practically 573 lacs, excluding the British subsidy to the Iraq army, which means that in five years there has been a progressive increase in revenue of 64 lacs,

or about 12 per cent. I say progressive, although the figure for 1925-26 is higher than that for 1926-27, because the exceptionally high figure for the former year was due to good crops coupled with fairly high prices. As the receipts from land revenue still depend to a large extent both on the quality of the harvest and on prevailing prices, it is obvious that they are liable at times to be considerably greater or less than the most accurate budget estimate possible, and slight interruptions, in either direction, of a regular sequence of progress must be expected.

Turning to expenditure, for which the 1927-28 figure is over 533 lacs, we find that, in the five years under consideration, there has been an increase of 109 lacs, or no less than 25 per cent. As these five years show a total surplus of 284 lacs, the Iraq Government may be accused of parsimony, and it may be suggested that it could with propriety have spent more either on productive services or on health and education. It must be remembered, however, that at the beginning of these five years the Iraq Government was faced with a deficit of 55 lacs, which had accumulated in the two previous years, and had also to build up a working balance. The bogey of the Ottoman Public Debt had also to be faced, and it is indeed fortunate that an accumulated surplus existed which enabled the Iraq Government to take the measures which it has taken to meet this liability. In actual fact, in 1927-28, 16 lacs out of the accumulated surplus was spent on certain items in a "Capital Works Programme" which had been prepared in case any surplus were available. This expenditure was over and above the 533 lacs referred to above. It cannot, I maintain, be said that a country which in five years increases its revenue by 12 per cent and its expenditure by 25 per cent is in a state either of torpor or of economic stagnation.

It may interest the Commission to know that the average of the Turkish budget estimates for the receipts of the three vilayets comprising what is now Iraq for the two years 1909-10 and 1910-11 was about 215 lacs, or less than 38 per cent of the actual receipts obtained by the Iraq Government in 1927-28. Mere increasing expenditure is, however, not necessarily a sign of progress and I will endeavour to show how far increased expenditure has been directed to promoting the economic development of the country.

Irrigation is admittedly one of the most important factors, if not the most important, in the development of Iraq, and, although expenditure in this regard has had to be rigidly controlled, very much has been done. Expenditure rose from 16 lacs in 1925-26 to 28 lacs in 1927-28. In 1921, the mileage of canals fully controlled by the Department was only 88; it is now 691. Similarly, the mileage of canals over which control by the Department is exercised through the head-works only has increased from 542 to 702. There has also been a marked increase in pump irrigation, an increase which has been encouraged by sympathetic legislation and by the reduction in the price of fuel consequent on the marketing of local products by the Khanaqin Oil Company. Figures for 1921 are unavailable, but the number of pumps has increased from 1,009 in 1924 to 1,388 in 1928, and the total horse-power has increased by a very much higher percentage, owing to the growing tendency to install pumps of really high horse-power.

The Agricultural Department has done a good deal of useful experimental work, and expansion will be a simple matter when funds can be afforded if only the young Iraqi can be persuaded to take better advantage of the facilities for agricultural education which already exist. Expenditure rose from about 6 lacs in 1925-26 to over 17 lacs in 1927-28, but most of this increase was accounted for by the expenses of a vigorous anti-locust campaign. At present, the best hope for improvements in agricultural methods in Iraq would appear to lie in the example set by individuals in the adoption, with the advice and assistance of the Agricultural Department, which is always at their disposal, of modern methods. His Majesty King Faisal is an enthusiastic farmer, owning two estates near Bagdad, and a larger one near Khanaqin. He devotes as much time as he can spare to personal supervision of these estates, and recently gave a demonstration of modern machinery on one of his Bagdad estates, at the close of which he initiated the formation of an agricultural society, with the idea of developing co-operation among private agriculturists, inducing them to rely more upon themselves and less upon the Government, and enabling them to bring powerful concerted influence to bear upon the Government for the introduction of necessary legislative reforms.

A good deal is to be hoped for from the example that should be given by the development of the Latifiyah estate, a large tract of land which has been granted to the syndicate which originally took up what had come to be known as the Asfar Concession, a concession which proved to have so many flaws from the point of view of both the concessionaire and the Government that it was unworkable. It is particularly hoped that the development of this large estate by sufficient capital on modern lines may give a great impetus to the cultivation of cotton. Cotton-growing has made satisfactory progress since 1921. The produce increased from 60 bales in 1921 to 3,500 in 1926. In 1927, owing to the 1926 slump in prices, there was

a reduction in the area under this crop, and only 1,800 bales were produced, but in the present year it seems likely that the official forecast of 4,000 bales will be greatly exceeded, as 2,400 bales had been produced by the end of September, by which time, as a rule, less than one-third of the year's crop has found its way to the ginnery.

The expenditure of the Public Works Department was about 32 lacs in 1927-28, as against 23 in 1925-26 and 37 in 1926-27. In a country of great distances like Iraq, communications are of even greater importance to economic development than is usually the case. Unfortunately, figures of the actual mileage of roads constructed since 1921 are not available, but the existing mileage of roads traversable by motor traffic is in the neighbourhood of 5,000. The extent of the work done can to some extent be gauged from the fact that eighteen floating bridges have been reconstructed or reconditioned, and 6,199 feet of permanent bridging erected. Also 125 miles of new railway have been laid. The trans-desert motor route, a magnificent result of private enterprise, has been assisted by the Iraq Government by the conditioning and maintenance of many miles of road, by the provision of reasonable Customs facilities and, above all, by the construction of a fortified police post and hotel, equipped with wireless, in the middle of the desert, 200 miles from the nearest village. It may interest the Commission to know that the number of passengers using this trans-desert route increased from 9,810 in 1925, the first year for which accurate figures are available, to 19,982 in 1927.

A total sum of about 63 lacs has been spent on Government buildings since 1921, including 20 lacs on hospitals.

An urgent need, from the point of view of agricultural development, is a proper survey of the land, without which the most admirable schemes for the alienation of Government land must fail, and without which there can be no real security of tenure. A total of 19,000 square kilometers of cultivable land have been surveyed since 1921.

I do not claim that the development indicated by the figures I have quoted is anything extraordinary, and I have admitted that political considerations and considerations of public security have been given greater weight than those of economic development. But I do claim that these figures, coupled with an increase in expenditure on education and health, are a complete answer to charges of torpor and economic stagnation, and that they represent a very reasonable achievement for an infant State, struggling to consolidate its political existence and faced, not only with a considerable burden of debt, but with the problem of maintaining order with the assistance of an annually decreasing British garrison, in a country which had grown accustomed to the presence of a large expeditionary force.

As regards the general condition of trade in the country, I am afraid that past reports have not been very enlightening. But, while it is easy to make general statements, it is difficult to support them by figures when absolutely no statistics other than Customs figures are available. One such general statement which I should like to make is that trade in Iraq is improving, though individual profits are perhaps smaller owing to more severe competition, and there is a very noteworthy tendency to trade on sounder and less speculative lines than in the past. The progressive diminution of the Persian transit trade is recognised as inevitable, although the Government does its best to facilitate that trade and to retard the rate of diminution. The eventual practical disappearance of the trade, unless prevented by the construction of a trans-desert railway, seems inevitable; but Iraq is gradually building up a trade of her own, and there is reason to hope that the development of agriculture and of the petroleum industry may, at no very distant date, render the country independent of the Persian transit trade.

As I have said, I am afraid that past reports have not been very enlightening as to trade conditions. They have done little more than give figures showing a heavy "visible" adverse trade balance and then state that "invisible exports" are also heavy, and that the actual trade balance is probably fairly level. I should like to give the Commission a few figures which it is not altogether easy for it to collate from past reports.

In the first place, I must point out that the import figures given in the report on page 100 are incorrect, as the import value of certain large items, notably sugar, tea, and liquors and wines, was incorrectly calculated. The correct figures are, for 1925-26, 16,97,56,368 rupees, and for 1927-28, 15,46,12,362 rupees. Perhaps members of the Commission will correct their copies of the report, and will also make the consequent corrections on page 102.

I should then like the Commission to study the following table, copies of which they will find before them. Merchandise in transit has been excluded, though re-exports—that is to say, goods which have paid full import duty and subsequently been exported on rebate—have been included. The figures are in lacs of rupees.

Years	Imports	Exports	Difference	Surplus of specie export over import	Visible adverse balance
1922-23	969	370	599	374	225
1923-24	879	421	458	158	300
1924-25	911	419	492	169	323
1925-26	991	502	489	239	250
1926-27	975	461	514	82	432
1927-28	1,035	615	420	36	384

It will be observed that I have included in this table figures for the financial year that will be dealt with in next year's report. Nine months of that year fall within the calendar year now under review, and there seems no reason why, in discussing this question, I should not give the latest figures available, even though I may be, in some sense, forestalling the 1928 report.

I will deal first with the question of the apparent adverse balance of trade, although, as I hope to show, this is really of minor importance. I would ask the Commission to look at the figures showing the balance exclusive of specie transactions. It will find that there is, on the whole, a progressive decrease in the adverse balance, with the exception of the year 1926-27. The rise in that year is explained by the sudden introduction of an entirely new factor, namely, the import of machinery by the two oil companies on a really large scale, such imports amounting to 73 lacs in that year and 68 lacs in the following year. As none of this machinery was paid for from Iraq sources, it is not really a true import; or, to put it in a more usual way, the value of that machinery is an invisible export. We have therefore in these two years a new and large invisible export, which at once reduces the adverse balance from 514 and 420 lacs of rupees to 431 and 352 lacs of rupees. I do not want to go in great detail into the other sources of invisible export; their nature is indicated on page 102 of the report, and to the sources mentioned I would only add that to which I have just referred. I could produce figures to show that these invisible exports are at least as large as is claimed on page 103 of the report, but the proof that they do, in fact, cancel the adverse trade balance appears to me to be very much more simple.

Iraq has, largely owing to the uncertainties that have in the past attended, and still to some degree attend, her political future, a very poor credit in foreign markets, as the figures of her adverse trade balance show. If she had in fact been accumulating a load of debt for these six years, it would, in the present state of her credit, have been absolutely necessary for her either to export specie to pay off the major portion of that debt or to raise a loan abroad. She has raised no loan, and her exports of specie have decreased. The inference appears to me obvious that her visible and invisible exports approximately balance her visible and invisible imports, and that her decreasing exports of specie actually indicate decreasing obligations.

Before I leave the question of trade balance altogether, I should just like to point out to the Commission that one weathercock which is a useful indication of the way in which trade winds blow is, in the case of Iraq, entirely absent. I refer to exchange variations. Iraq is at present using a foreign currency, which cannot possibly react to the small volume of Iraq trade, and exchange variations do not therefore exist and cannot act either as an indication of, or as a corrective to, an adverse trade balance.

But, after all, to say that a country's imports and exports really balance is not to say necessarily that the trade of that country flourishes. Such a balance does not necessarily indicate progress; it merely shows the absence of certain tendencies likely to retard progress. What is really interesting in the figures I have laid before the Commission is the progressive increase in both exports and imports. I have purposely omitted transit figures, because I have admitted that the transit trade is on the wane, and all I am concerned to show is that something else is gradually taking its place. The 1927-28 figure for exports is exceptionally high, and it is possible that next year may show a decrease, but any country might well be congratulated on an increase in its exports of a good deal less than the 66 per cent in six years which these figures show. Moreover, it must not be forgotten that prices have in general fallen during these six years, and that the increase in real value of the exports is therefore greater than the increase in monetary value. The increase in imports is not so striking, but in this connection it must be remembered that the British garrison in the country has decreased very considerably during this period, and that the members of that garrison are far heavier consumers of some of the most expensive imports than are the natives of the country. The increased consumption (in monetary and even more so in real value) of imports per head of the indigenous population is therefore greater than the figures would show; a very satisfactory indication of material

prosperity, especially when coupled with the increased productivity indicated by the big rise in exports.

I hope that I have not wearied the Commission with this dissertation, but I feel that too little has been said in past reports of this economic aspect of the progress of Iraq. I hope that in future reports it will be possible to devote more attention to it.

M. MERLIN thanked the accredited representative for his interesting statement. Would it not be possible, however, for similar statements to appear in the future at the beginning of the report, in order to allow members more time to appreciate its significance ?

The Baghdad Railway.

The CHAIRMAN, in regard to the Baghdad Railway, asked what action had been taken subsequently to the conclusion of the Treaty of Lausanne. Did a Company still operate the railway, with an International Board of Directors supervising the different sections of the line passing through the various countries, or had that portion of the Baghdad Railway running through Iraq been completely detached ?

Mr. BOURDILLON replied that the Iraq portion had been detached, acquired by the Iraq Government and paid for. There might be some outstanding claims on the part of the Company, but they had not yet been formulated.

Relations between Great Britain and Iraq : Discussion relating to the 1927 Treaty and the Subsidiary Agreements.

Lord LUGARD asked whether there had been any further negotiations in regard to the financial and military agreements attached to the new treaty.

Mr. BOURDILLON said that, at the time he had left Bagdad, a fortnight previously, the High Commissioner and a Committee composed of the Ministers for Education, Finance and Defence of the Iraq Government had been discussing the agreements in question. One reason why the discussion had been postponed for so long was the great amount of work which had devolved on Iraqi Ministers during the last Parliamentary session.

The negotiations were based on an amended draft proposed by the British Government.

M. SAKENOBE asked for a statement in regard to the attitude of the Nationalist Party in Iraq towards the new treaty.

Mr. BOURDILLON said that originally they had appeared likely to oppose the treaty on the grounds that it did not grant enough concessions to Iraq. Interest in the treaty, however, had waned somewhat in the last eleven months, and he could not say whether the Nationalist Party would oppose the treaty when it was submitted to Parliament.

The CHAIRMAN concluded that the Nationalist Party were the opponents of the present Government of Iraq. Were they loyal to the King of Iraq and only opposed to the mandatory Power, or were they opposed to both ?

Mr. BOURDILLON replied that the Nationalist Party were loyal to the monarchy. They formed the Constitutional Opposition to the present Government and were in many respects opposed to the mandatory Power.

In reply to a question from M. Rappard, Mr. Bourdillon said that no party in Iraq was opposed to His Majesty King Faisal.

Lord LUGARD said that, since the signature of the new treaty between Great Britain and Iraq was the most important event of 1927, he would like to ask one or two questions regarding it.

The following statement had appeared in the *Times of Mesopotamia* for August 21st, 1928 :

“ The Premier stated that the three points outstanding in the negotiations with Britain were :

“ 1. The payment of the difference of expenditure of the British forces in Iraq.— This the British Government insisted on, but Iraq disagreed.

“ 2. The control of the Port Directorate lands.—According to the present financial agreement, the ownership must be transferred to the Iraq Government after the expiry of the agreement. But the British Government objects on the ground that, inasmuch as both Governments agreed to leave the administration of the Port Directorate to a Port ‘ Trust ’, the lands must be registered in the name of the Port until Iraq pays its debts.

“ 3. The Iraq railways.—This matter also was still under consideration between the two parties. ”

Had the accredited representative any comments to make ?

Mr. BOURDILLON said that, in view of the fact that negotiations were still proceeding, it might appear strange that the Prime Minister had seen fit to make such a statement. A great deal of interest had, however, been aroused in the Iraq Parliament with regard to the amending of the financial and military agreements, and the Prime Minister had found it necessary publicly to refer to the negotiations.

In regard to the first point, the British Government had proposed that Iraq should agree in principle to pay, when she was in a position to do so, the difference between the cost of maintaining the British forces in Iraq and their maintenance in their home country.

The second point concerned the Port lands. The British Government desired those lands to be registered in the name of the Port “ Trust ”, which should be regarded as their owners. The Iraq Government desired the lands to be registered in its own name, though they were to be administered by the Port “ Trust ”. The British Government’s object was to prevent possible alienation of the lands. The motives of the Iraq Government were nationalistic.

In regard to the third point, the Iraq Government desired the terms on which the railways should be handed over to it to be settled as soon as possible, and were dissatisfied owing to the delay that had occurred in this regard.

Lord LUGARD noted that the Port “ Trust ” could be dissolved by the Iraq Government. If, therefore, the Port lands belonged to it, would not the Government be able to acquire them at any time ?

Mr. BOURDILLON replied that the necessary safeguards would be included in the special arrangements for setting up the Port “ Trust ”.

Lord LUGARD, with reference to the Treaty between Iraq and the British Government, said that the Press had commented on the omission of the clause protecting missions. He presumed that complete freedom for the missions was ensured by Article 13 of the Constitution of Iraq, and it was therefore thought to be superfluous to insert it in the Treaty.

Mr. BOURDILLON replied in the affirmative. His Majesty King Faisal had asked for the deletion of the clause in question because it had been thought to cast a slur on the good faith of Iraq.

M. RAPPARD felt obliged to voice his misgivings. The accredited representative came before the Commission representing the mandatory Power, which was responsible for the maintenance of complete freedom of religion and conscience in Iraq. The fact that such freedom was guaranteed by the Constitution of Iraq might be perfectly satisfactory at the moment, but the Constitution was capable of amendment. If an amendment were made interfering with freedom of conscience, the mandatory Power would be in a very difficult position, for it would still have to fulfil its obligations to the League, as defined in the terms of the mandate, but might, owing to the omission of any reference to freedom of conscience in the treaty, no longer have the necessary instrument to enable it to do so.

Mr. BOURDILLON said that the mandatory Power was safeguarded in this matter by undertakings given during the negotiations by His Majesty King Faisal. He had been opposed to the insertion of the clause in the treaty, not because the Iraq Government did not wish to fulfil its obligations in respect of freedom of conscience, but because it had been considered that such a clause would be against the dignity of Iraq. The British Government considered the guarantees to be sufficient.

M. MERLIN agreed with M. Rappard. The Government in Iraq was constitutional. The King was therefore not paramount, for in a democratically organised country Parliament was supreme. The Parliament of Iraq, therefore, could amend the Constitution, in which case—in theory, at any rate—freedom of conscience might suffer. The personal guarantee of the King might be sufficient for the mandatory Power, but he was doubtful whether it could suffice for the Commission. He viewed with alarm the gradual disappearance in Iraq of guarantees. The mandatory Power might well be placed in a very difficult position; but, in its efforts not to upset the dignity of Iraq, it should not forget that the legal text of a treaty was of great importance and, though the mandatory Power might maintain that it went without saying that freedom of conscience was guaranteed, it was far better to say so in the treaty.

M. PALACIOS agreed with the observations of M. Merlin and M. Rappard.

M. RAPPARD said that Article 3 of the Treaty of 1922 between Iraq and the British Government defined the obligations of Iraq in the matter of freedom of conscience. That article had not been reproduced in the new treaty. Did that mean that it no longer existed, and did not the omission of such a vital clause completely disarm the mandatory Power should the constitution of Iraq be amended ?

Mr. BOURDILLON thought that the answer to this question was contained in the second part of Article 3 of the new treaty, which was to the following effect :

“ His Majesty the King of Iraq undertakes not to modify the existing provisions of the Iraq Organic Law in such a manner as adversely to affect the rights and interests of foreigners or as to constitute any difference in rights before the law among Iraqis on the ground of difference of race, religion or language. ”

He would also point out that the new treaty could not come into effect until the consent of the Council of the League of Nations had been obtained.

M. RAPPARD asked whether, supposing a violation of the Constitution in regard to freedom of conscience occurred, the mandatory Power could intervene on the basis of a mutually binding treaty.

Mr. BOURDILLON replied that this was at present the case.

M. ORTS would like to know whether the Government of Great Britain had sufficient means at its disposal to ensure respect for freedom of conscience and religion in the event, without there being any amendment of the Organic Law, of that liberty being restricted in a particular case, either by a political or judicial act of the Iraqi authorities, or by the refusal on the part of those authorities to inflict the necessary penalties.

Mr. BOURDILLON replied in the affirmative. The Iraq Government was held to be under an obligation, not only not to amend, but also fully to fulfil the Constitution.

M. ORTS enquired what means were at the disposal of the British Government to bring pressure to bear on the Iraq Government to fulfil the terms of the Constitution.

Mr. BOURDILLON replied that there were a number of means at the disposal of the British Government for this purpose.

The CHAIRMAN quoted the following paragraph from a letter addressed to the Secretary-General by the British Secretary of State for Foreign Affairs, dated March 2nd, 1926 :

“ 5. By Article 4 of their undertakings, approved by the Council in September 1924, His Majesty's Government engaged that they would agree to no modification of the Treaty of Alliance without the consent of the Council of the League. They hereby give a similar undertaking in regard to the Treaty of January 13th, 1926. This undertaking will apply to any proposals that may be made, as a result of the discussions contemplated in Articles 2 and 3 of the new Treaty, for the revision or amendment of the Agreements subsidiary to the Treaty of October 10th, 1922. ”

His Majesty's Government had therefore admitted that the Council must approve also any other agreements concluded to complete the documentation in connection with the Iraq mandate. In view of the fact that it was proposed to modify certain of these agreements, he asked whether the Mandates Commission could be given the text of all these agreements before they became definitive. It would not otherwise be possible for it to get a general view of the situation nor would it be able to make any recommendation to the Council regarding the acceptance or non-acceptance of the modifications made in the mandate.

Lord LUGARD pointed out that the letter referred to by the Chairman concerned a former treaty and not the new treaty between Iraq and Great Britain.

Mr. BOURDILLON said that it was fully understood that the treaty between Great Britain and Iraq would not be ratified without the consent of the Council of the League.

The CHAIRMAN remarked to Lord Lugard that the undertaking given by His Majesty's Government referred also to the modifications to be made in the future.

M. MERLIN could not conceal his apprehensions in regard to the diminishing control exercised by the mandatory Power over Iraq, which was daily shown greater and greater latitude. Any weakening of the influence of the mandatory Power meant a corresponding weakening of the influence of the League as exercised through the Permanent Mandates Commission, with the result that one day that Commission might find itself in a very difficult position.

M. RAPPARD was fully alive to the difficulties of the position. The fundamental difficulty was the fact that Great Britain emphasised her position as mandatory Power when the representative appeared before the Mandates Commission, but ignored it in her dealings with Iraq in order to make easier the conclusion of agreements with that country. Would not such a practice, however, lead in the future to greater difficulties if the provisions of the present Constitution of Iraq were violated ? It appeared that, in one respect at least, they had already

been violated, in which case Great Britain did not seem to have full means of setting the matter right. In view of this omission in the treaty, the Iraq Government might consider it hardly admissible for the British Government to bring any pressure to bear with the object of remedying any defect in the operation of the clause of the Constitution guaranteeing freedom of conscience. Had not the mandatory Power, in its efforts to avoid the smaller difficulty, run the risk of creating a larger one which it would have to meet in the future ?

The CHAIRMAN noted that the mandatory Power referred to Iraq always and only as an ally.

Mr. BOURDILLON concluded that M. Rappard meant that it would have been easier for the mandatory Power to compel Iraq to fulfil the demands of the League if it had laid greater stress on the principle of the mandate in its relations with Iraq than had actually been the case. There was, it was true, a party in Iraq which definitely stated that it did not recognise the existence of a mandate ; but there was, in his opinion, no greater difficulty at the moment in inducing the Iraq Government to fulfil the demands of the League than there would have been had greater emphasis been laid in the treaty on the fact that Great Britain was the mandatory Power. Whatever the Iraq Press and the Nationalist Party might maintain in regard to the right of the League to bring pressure on Iraq, he felt fairly confident that any Party actually in power in Iraq would feel bound to respond to such pressure in view of the desire of Iraq to become a Member of the League as soon as possible. The Iraq Government would naturally avoid action likely to militate against this admission.

The CHAIRMAN wondered whether the accredited representative of the mandatory Power might not soon become a mere ambassador of the Iraq Government.

M. RAPPARD said that nothing could produce a more deplorable impression upon the League than the fact that complete freedom of conscience did not exist in the territory and that a spirit of intolerance reigned there. This would undoubtedly constitute for many a serious reason for withholding Iraq's admission to the League.

The CHAIRMAN drew the attention of the Commission to a letter dated August 28th, 1928, from the British Foreign Office, under cover of which the mandatory Power had forwarded sixteen copies of the new treaty of December 1927 between the United Kingdom and Iraq. The Chairman wondered why the mandatory Power had sent this new treaty to the Commission. Did the British Government expect the Commission to offer comments on the substance of the treaty and did it wish it to approve the new treaty ?

Mr. BOURDILLON observed that, in communicating the treaty, it had been the intention of the British Government merely to inform the Permanent Mandates Commission of the state of affairs. The communication did not constitute a formal application to the Council for the approval of the treaty, and no such application would be made until the British Government knew whether the Iraq Government proposed to ratify. The communication, therefore, was merely an *interim* communication for the information of the Council. There was no doubt that the British Government would seek approval before ratification.

The CHAIRMAN, in reply to Mr. Bourdillon, said that it was for that reason that he had stated that, in his view, the Permanent Mandates Commission was doing the mandatory Power a service in raising certain points before the treaty was ratified by the mandatory Power and the Iraq Government. It would be far more difficult to raise these questions after ratification, since by so doing the mandatory Power might be embarrassed in seeking the approval of the Council.

M. ORTS agreed with the Chairman. He thought that the British Government had communicated the Treaty so that the Commission might take note of it. The fact that the Commission had received the Treaty would have been useless and would merely have placed it in an embarrassing position if the Commission, having observations to make, could not formulate them.

M. RAPPARD asked whether it had been made quite clear, when the Iraq Government presented the Treaty to Parliament, that submission to Parliament did not represent the final stage, and that the treaty required the Council's approval. Or had that point also been hushed up ?

Mr. BOURDILLON pointed out that the treaty had not yet been presented to the Iraq Parliament. The situation was, however, perfectly clear in the minds of the Iraq Government, to which the necessity for approval by the Council had been officially communicated. The existence of this obligation had never, in so far as he was aware, been objected to, either by the Iraq Government or by the Nationalist Party, or by anyone in Iraq at all.

M. SAKENOBE thought that the accredited representative had misunderstood the question. According to the statement on page 16 of the annual report :

“ It was agreed that the treaty should not be ratified, and consequently would not become operative, until the revision of the military and financial agreements had been completed and all three instruments had been approved by the Council of the League. ”

Mr. BOURDILLON said that the statement made in the report was quite correct. He would point out, however, that the Iraq Parliament did not ratify treaties. It merely approved ratification by the King, and that ratification would, he presumed, not be accorded until after the Council's approval had been obtained. This course had been adopted because, obviously, it was useless to seek the approval of the Council for the treaty until it was known whether the Iraq Parliament would agree to ratification. The intention was to conclude all actual negotiations before going to the Council, so that, after its approval, the only remaining step would be that of formal ratification by the two monarchs.

M. RAPPARD observed that it was important that approval by the Council of the League should not be looked upon as a merely formal step, because the necessity of submitting the treaty to the Council tended to strengthen the hands of the mandatory Power in resisting excessive demands on the part of the Iraq Government.

Mr. BOURDILLON observed that that point had been made use of in the course of the negotiations.

The CHAIRMAN thought it might settle a point on which some of his colleagues seemed to feel some doubts if he drew their attention to a resolution adopted by the Council on September 27th, 1924, concerning the adoption of the draft instrument submitted by the British Government. That decision read as follows :

“ IV. No modifications of the terms of the Treaty of Alliance will be agreed to by His Britannic Majesty's Government without the consent of the Council of the League. ”

The Chairman thought it clear from that clause that the British Government could not ratify the treaty until it had been approved by the Council.

M. MERLIN observed that the accredited representative had pointed out that, in the view of the mandatory Power, Parliament was entitled to approve the ratification of the treaty, but that that final step would only take place after the approval of the Council had been obtained. There was therefore an intermediate period during which the approval of the Council was to be sought. Accordingly, the Council's freedom of action was reserved at all points. At the same time, it was desirable that, during that intermediary period, the mandatory Power should keep the Council informed with regard to the negotiations. It would, as M. Rappard had suggested, be very useful that any observations which the Permanent Mandates Commission thought right to offer should be made before the final conclusion of the negotiations, because that would strengthen the hands of the mandatory Power in refusing to go as far as the Iraq Government might perhaps wish to proceed. It followed that the Permanent Mandates Commission, and therefore the Council, was still in control of the situation. The Commission was therefore still in a position to call the attention of the mandatory Power to certain dangers which might result from its conduct of the negotiations.

M. Merlin considered that the discussion had been extremely valuable because it had cleared up certain doubtful points.

Question of the Admission of Iraq to the League.

M. PALACIOS observed that Article 1 of the treaty between the United Kingdom and Iraq stipulated that “ His Britannic Majesty recognises Iraq as an independent sovereign State ”. Did this text imply that Iraq was qualified to become a Member of the League ?

Mr. BOURDILLON invited M. Palacios' attention to Article 8 of the new treaty, which stated :

“ Provided the present rate of progress in Iraq is maintained, and all goes well in the interval, His Britannic Majesty will support the candidature of Iraq for admission to the League of Nations in 1932. ”

According to the British Government's conception, the question of Iraq's candidature for the League of Nations was a matter of fitness and not one of status. As far as status was concerned, the British Government already considered that Iraq was qualified to become a Member.

M. PALACIOS said that Article 7 was fully affirmative in character, while Article 8 was merely conditional.

M. RAPPARD took it that Article 8 meant that, if everything went well in the opinion of the mandatory Power, that was to say, if the mandatory Power agreed, Iraq should be authorised to apply for Membership of the League. The test, therefore, was not an objective one.

Mr. BOURDILLON agreed that the mandatory Power would be guided by its own opinion in this matter.

Iraq Constitution : Right of Petition to the League of Nations.

Lord LUGARD said that he had been unable to attend the session of the Permanent Mandates Commission in October 1927, and he wished to ask certain questions in regard to the Constitution.

Article 14 stated that all Iraqis should have the right of presenting petitions and memorials to the King, Parliament and public authorities. Had they also the right to send petitions to the League?

Mr. BOURDILLON replied that they had actually sent one petition to the League, which had been referred to the Iraq Government for its opinion. No attempt had been made to deny the right of Iraqis to present petitions to the League, but he did not think that such a right could properly have been mentioned in the Iraq Constitution.

M. RAPPARD pointed out that the clause quoted by Lord Lugard granted powers, but was not limitative in character.

Lord LUGARD remarked that Article 33 of the Constitution provided that the President and Vice-President should be elected by "the Assembly". Did this provision refer to both the Senate and to the Chamber of Deputies, since there were two Assemblies?

Mr. BOURDILLON replied that the President and Vice-President of each organ was elected by that organ.

Lord LUGARD observed that, according to Article 36, the Chamber of Deputies was to be constituted by election on the basis of one deputy for every 20,000 males. How many deputies were there in the Chamber?

Mr. BOURDILLON said there were eighty-eight.

Lord LUGARD was not quite clear as to the meaning of Article 38, which stipulated that "the term of the Chamber of Deputies should be four ordinary sessions, each year one session beginning on the first day of November following the elections".

Mr. BOURDILLON said that the article meant that there were to be four ordinary sessions, one session in each year.

Lord LUGARD asked what was meant by the "Cabinet" in Article 66. There was no previous reference to a "Cabinet" in the Constitution.

Mr. BOURDILLON answered that the term referred to the Council of Ministers.

Lord LUGARD observed that Article 94 laid it down clearly that the taxes should not be farmed out. In the note on taxes on minerals which the accredited representative had just circulated, it was stated that a great many of the taxes were farmed out by auction.

Mr. BOURDILLON pointed out that, under Article 94, the State revenue was not farmed out "except in accordance with law". Laws permitting the farming out of taxes did exist. The object of Article 94 was to say that taxes could only be farmed in accordance with law and the article continued that any farming out for more than three years required the passing of a special law. Farming out for less than three years might, however, be granted under a general law.

Lord LUGARD asked for an explanation of Article 105, under which no draft law might be introduced or any proposal put forward in either Assembly involving the expenditure of any portion of public revenues except by a Minister. This would not, he presumed, debar a private member from bringing forward a motion advocating, for instance, the extension of irrigation.

Mr. BOURDILLON remarked that the effect of the article was that no Bill involving expenditure could be put forward by a private member. When he said no Bill, Mr. Bourdillon meant no proposal involving legislation, because in Iraqi law there was no such thing as a private member's Bill, a private member being only able to introduce a motion proposing legislation. If the motion were passed, it became the duty of the Government to prepare a Bill.

Lord LUGARD referred to the Community Councils mentioned in Article 112 and asked whether the Community Councils, the Administrative Councils and the Spiritual Councils were all separate bodies.

Mr. BOURDILLON replied that the Community Councils differed from the Administrative Councils, but were the same as the Spiritual Councils.

Lord LUGARD observed that, although there were eight Ministers, there was no Minister for Foreign Affairs.

Mr. BOURDILLON replied that the Prime Minister had hitherto acted as Foreign Minister. In reply to a further question by Lord Lugard, Mr. Bourdillon said that the capitulations had been abolished.

Conclusion of Commercial Treaties with Adjacent Territories.

M. VAN REES observed that it was not stated in the annual report whether the Iraq Government had contemplated the conclusion of commercial treaties with neighbouring countries. Treaties of that kind had been concluded by the French Government on behalf of Syria and by the British Government on behalf of Palestine. He would like to know whether any such treaties had been concluded by Iraq.

Mr. BOURDILLON said that there were no commercial treaties with adjacent countries in existence at the moment. The Iraq Government, however, was actively studying the possibility of concluding a treaty with Turkey, and would, he imagined, be delighted to conclude one with Persia as soon as that became possible.

M. MERLIN said that he associated himself with M. Van Rees' remark, because, under French guidance, Syria accorded most-favoured-nation treatment to the nationals of all the adjacent countries without receiving reciprocity.

Mr. BOURDILLON pointed out that Iraq did, in fact, grant Syria most-favoured-nation treatment. Iraq had only one Customs tariff, and therefore, in this respect, accorded most-favoured-nation treatment to all countries.

Attempt of certain Inhabitants of Iraq to obtain Persian Nationality.

Lord LUGARD drew the attention of the accredited representative to an extract from *The Times* of January 30th, 1928, according to which certain Arab sheikhs from Southern Iraq had visited Mohammerah to interview the Persian authorities, saying that they represented 4,000 persons who wished to abandon Iraqi nationality and to acquire Persian nationality. They had promised to be loyal to the Persian Government, and had asked for permission to cross over with their people to Persian territory on the left bank of the Shatt-el-Arab. The sheikhs had been told to await the arrival of General Aeram and Emir Lashkir of Jenub, for further discussions. The sheikhs, on their return to Basra, had been arrested, and were now in prison.

According to that report, it appeared that the sheikhs had been arrested on purely political grounds.

Mr. BOURDILLON replied that *The Times* correspondent in Basra was frequently very careless in his reports. The use of the word "sheikhs", for instance, in the present case was incorrect. The facts were as follows: A considerable number of fellaheen living on the right bank of the Shatt-el-Arab had been frightened by the belief that the census was being taken for the purposes of conscription, and it had been suggested that they should apply for Persian nationality in order to avoid conscription. They had been told that, in order to obtain Persian nationality, they must go across the river to Mohammerah and obtain a certificate from the Persian authorities. When they went to Mohammerah, they had evaded the Passport and Residence Laws of Iraq and this was the sole reason for which they had been arrested on their return. They had not been arrested for attempting to obtain Persian nationality, that was to say, on political grounds.

Reaction in Iraq of Recent Reforms in Turkey.

Lord LUGARD asked whether the recent reforms in Turkey had had any reaction in Iraq.

Mr. BOURDILLON replied that there had been none.

M. ORTS asked if the "new spirit" and the anti-clerical tendencies prevailing in Turkey had spread to Iraq.

Mr. BOURDILLON replied in the negative.

Settlement of Nomadic Tribes and of Assyrian Refugees.

Lord LUGARD asked what progress had been made in regard to the settlement of nomadic tribes.

Mr. BOURDILLON said that some of the nomadic tribes had asked permission to cultivate land near one of the desert posts, and there was actually some prospect of founding a settlement in the desert near Salman. Further, the question of allotting land to the Shammar tribes in the north was being taken up.

M. ORTS said he had noted a passage in the report which explained why it had not been possible to give effect to the recommendations of the Mosul Commission for the formation of some sort of Assyrian enclave run on more or less autonomous lines. These recommendations had no further interest, so far as Iraq was concerned, from the moment when the contested territory to which it had been supposed that the Assyrians would return had been assigned to Turkey.

M. Orts noted that the Assyrians living in Iraq had been granted certain advantages—for instance, the right to be administered through their head-men, special treatment in the matter of taxation and in matters of legal procedure. He asked whether the Assyrians were entirely satisfied with the present situation, or whether there was still an Assyrian question in Iraq.

Mr. BOURDILLON replied that, from the political and religious points of view, the Assyrians were satisfied with their treatment by the Iraq Government. The only outstanding question was that of their settlement on suitable land. This matter, however, was making good progress.

M. ORTS asked whether there was any land available.

Mr. BOURDILLON replied in the affirmative. There were certain difficulties with regard to ownership, but these were on the way to solution.

With regard to the administration of the Assyrian tribes through their own head-men, Mr. Bourdillon wished to observe that it was not correct to say that the administration was carried on entirely through the head-men. The Assyrians were administered in the ordinary way. They had their own Spiritual Councils, the Government was always willing to listen to complaints forwarded through the head-men; and the head-men were always chosen to serve on commissions constituted under the Tribal Civil and Criminal Disputes Regulations. But if any form of Assyrian autonomy were to eventuate, it would not, he thought, take the form of administration through their tribal head-men, but rather of the appointment of Assyrian Government officials in predominantly Assyrian districts.

Lord LUGARD referred to the report of the High Commissioner for Refugees of June 4th, 1928, in which it was stated that there were 12,000 Assyrian refugees in Iraq who declined to accept the nationality of that State.

Mr. BOURDILLON said that there were actually about 20,000 Assyrian refugees in Iraq. It was quite incorrect to say that there were 12,000 Assyrian refugees who had declined Iraq nationality. The question of their acceptance of Iraq nationality had only recently become prominent in connection with census operations, and there had been no general tendency to refuse it.

EIGHTEENTH MEETING

Held on Tuesday, November 6th, 1928, at 3.30 p.m.

Chairman: The Marquis THEODOLI.

940. **Iraq: Treaty concluded between the British Government and the Government of Iraq on December 14th, 1927, and Subsidiary Agreements.**

The CHAIRMAN said that usually the submission of measures of which the object was to settle the relations between the British Government and the mandated territory of Iraq was accompanied by a statement on the part of the British Government according to which it maintained that it was and continued to be alone responsible to the League of Nations for the obligations arising out of the mandate for Iraq. In such a statement it had added that, whatever might be the form of the measure brought to the notice of the League, this measure would not be substituted for the mandate, which remained the operating law in which were defined the obligations contracted by the British Government in the name of the League of Nations. The Chairman thought that when the new treaty was presented to the Council it would be accompanied by a similar declaration.

He would ask his colleagues, however, what value such a declaration might have with respect to the institution of the mandate and to the effective maintenance of the obligations of the mandatory Power towards the League of Nations.

The Chairman wondered also whether the Council of the League, before accepting a new settlement of relations of this kind, should not base its observations on an opinion given by its advisory organ, which was better qualified than any other to appreciate the situation and the efficacy of similar measures in connection with the object which the League of Nations proposed to achieve.

The Chairman recalled that M. Rappard and himself had noted that the new treaty had been officially communicated to the Commission (page 16 of the report for 1927) by the mandatory Power, and if it did not examine that treaty and made no comment upon it, it might be concluded that the silence of the Commission would mean that the treaty corresponded as a whole and in its different articles to the undertakings which the mandatory Power had assumed towards the League of Nations.

M. VAN REES said that the treaty in question, although somewhat different in form and less explicit, dealt with the same subjects as the earlier treaty of 1922, except that it only referred superficially to the guarantee regarding freedom of conscience, to which Articles 3 and 12 of the former treaty were devoted. If, therefore, the Commission thought it should make some observations to the Council regarding the new treaty, it need only draw attention to the fact that this treaty did not contain a definite statement guaranteeing freedom of conscience and religion. Also, it would be desirable to recall in this connection that the necessary provision was made in Article 13 of the Organic Law of Iraq to which Article 3 of the new treaty referred.

M. MERLIN said that the negotiations regarding the new treaty had been practically finished. Before it was ratified it had to be submitted to both Parliaments, and after that to the Council of the League. The text of the treaty had, according to the report, to be communicated to the Permanent Mandates Commission for information. The Commission could therefore note this in its report and draw the Council's attention to the omission of the clause respecting freedom of conscience. The Commission should be careful, however, to make no final criticism of the treaty, because it had not yet been ratified by the contracting parties, and the Commission might therefore lay itself open to the criticism that it was raising objections to something which had not become actual law.

M. ORTS said that, in view of the fact that the treaty had been signed by the plenipotentiaries of both parties, its form was more definitive than that of a mere draft. It was a treaty signed by the negotiating parties and submitted to the interested Governments for ratification. He suggested that the Commission should decide the text of its observations upon the treaty when it was discussing that part of its report to the Council dealing with the administration of Iraq.

Dr. KASTL did not agree with M. Merlin. The treaty was to all intents and purposes final. The Parliaments of the contracting parties could only accept or reject it. They could not modify it, for the negotiations were now at an end. The Commission must therefore consider the text to be final. In those circumstances, he thought that it should examine it in order to discover whether it was or was not in conformity with the provisions of Article 22 of the Covenant. He would point out that, if the Commission did not take the opportunity to examine it at its present session, such an opportunity might not occur again.

M. MERLIN agreed that the Parliaments of the contracting parties could not amend the treaty. They could only adopt or reject it. The Commission could certainly make observations on the treaty, but an opportunity would occur later, for it would not be ratified until the Council of the League had approved it. He therefore agreed with M. Van Rees. Any observations made on the treaty could be included in the general observations on Iraq.

The CHAIRMAN pointed out that there was a distinct difference between the treaty of 1922 and the treaty of 1927. In the former case, in the covering letter forwarding the treaty of 1922, the mandatory Power had definitely undertaken to make no change or modification in the text without the consent of the Council of the League. In the case of the treaty of 1927, however, it was merely communicated for the information of the Commission.

He would urge the Commission not to treat Iraq any differently from other mandated territories. For example, the new treaty gave a very great measure of independence to Iraq, to such an extent that it was hoped that, within three years of its coming into force, Iraq would be a candidate for admission to the League of Nations. This raised the more general question as to who was responsible for judging whether Iraq could be given such a large measure of independence, and on what conditions, for it would be necessary to consider whether an independent Iraq should, as he thought, and whether it could, carry out unaided certain obligations such as freedom of conscience and economic equality, obligations which had been established in the general interest of all the Members of the League.

If the Commission passed the treaty over in silence, would not this create a bad impression in, for example, Syria? The Commission had ventured to offer the French Government its opinion in regard to Syria, and should therefore do the same in regard to Iraq. It should

not treat the new treaty between Iraq and Great Britain as a mere matter of form and the proceedings of France in regard to Syria as a matter of principle.

M. PALACIOS emphasised the fact that the treaty would be submitted to the Council, and not only the treaty but the military and financial agreements, none of which could come into force without the approval of the Council of the League. This was stated on page 16 of the report of the mandatory Power. The Commission should therefore examine the treaty in detail and submit its observations. The matter was of immense importance. Article 1 dealt with the question of granting sovereignty to Iraq and Article 8 referred to the possibility of the entry of Iraq into the League at an early date. The two questions were connected with and raised a number of problems which the Commission could very well study and discuss, even if it could not settle them. This moment was the coming-of-age in international life of a ward. M. Palacios wished the Commission to examine the treaty in a reflective spirit rather than one of fear. Independence must come sooner or later and the mandatory Power was proceeding in a masterly way and with much tact in its capacity as protector and guardian.

M. MERLIN agreed that the report of the mandatory Power stated :

“ The new treaty was signed in London on December 14th . . . It was agreed, however, that the treaty should not be ratified, and consequently could not become operative, until the revision of the military and financial agreements had been completed and all three instruments had been approved by the Council of the League. ”

If it was admitted that the treaty should be examined at once by the Permanent Mandates Commission, then that examination should be full and thorough and a special report made to the Council upon it.

M. VAN REES recalled the fact that a mandate for Iraq had never been confirmed by the Council, since, in 1922, a treaty between Great Britain and Iraq had been substituted for the mandate. A new treaty to take the place of those of 1922 and 1926 had just been submitted to the Commission. While it confirmed more formally the independence of Iraq as a sovereign State, the new treaty, regarded from the point of view of the mandate, resembled in all essentials the Treaty of Alliance of 1922. As the latter treaty had not given rise to any objection on the part of the Council, M. Van Rees did not see very clearly what there might be to say against the new treaty, except perhaps in connection with the one point he had already indicated.

The situation in regard to Syria, to which reference had been made, was quite different. No alliance had been concluded between the mandatory Power and the Syrians. The Commission had ventured morally to support France when she had resisted the line adopted by the elected Assembly in Syria, whose recommendations had not been compatible with the terms of the mandate.

Lord LUGARD agreed with M. Van Rees. The treaty in question did not differ from the treaty of 1922, as far as could be perceived. The accredited representative could, however, be asked whether in actual fact the treaty of 1927 did differ from that of 1922, and, if so, in what respect ?

M. RAPPARD considered that the present session was the only opportunity which the Commission would have of making any observations on the treaty of 1927. He proposed, therefore, that the treaty should be examined article by article.

M. PALACIOS agreed. He would be of the same opinion even if the only result was to raise such questions and such problems as might arise from the treaty.

The CHAIRMAN summed up the discussion. The members of the Commission were generally in favour of an examination of the treaty. In view of the fact that it had been officially communicated to the Commission, the latter was perfectly free to examine it. He proposed to ask the accredited representative the question suggested by Lord Lugard, with special reference to the omission of the clause regarding freedom of conscience.

Agreed.

941. Iraq : Examination of the Annual Report for 1927 (continuation).

Mr. Bourdillon, Counsellor to the High Commission at Iraq, and Mr. Lloyd, of the Colonial Office, accredited representatives of the mandatory Power, came to the table of the Commission.

Use of Arabic in Kurdish Schools.

The CHAIRMAN pointed out that it was stated, on page 26 of the report, that “ even the southern Kurds are not unmindful of the advantages of learning Arabic ”. That was proved by the attitude of the Provincial Council of Arbil, which, late in the year, had agreed to accept Arabic as the language of instruction in the first secondary class in the Arbil school. That same Council had considered the possibility of putting forward a request that, in the fifth

and sixth primary classes, certain subjects should be taught in Arabic, so that the boys on passing out of the primary division might be better fitted to enter secondary schools in which Arabic was the language of instruction.

On the other hand, it appeared, from paragraph 8 of the section headed "Ministry of Education" (page 157 of the report), that the Iraq Government, which insisted on the maintenance of Arabic as a second language in the Kurdish schools, was meeting with some difficulty in this respect.

What was the present position and the probable issue of the problem involved?

Mr. BOURDILLON replied that there was no discrepancy. The first quotation referred to the use of Arabic as the language of instruction. The second referred to the teaching of Arabic. Arabic was one of the compulsory subjects in Kurdish schools, but was only used as a language of instruction in certain higher classes.

Settlement of Assyrian Refugees (continuation).

The CHAIRMAN pointed out that a detailed account was given in the report of the settlement of those Assyrian refugees who were not willing to return to their homes in Turkish territory. It was stated, on page 32, that the sum immediately required for the achievement of the scheme which was being carried out amounted to 3,50,000 rupees, which was expected to be granted by charitable organisations. Had this money been collected? If not, had the settlement programme been held up or was it being carried on at Government expense?

Mr. BOURDILLON replied that the money had not yet been collected, but that the settlement programme had not been delayed on this account. A certain amount of money from charitable sources had been put at the disposal of the Assyrian Settlement Office, and this had not yet been entirely expended.

The CHAIRMAN pointed out that the Assyrian refugees had remained unsettled for some three or four years. Why had not the Iraq Government made definite arrangements for them?

Mr. BOURDILLON repeated that the programme had not been delayed from lack of funds. Settlement proceeded as fast as land was available and as the Assyrians could be induced to move to the new settlements.

The CHAIRMAN thanked the accredited representative for these explanations.

Press Telegram Censorship.

M. VAN REES enquired whether a censorship existed in Bagdad for Press telegrams. If so, in what manner did it operate?

Mr. BOURDILLON said that there was no censorship either by the High Commissioner or by the Iraq Government. The correspondents of certain English newspapers were in the habits of consulting the High Commissioner on important points in regard to which the information that he could supply would amplify or correct their own.

Relations between Iraq and Persia.

M. ORTS referred to the discussion which had taken place in the Sixth Committee of the Assembly during its ninth ordinary session, when the Persian delegate had made a number of criticisms of the observations made by Mr. Bourdillon at the twelfth session of the Mandates Commission. The British delegate had replied. Had Mr. Bourdillon any further observations to make?

Mr. BOURDILLON made the following statement:

During the twelfth session of this Commission, certain questions were put to me by M. Rappard about the relations between Persia and Iraq. During the session of the Sixth Committee of the Assembly of the League of Nations held last September, His Highness Mohammad Ali Khan Foroughi, the Persian delegate, referred to my replies to those questions, and based upon them a complaint against the Iraq Government in respect of its relations with Persia and its treatment of Persian nationals resident in Iraq. My Government regard it as regrettable that the Persian delegate should have adopted this attitude, because it has itself always hoped that the difficulties which unfortunately exist between the two countries can be solved by friendly discussion, and it feels that a series of mutual recriminations before

Committees of the League Assembly and this Commission are not likely to assist towards this end. My Government still hopes, and indeed believes, that a solution can be found by friendly discussions. It feels, however, that it is incumbent upon it to take this opportunity of supplementing and completing the replies which the British delegate was able to give at the time to the statements of His Highness Mohammad Ali Khan Foroughi. I will accordingly, with the permission of the Commission, proceed to do so. But I would wish to preface my remarks by emphasising that nothing in the following statement is intended to be in the nature of an attack upon the Persian Government. I trust that nothing that I shall say will admit of such an interpretation, but, *ex superabundanti cautela*, I think it well to make it clear that what follows is to be regarded purely as a defence.

The Persian delegate pointed out that M. Rappard had expressed surprise that Persia had consuls in Iraq, although she had not recognised the Government of that country, and he suggested that I might have replied to M. Rappard that Persia does not keep any consuls officially appointed as such in Iraq, but only agents in charge of consulates. I should like, in reply to this suggestion, to read to you a translation of a letter from the Persian Foreign Office to the British Minister at Teheran in regard to one of these appointments. The letter, which is dated November 7th, 1927, runs as follows :

“ The Persian Ministry for Foreign Affairs begs to bring to the notice of the British Legation the fact that Mirza Javad Khan Vahid, ex-Persian Consul at Erivan, has been appointed Persian Consul at Mosul and has left for his destination. ”

I have examined a number of similar communications and they are all couched in these terms.

The procedure followed in these cases is for the British Minister at Teheran to inform the High Commissioner at Bagdad of the appointment. The latter, after satisfying himself that there is no *prima-facie* reason to suppose that the person appointed will be *persona non grata*, and that the post to be filled is not a new creation but existed in Turkish times, informs the Iraq Government of the appointment and requests it to put no obstacle in the way of the fulfilment, by the person named, of the duties of his appointment. That individual then takes up his appointment, signs himself Consul-General, Consul or Vice-Consul as the case may be, and flies the Persian flag over his office, and on his motor-car if he possesses one.

The point is of some importance, as the Iraq Government has shown remarkable forbearance in its treatment of these officials. It cannot, of course, recognise them officially, and invite them to official functions. But it has allowed them to use their full titles ; it has allowed them to fly the Persian flag ; and it has granted them the necessary facilities for carrying out all the normal functions of consular officers.

The Persian delegate next proceeded to deal with the claim of the Persian Government that its nationals in Iraq should be entitled to the special judicial privileges accorded to certain foreigners under the provisions of the Anglo-Iraq Treaty. In this regard, it is unnecessary for me to add anything to the very full reply given by the British delegate. I should like, however, in this connection, to refer to one question which was not specifically raised by the Persian delegate, but which is in fact inherent in all his complaints, namely, what persons in Iraq are entitled (by courtesy only, of course, at present) to Persian consular protection.

The Iraq nationality law is, on the whole, simple. It is based on the Treaty of Lausanne and on certain principles generally recognised among civilised nations, the most important of the latter being the principle that a person born in Iraq is an Iraq national if his father was also born in Iraq. Persons of foreign race are safeguarded by the usual provision for renunciation on attaining majority. I think the Commission will agree with me that this is a very reasonable and a very ordinary principle. According to Persian custom, however, the descendants of a Persian national *ad infinitum* appear to be regarded as Persian nationals, *wherever they may be born*. The result is a large number of cases of dual nationality. Now, cases of dual nationality are by no means uncommon, and the universal practice in regard to them is that the nationality of the country of residence prevails. In other words, an individual who is by Persian law a Persian and by Iraq law an Iraqi must be treated in Iraq as an Iraqi and in Persia as a Persian. In neither country can he claim the consular protection of the other Power.

The number of inhabitants of Iraq who are in the above position is considerable, and the principle just mentioned has been enunciated many times in their regard, both by the High Commissioner in Bagdad and by the British Minister in Teheran ; but the Persian authorities have never acknowledged it, and it appears probable from their actions in Iraq that they dispute it. It appears, in fact, that the Persian Government not only claims as Persians all descendants, however remote and wherever born, of a Persian subject, but also deny that such persons can in any way acquire, or be born possessed of, another nationality without the specific consent of the Persian Government. I may be mistaken ; I hope I am, and, if this is indeed the case, my Government will welcome the correction of my mistake by the Persian

Government. But the fact remains that all references to dual nationality in letters from the British Minister at Teheran to the Persian Government, or from the High Commissioner at Bagdad to the Persian Consul-General, have been ignored; and the Persian Government continues to claim the right to protect persons who are, under Iraq law, Iraqis, and who have not taken advantage of the opportunity given them to renounce that nationality. This attitude had led to a most unfortunate state of affairs in Basrah, on the banks of the Shatt-el-Arab, where the tribal cultivators of the Iraq riparian tracts are claimed as their nationals by both Governments.

I will not enter into the merits of the dispute, for it is hoped that it can be solved to the satisfaction of both sides by a proper interpretation of the Treaty of Erzerum, or, failing that, by mutual agreement upon a compromise. But so long as the dispute exists, there is naturally a tendency for the cultivators in question to play the one Government off against the other. The dispute is, my Government hopes and believes, susceptible of settlement, and the Persian Government has given evidence of its desire to settle it. I have mentioned it merely in order to call attention to the nationality difficulty, which, as I have said, is inherent in most of the complaints made by the Persian delegate. The British Government, unlike the Persian, has recognised the existence of this difficulty, and has officially informed the Iraq Government that in its opinion a British national who is also an Iraq national is not entitled to special judicial privileges.

The Persian delegate next proceeded to challenge my assertion that a better system of justice has been established in Iraq than was formerly in existence. He did not support his challenge by any specific allegations of corruption, ignorance or prejudice, and his mere denial of my statement is, I venture to suggest, of little weight. My statement was of a nature that cannot be proved by statistics, but I believe that, if any member of this Commission were to prosecute enquiries in Iraq, he would find ample corroboration of it.

His Highness then referred to a statement of mine to the effect that the Iraq Government had always displayed goodwill, whereas the Persian Government had only co-operated when it was to its interest to do so. He maintained that exactly the opposite is the case. I should like to quote a few instances of Iraq goodwill, and the following, among many, occur to me as worthy of mention.

1. There is no direct telegraphic communication between Iraq and Persia, all telegrams going by Bushire. Rates for what are actually very short distances, if a direct line existed, are consequently very high. The Iraq Department of Posts and Telegraphs attempted to come to an agreement with the Persian Department, and though the Persian Government refused, on the ground that it had not recognised the Iraq Government, to allow the two countries to be connected by a wire, and insisted on hand transfer at the frontier, an agreement was reached providing for a line to the frontier on each side. The Persian Government has so far refused to put the agreement into force.

2. For the convenience of passenger and goods traffic, the Iraq Government wishes to extend its railway from Khanaqin to the frontier, and to have a combined Customs post at the frontier. The Persian Government has so far refused to entertain the idea.

3. Persia has an excellent long-distance telephone service to the frontier, and Bagdad is connected with Khanaqin, 10 miles from the frontier. A recent suggestion by the Iraq Postal Department that the services should be linked up was met by a curt *non possumus*.

4. In 1924, owing to the difficulties that were being experienced by the Persian Customs authorities in stopping smuggling in the Shatt-el-Arab, the local Customs officials on each side drew up an agreement designed to assist the Persian authorities by affording them the close co-operation of the Iraq Customs Department, and actually allowing them to operate to some extent in Iraq waters. Although the agreement was entirely in Persian interests, the Persian Government refused to recognise it. It is, however, in fact operative, and the Iraq Customs Department continues to give every assistance to the Persian Customs authorities.

5. In 1926, when Salar-ad-Daullah, after an unsuccessful attempt to raise a revolt in Persian Kurdistan, was attempting to escape through Iraq in disguise, he was arrested by the Iraq police. The Persian Government was immediately informed, and though Salar-ad-Daullah had committed no offence against the Iraq Government, except to enter Iraq without complying with the provisions of the Passport and Residence Laws, he was detained in custody for some months, until the Persian Government was able to make arrangements for his future.

Many other instances of Iraq goodwill could be quoted. The Persian delegate gave an instance of Persian goodwill, namely, the grant to Iraq of most-favoured-nation treatment in Customs matters; but it must be remembered that Iraq, for her part, similarly affords Persia most-favoured-nation treatment in these matters. The Iraq Government is, however,

most grateful for this concession, and hopes that the situation may continue to be dealt with thus satisfactorily on a basis of reciprocity.

The statement that Persians are treated by the Iraq authorities with severity and exposed to various forms of injustice is without foundation. Every complaint that has been made by any Persian consular officer to the High Commissioner during the last seven and a-half years has passed through my hands (except when I have been absent on leave), and I can honestly say that I can remember one instance, and one only, in which it was established that an Iraq official had actually ill-treated a Persian. The official in question was punished by the Iraq Government on its own initiative directly his offence was proved. The fact is that if an Iraqi loses a case in the Courts, or has his property stolen and the police fail to recover it, the matter ends there. A Persian, on the other hand, complains to his consul, who, as a general rule, sends the complaint on through the Consul-General to the High Commissioner without any enquiry, and with the expressed assumption that the Iraq authorities were at fault. I remember one instance of a Persian being run over by a motor-car. The accident occurred outside a town, and not in a place requiring police traffic control, and yet it was attributed by the Persian Consul-General to "the carelessness of the police". The only connection that the police had with the case at all was that, on hearing of the accident, they promptly took the injured man to hospital. A large number of the complaints which are received from Persian consular officers are no less frivolous than this.

The Persian delegate next referred to the religious hatred of the people of Iraq for Persians. I would point out, however, that about half the population of Iraq is Shiah, and that the places where the majority of Persians in Iraq reside are entirely Shiah. His statement that Persians are badly treated in the Iraq Courts and that Iraqis refuse to give evidence on their behalf because they are Shiahs is entirely unsupported by fact.

His Highness then spoke of a nationality "tax" which had to be paid by all foreigners born in Iraq who wish to maintain their nationality of origin, and said that this was specially aimed at Persians. He refers to the fee (a single payment, not a tax) for renouncing Iraq nationality. The fee originally fixed for such renunciation was 50 rupees. The Iraq Government realised, however, that most of the persons wishing to renounce Iraq nationality would be of the poorer class, and reduced the fee, in deference to the representations of the Persian Government, to 10 rupees. It further, again in deference to the representations of the Persian Government, extended the time allowed for such renunciation. It should be noted that the fee is not paid in order to enable a foreigner to retain his original nationality. That he does anyhow, though, in accordance with universal custom, his foreign nationality is subordinated to his Iraq nationality while he is in Iraq. The fee is paid in order that he may divest himself of his Iraq nationality, and of the obligations which that nationality imposes on him, and obtain the benefits of consular protection. In the circumstances, a fee of 10 rupees is anything but excessive.

The reasons for which it has not been found possible to agree to the Persian suggestion that Shiah magistrates should be appointed in places where there are a large number of Persians have already been given by the British delegate, and I need not repeat them. The important qualifications for a magistrate are knowledge of the criminal law, intelligence and integrity. The Iraq Government does its best to ensure that its magistrates possess those qualities, and to appoint magistrates on the basis of sectarian qualifications would, I submit, be a retrograde step for which there is, in fact, neither necessity nor justification.

The Persian delegate suggests that Persians fail to obtain justice in the criminal Courts, not because they are Persians, but because they are Shiahs. But the Iraqi Shiahs do not also complain of injustice in the criminal Courts, and the Iraqi Shiah is not as a rule backward in airing his grievances. In this connection, I should like to call the attention of the Commission to a fact of which the Persian delegate was possibly not aware, namely, that the great majority of cases in which Persians are concerned are, and by the law of the land must be, tried by Shiahs. I refer to cases of personal status, such as marriage, divorce, inheritance, maintenance and the like. In these matters Persians, in common with all Mohammedans, come before the Shara Court. Under Article 77 of the Organic Law, the Shara Court (or Qadhi) must be of the sect to which belongs the majority of the inhabitants of the place to which he is appointed, while in Bagdad and Basrah there are both Sunni and Shiah Qadhis. Most Persians in Iraq reside in places where Shiahs are predominant, and therefore automatically come before the Shiah Court in cases of personal status. The position of Persians (and other Shiahs) in places where there is only a Sunni Qadhi is safeguarded by the Shara Courts Law of 1923, which provides, *inter alia*, that, if any suit regarding personal status which should be decided according to Shiah doctrine comes before a Sunni Qadhi, he must refer the case to a Shiah 'Alim for decision. Though the judgment is actually delivered by the Sunni Qadhi, it merely gives effect to the decision of the Shiah.

Both classes of case come, in revision, before the Shiah Court of Revision, from which there is no appeal.

The Persian delegate next turned to the question of trans-frontier brigandage, and complained that, far from Persian territory being occasionally used, as I had suggested, as a base for brigandage in Iraq, the exact reverse was the case. He quoted three instances.

With the history of the first, Shaikh Mahmoud, this Commission has been made familiar by the annual reports submitted to it. I need only remind you that he was a rebel against the Iraq Government who at one time made his headquarters in Persia, and committed a series of depredations in Iraq from there. The Iraq Government asked the Persian Government for assistance, but this it was genuinely unable to afford. He has now submitted to the Iraq Government and is living peaceably in Persia. He has never, so far as I am aware, committed any offence against the Persian Government, and I am at a loss to understand what grievance that Government can have in connection with him.

Semitku, or Simko, is a different case. He has caused a great deal of trouble both to the Persian and the Turkish Government. It is true that he fled to Iraq territory and remained there for some time. The Iraq Government would have been only too delighted to arrest and deport him, but was unable to do so, as he remained in a wild and remote district. In actual fact, he committed no offences against either the Turkish or Persian Government while in Iraq, and has now made his peace with the Turkish Government and settled in Turkey.

The Pizhder tribe, to whom His Highness next referred, is an Iraqi Kurdish tribe spending a small part of each year in Persia, where it owns villages. One year, during its seasonal stay in Persia, it came into conflict with the Persian authorities and did a good deal of damage. It is clear that no responsibility at all rests on the Iraq Government, any more than it would on the Persian Government did either the Jaf or Sinjahi tribes of Persia commit crimes in Iraq during their seasonal stay there.

The only instance I can recollect of brigandage from Iraq into Persia is the case of one Riza Khan Nerizhi, a Persian brigand who took refuge in Iraq, and from there committed acts of brigandage both in Iraq and Persia. The Iraq Government took active measures against him, with the result that he fled to Persia and surrendered himself to the Persian authorities, who promptly gave him a free pardon.

Finally, the Persian delegate quoted a statement by me to the effect that :

“ The Persian Government had recently forbidden Persians to enter Iraq, taking as a pretext the fact that a number of cases of cholera had occurred at Basrah, though Persians cross the frontier hundreds of miles to the north of that town and resort mainly to the holy cities, which are absolutely free from cholera. ”

His Highness said that in fact the prohibition was on account of plague. I can only reply that the prohibition was enforced at the end of July, that at that time there had been no single case of plague in Iraq for two months, and that, as Acting High Commissioner, I was officially informed by the British Minister at Teheran that the pretext for the prohibition was cholera.

May I conclude by again requesting the Commission to treat the remarks which I have made on this subject as a defence, and not as an attack. It is the hope and belief of my Government that, before these remarks are printed and published, relations between Persia and Iraq will have been satisfactorily adjusted.

M. RAPPARD had listened with great interest to the statement made by the accredited representative—all the more so in view of the fact that he had heard the discussion in the Sixth Committee of the Assembly. The Persian case, as far as he could understand it, was as follows : Persia maintained that, if there was only one system of jurisdiction in Iraq, she would naturally have no objection to raise. As, however, nationals of other Powers, specially British subjects, enjoyed the privileges of consular jurisdiction, she held, in view of the fact that Persia was also a Member of the League, that that privilege should be extended to her also, all the more so as she had enjoyed it in Turkish times.

Mr. BOURDILLON replied that the Persian Government had not recently laid quite so much emphasis upon the fact that she had enjoyed consular jurisdiction in Turkish times. The whole situation had been fully explained by Lord Parmoor at a meeting of the Council in September 1924, and his explanations had been accepted by the Council. Briefly, the answer to the claim of Persia was that the privileges accorded in Turkish times had been reciprocal. The British Government had always been ready to support any suggestion that a reciprocal system should be continued by both Governments, but, in view of the fact that Persia was not prepared to grant special privileges to Iraqis in Persia, the British Government could scarcely be expected to agree that the possession of reciprocal privileges in Turkish times should give Persia the right to non-reciprocal privileges at the moment.

M. RAPPARD said that Persia maintained that it was not possible to grant reciprocity because she had abolished all capitulations in the case of other countries. She maintained that, as a Member of the League, she should enjoy privileges granted to other Members, and the fact that there happened to be a large number of Persian residents in Iraq could not be considered as changing the legal position. Persia also pointed out that the Council, however much it might have agreed with the explanations given by Lord Parmoor, could not modify the general principle which stipulated equality of treatment in a mandated territory for the nationals of all States members of the League.

M. RAPPARD wished to point out that he was not supporting the Persian case but merely stating it.

Mr. BOURDILLON replied that Persia had never, so far as he was aware, claimed any legal rights to judicial privileges. She had, on the contrary, complained that the 1922 treaty did not give her a legal right. She had claimed a moral right (as a Member of the League) and had stated that, unless her demand was granted, she would not recognise the Government of Iraq.

M. RAPPARD thought that Persia derived her claim to a legal right for special privileges under the general provision that she, being a Member of the League, must, by reason of the general principle involved, be granted equality of treatment with respect to any other Member.

Mr. BOURDILLON could only repeat that the Persian Government had never officially claimed a legal right under the treaty. Iraq could not be expected to grant the privileges in question if Persia refused reciprocity.

The CHAIRMAN suggested that Mr. Bourdillon and M. Rappard should discuss the question in private.

M. RAPPARD said that, as a result of his private conversation with Mr. Bourdillon, it would be unnecessary for him to detain the Commission long. He might say—at any rate, on his own behalf—that, if the Persian Government had never in its negotiations with the British Government based its claim on the principle of equal treatment, on which M. Rappard had understood her claims to be based, he saw no need for the Mandates Commission to pursue the matter further at present.

Frontier between Turkey and Iraq.

M. ORTS observed from the report that the delimitation of the Iraqui-Turkish frontier had been concluded about a year ago. In its final Protocol, the Boundary Delimitation Commission had made two recommendations. The first of these referred to the possibility of rectifying the fact that the Treaty of Angora contained no safeguards for social and economic interests and that it often occurred that the frontier line bisected the territory of a tribe and even of a village. The Commission had therefore recommended that the Governments concerned should ascertain whether it was not possible to permit the owners of land to cultivate their property on either side of the boundary.

Secondly, the Commission had considered that the possible displacing of the thalweg of the Kharbur and Hazil rivers should not affect the rights of landowners, and had drawn the attention of the Governments interested to the possibility of concluding a convention to regulate questions touching the flow of the rivers, such as the prohibition of new works which might alter the thalweg of the rivers and affect navigation, fishing and Customs arrangements.

Had any steps been taken to give effect to the recommendations of the Boundary Commission?

Mr. BOURDILLON said that the first recommendation had been discussed at a meeting of the Permanent Frontier Commission in July 1928. That Commission met twice a year under the Treaty of Angora. The Commission had arrived at the conclusion that each case should be settled as it arose by the local frontier officials. No complaints had been received since that time.

The second recommendation, with regard to the Kharbur and Hazil rivers, had not yet been taken up. The position on either side of the rivers, particularly on the Turkish side, was not yet sufficiently settled and the matter was not likely to be ripe for discussion for some years to come.

Frontier between Syria and Iraq.

M. ORTS noted that the question of the frontier with Syria did not seem to have made much progress, although on the Syrian side those concerned appeared to be ready to come to a settlement. The present frontier still gave rise to criticism.

Mr. BOURDILLON answered that the question had made no advance. There had been discussions between the French and British Governments, but they were not, he thought, likely to progress much further until the question of the Syrian and Turkish boundary had been settled. The final position of the Syro-Turkish frontier might possibly have a reaction on the frontier line which the French Administration would desire to claim to the north of Iraq.

Frontier between Nejd and Iraq.

M. PALACIOS observed that, according to page 56 and following of the report, there had been trouble on the Nejd frontier. It was stated that the High Commissioner "was at the

close of the year in consultation with His Britannic Majesty's Government as to the possibility of taking more drastic action ". Was it proposed to take more drastic action, and, if so, what action ?

Mr. BOURDILLON replied that the question of the trouble between Iraq and Nejd would be fully dealt with in the next year's report. This was one of the subjects to which the Iraq Government and the High Commissioner had had to devote the closest attention in 1928. Mr. Bourdillon accordingly would prefer not to give the history of the question at the present session, but he might say that, early in 1928, the position had become so acute that the British Government had been forced to take drastic action and to send armoured cars and aeroplanes across the frontier to prevent the Nejd tribes from raiding the Iraqi tribes.

Public Health.

Dr. KASTL observed that, in the section on health, the report stated that the position was generally very unsatisfactory. It had, for instance, been found impossible to increase the hospital accommodation ; the insufficiency of accommodation in the General Hospital at Bagdad had become very grave, while there was a long waiting list of patients. The same remarks were made regarding the hospital at Mosul. At the same time, Dr. Kastl noted that expenditure on public health had declined from 34 lacs in 1921-22 to 22 lacs in 1927. The inference was that the Public Health Department was not working on a satisfactory scale.

Mr. BOURDILLON reminded Dr. Kastl of the statement he had made, at the previous meeting, that it would be unfair to Iraq to compare the figures for the years 1921-22 and 1922-23 with those for the year under review because, in the former years, Iraq was emerging from a period of military occupation during which money had been spent on a very extravagant scale by the British Government. It would be fairer to compare the figures for 1927-28 with those for the years from 1923-24 onwards. In 1923-24 the total sanctioned for the Iraq health service had been 18 lacs and this amount had been increased more or less progressively, until, in 1927-28, it had reached 25 lacs. It would thus be seen that, since Iraq had taken stock of her ability to pay her way and had really begun to cut her coat according to her cloth—a course which she had only really begun to take in 1923-24—there had been a decided increase in the expenditure on public health. No less than 20 lacs had been spent on hospital building since 1921. True, hospital accommodation was insufficient, but so were funds. At the same time, everything possible was being done to increase accommodation. Work had been begun on a new out-patients' ward in the Royal Hospital and should be finished soon. The funds for this were being supplied from the Maude Memorial Fund and not by the Government.

Mlle. DANNEVIG observed that it was stated, on page 158 of the report, that the post of school health inspector had been cut out of the budget. Was there any prospect of reviving that post ?

Mr. BOURDILLON said that the question was merely one of transferring the work from the Education Department to the Health Department.

Public Finance.

M. RAPPARD observed that, in accordance with the system on which the report was arranged generally, the chapter in the report dealing with public finance was headed " Ministry of Finance ". He took it that this chapter was mainly written by the British Adviser for Financial Questions to the Iraq Government and was then compiled in the Colonial Office.

Mr. BOURDILLON replied that material for the chapter was supplied partly by the Financial Adviser and partly by the Heads of Departments. It was then compiled in the High Commissioner's Secretariat.

M. RAPPARD said that, according to the statement on page 92, Iraq still had no currency of her own. He would have thought that this would be a question on which the Iraq Government would have insisted, as a matter of national pride.

Mr. BOURDILLON answered that the question was still under active consideration, but there were certain points upon which the British and Iraq Governments disagreed. The Iraq Government was at present without a permanent Financial Adviser. Every endeavour was being made to get a suitable man and the negotiations would be pushed forward rapidly as soon as that was done. He himself had felt some surprise that the question had not been made more prominent, especially by the Nationalists.

M. RAPPARD observed that the Income-tax Law referred to on page 94 was a most advanced form of legislation. He was surprised that it should be thought that a law of that kind would be found applicable in a territory like Iraq. He had read the law very carefully and he understood that only persons having an income of over 4,000 rupees (approximately

£300) per annum would be liable to the tax. Income derived from shares, stocks, etc., was to be taxed at the source, but under paragraph 28 persons deriving income from other sources were required themselves to declare their income to the authorities. Was there a ready response to that stipulation?

Mr. BOURDILLON replied that the administration of the law was still in a very experimental stage. There had been considerable difference of opinion as to whether the law as it stood was applicable or whether some modified form of the previous Turkish "Tamattu" tax would not be more suitable. British officials had complained that the result of the Income-tax Law was that Government officials were the only people in Iraq at present who paid income tax; that was to some extent true. A British expert on income-tax law had, however, been brought out to Iraq and had been there a year. He was working slowly and trying to get the law put progressively into operation. It was hoped that the tax would bring in a reasonable amount from a source at present untaxed, even if it did not yield the full legal amount, and that it would be fair in its incidence.

In reply to a question by M. RAPPARD, Mr. Bourdillon added that the tax was not a graduated one; a proposal to that effect had been discussed and rejected.

The CHAIRMAN could not understand, from his knowledge of the Iraqi mentality, how the people of Iraq could possibly be expected to make a true declaration of income, since most of them had not the vaguest idea what their income was.

M. RAPPARD thought that the Commission should confine itself to expressing the hope that the optimism of the accredited representative would be justified.

Mr. BOURDILLON said it was quite true that the average Iraqi had no accurate idea of his income. He did not consider that perfection in the administration of this law could be hoped for, but something would have been attained if the Iraq Government secured the payment of a certain amount of taxation from people who, under the present system, did not bear their fair share of the burden, and if such taxation was, roughly, proportionate to the means of the taxpayer.

M. RAPPARD said that the Commission would be glad if the statement of expenditure could be presented in a somewhat different form and if it could allow of comparison between different years. If the production of oil continued to increase, the financial future of the territory could be contemplated with optimism.

As regards receipts under the heading "Miscellaneous", he noted that the actual receipts of 40 lacs included the sum of 18 lacs received as a subsidy from the British Government for the army. Did the estimates also include this sum?

Mr. BOURDILLON said that the grant had been included in the estimates.

M. RAPPARD observed that a comparison of the expenditure figures of the Ministry of Defence with those of the figures of the Ministry of Education showed that the latter were very modest.

He would remind the accredited representative that, in the previous year, the Commission had asked for a statement of assets and liabilities at the end of each financial year. In reply to that request, the report stated: "It is regretted that no statement of the assets of the country can be prepared . . ." The Commission had not asked for a statement of the assets of the country but for a statement of the assets and liabilities of the State, in the form of a capital account.

Lord LUGARD observed that a statement of assets and liabilities was made in all British colonies.

Mr. BOURDILLON enquired whether the value of Government buildings was included in such a statement.

Lord LUGARD replied in the negative.

M. RAPPARD added that the statement would relate, not to items such as the petrol resources of the country, but purely to items of Government finance.

Mr. BOURDILLON thought that it would be difficult to estimate the total value of Government assets in Iraq as, in theory, almost all the land in Iraq was Government property; it might, however, be possible to prepare a statement for next year if the Commission would state quite clearly what it wanted.

Lord LUGARD suggested that the statement should be in the form which could be found in the annual report of any British colony.

He observed that the taxes on minerals, for instance, on the bitumen and tars produced at Hit, and on gypsum and fuller's-earth, were farmed out by auction and asked whether this system did not give rise to much abuse.

Mr. BOURDILLON replied that he did not think so. The taxes in question were comparatively small ones and the industry was still in a primitive state. At the same time, the farming of taxes, particularly on agricultural products, was being done away with as rapidly as possible.

Lord LUGARD observed that it had been alleged that Iraq was one of the most heavily taxed countries in the world. At the same time, only 4 per cent of the revenues was spent on health and only 5 per cent on education.

Mr. BOURDILLON said that he was unable to give the actual figures of taxation per head. At the same time, he believed that taxation in Iraq was only about half what it was in Palestine.

Lord LUGARD drew attention to the statement, on page 93, reading :

“ More would be possible if it were not for the excessively large number of votes, each of which is a water-tight compartment, savings on which cannot be employed to meet excess expenditure elsewhere. ”

How would it be possible to budget if votes were transferable ?

Mr. BOURDILLON pointed out that the fact deplored in the report was, not that votes were in water-tight compartments, but merely that the number of such votes was excessive.

Lord LUGARD, referring to the note on page 117, asked what was the “ National Debt ”.

Mr. BOURDILLON replied that there was no national debt, except the Ottoman Public Debt. The note should read, therefore, “ Ottoman Public Debt ”.

Lord LUGARD assumed that in that case the municipal debts were not included in the Public Debt.

Mr. BOURDILLON replied that that was so.

Justice.

Dr. KASTL observed that, according to the figures on page 73, in only 58 per cent of the criminal cases registered during the year had police action led to convictions. That appeared to be a small proportion.

Mr. BOURDILLON thought it a matter of opinion. He would have said that the figure was a satisfactory one, particularly as the number of cases included, not only cases brought by the police, but cases brought by private persons.

Dr. KASTL observed that, according to the report, it appeared that the different Courts were overburdened with work.

Mr. BOURDILLON said that the volume of work in the Courts was very considerable.

Lord LUGARD asked for an explanation as to the Standing Judicial Committee mentioned on page 124.

Mr. BOURDILLON answered that this was a Parliamentary committee.

Lord LUGARD asked what were the Peace Courts mentioned on page 123.

Mr. BOURDILLON replied that they were the lowest civil Courts.

Defence of the Territory.

M. SAKENOBE asked where the Iraq levies and army were at present stationed.

Mr. BOURDILLON said that he was unable without notice to give an exact statement as to military stations. There was a garrison at Bagdad, at Mosul and at Sulaimaniya, the latter having a detachment at Panjvin. There was a garrison of the Iraq army at Nasiriya, and there were, he thought, Iraq troops at Basra as well.

In reply to a further question by M. Sakenobé, Mr. Bourdillon said that the northern frontier posts were now garrisoned by police. There was a small garrison at Panjvin, near the Persian frontier, but this had no connection with the Persian question, the garrison being maintained there solely for the purpose of keeping order.

M. SAKENOBE understood that the levies were being either disbanded or incorporated in the army.

Mr. BOURDILLON said that this work had not yet been finished. One battalion of levies had been disbanded and partially incorporated in the army. There were two battalions still in existence.

M. SAKENOBE asked what would be the strength of the standing army when the incorporation of the levies in the army had been completed.

Mr. BOURDILLON replied that the strength of the standing army was still under discussion. The probable peace-time strength would be in the neighbourhood of 11,000 to 12,000 men.

M. SAKENOBE referred to the statement, on page 102, that the organisation of the medical services of the army was greatly hampered by the difficulty of procuring suitable personnel. What were the actual conditions with regard to the provision of medical facilities ?

Mr. BOURDILLON, although he had no exact information on the point, believed that the situation was fairly satisfactory, except that there had been some difficulty in obtaining suitable doctors. Every endeavour had been made to obtain medical officers from Syria and Egypt. The Bagdad Medical College had now been established and should be turning out trained medical men within five years. It was hoped that some of these would take medical commissions in the army.

As to separate military hospital accommodation, this was provided at Bagdad, Mosul and Kirkuk.

M. SAKENOBE asked what was the strength of the railway police force.

The CHAIRMAN wished also to know what were the duties of this force.

Mr. BOURDILLON said that the force was employed to prevent damage being done to the railways and to railway property, and to protect from theft the travelling public and goods conveyed by train.

He regretted that he was unable to give the actual strength.

M. SAKENOBE observed that the ordinary police force, which had a strength of about 7,000, had been increased by 500 in the year under review. Was this in accordance with the general plan of the Government ?

Mr. BOURDILLON answered that the increase in strength was partly to cope with the situation in the southern desert and also to increase the police forces in other districts where a larger force had been found necessary.

M. SAKENOBE asked whether the railway police force was under the authority of the Director-General of Police.

Mr. BOURDILLON replied in the affirmative.

Education.

Mlle. DANNEVIG said that the report gave a very remarkable analysis of the whole education system of the country. On page 159, it was stated, under the heading "Conclusion", that the year under review had been a very disappointing one and various reasons were given for this statement. Furthermore, on page 160, it was stated that "a comparison between the general profits and losses of the year shows an adverse balance". This very severe criticism was based on the grounds of: (1) insufficient character training of teachers; (2) their insecure position; (3) the syllabuses of the schools were too full to allow of thorough work; (4) lack of school discipline; (5) inadequacy of the textbooks supplied. It was stated, however, that the greatest difficulty was the fact that religious and political controversies had found their way into the schools, so that demonstrations on the part both of the teachers and of the students were made with impunity. The Director of Education had resigned on the ground that certain proposals which he had made to improve the educational system had received no support. What were those proposals ?

Mr. BOURDILLON said that many of the difficulties which had arisen were connected with questions of personality which it would be difficult for him to explain to the Commission. It was a fact that the organisation with regard to the appointment of teachers in the Ministry of Education was not altogether satisfactory.

Mlle. DANNEVIG drew attention to the statement, on page 152, that there was a surplus of elementary-school teachers whose aptitude was not tested before they entered the training college, and she asked in what way candidates were selected.

Mr. BOURDILLON said that candidates were selected from the training school by the Ministry. The selection was admittedly not as satisfactory as it should be. Candidates were, he believed, selected partly on the results of competitive examinations.

Mlle. DANNEVIG asked for an explanation of the statement that it would require courage to reduce the number of students in the training colleges.

Mr. BOURDILLON explained the statement that reducing the output of teachers would require courage as meaning that to adopt the attitude that the number of teachers appointed must be regulated by the qualifications of the candidates available rather than by the educational requirements of the country would involve coming into strong opposition to popular and parliamentary opinion, which paid much more attention to the quantity of education than to its quality.

Lord LUGARD said that, according to an extract from the *Jüdische Rundschau* of March 25th, 1927, the Government of Iraq had entered into negotiations with the other Arab countries on the subject of a common programme for Arab education and a conference had been planned in which delegations from all Arab countries would take part. Had that conference taken place ?

Mr. BOURDILLON replied that the conference had never eventuated. The proposal originally came from Jerusalem.

Economic Situation.

M. MERLIN said that, after the very comprehensive and clear statement made by the accredited representative at the morning's meeting, he had very few questions to ask in regard to the economic situation. He had, however, one reservation to make. He had observed that the budget was diminishing rather than increasing. The same remark applied to the movement of trade. M. Merlin would point out that the figures given by Mr. Bourdillon in his note did not correspond with those contained in the report, even taking into account the corrections which he had asked to have inserted.

With regard to the balance of trade, M. Merlin observed that, while there was still a reduction in the adverse balance as compared with the years prior to 1925-26, the adverse balance for 1926-27 had increased as compared with that for 1925-26, in spite of the statement made by the accredited representative to the Mandates Commission in 1926, which indicated that the balance would probably become less unfavourable owing to the operations of the oil companies.

With regard to the details of exports and imports, M. Merlin noted that there had been a considerable decline in the exports of dates, whereas there had been a very considerable increase in the exports of grain, accompanied by a heavy decrease in the imports of that commodity. On page 111 it was stated that there was a considerable export of wool, but from the statistics on page 101 it appeared that exports of wool had declined from 80 lacs in 1925-26 to 54 lacs in 1926-27. Exports of wool, therefore, could hardly be said to be considerable, and, in any case, they were not making progress.

M. Merlin merely wished to bring these points to the attention of the accredited representative

Mr. BOURDILLON, who understood that the Commission did not expect him to reply in detail to M. Merlin, said, with regard to the decrease in the budget, that he supposed M. Merlin to be referring to the decreased revenue, which had amounted to 549 lacs in 1926-27, as against 570 lacs in 1925-26. As he had already pointed out, the high figure for 1925-26 was due to a combination of good crops and high prices, and a drop in the next year was not surprising. The figure for 1927-28, however, exceeded that for 1925-26.

The decrease in imports of grain should be regarded as a matter for congratulation, since a heavy import of grain signified something approaching to famine in the mandated territory.

With regard to the increase in the visible adverse balance, to which M. Merlin had referred, Mr. Bourdillon had attempted to explain the situation that morning, and had given what he hoped were convincing reasons for the conclusion that there was no real adverse balance.

M. MERLIN wished to draw special attention to the important problem of irrigation. Iraq had once been rich as a result of irrigation, and irrigation might restore her prosperity. He would remind the mandatory Power that Sir William Willcocks had said, with regard to irrigation in Egypt, that "not a drop of Nile water should be allowed to reach the sea without having done its work". The same remark applied to Mesopotamia.

Communications.

Lord LUGARD referred to the statement, on page 46 of the report, that transport problems were of paramount importance to commerce in Iraq. Lord Lugard would draw the accredited representative's attention to the fact that, at the Conference of Colonial Governors held in London, the question of the use of six-wheeled and wheelless vehicles which did not require any metalled roads had been discussed, and it had been decided fully to investigate the subject and, if necessary, to spend a considerable sum in experimental work. It was thought that large sums might be saved if earth roads, which could be used by six-wheelers and roller-track lorries, were constructed instead of metalled roads.

Mr. BOURDILLON said that he would be very glad if Lord Lugard would kindly place this information at his disposal.

Lord LUGARD said he would gladly do so. He asked what was the mileage of the different gauges of the railways.

Mr. BOURDILLON said that there were two gauges. The only standard-gauge line was the old German railway running due north of Bagdad, which was mainly used for pilgrims going to Samara.

Labour.

Mr. GRIMSHAW thanked the accredited representative for the interesting information given in the report with regard to the conditions of Indian workers on the oilfields and their contracts.

He asked which Department of State was entrusted with the supervision of labour conditions.

Mr. BOURDILLON said that no Department was entrusted with this work.

Mr. GRIMSHAW observed that in Basra the supervision of labour conditions appeared to be in the hands of the Port Health Authority.

Mr. BOURDILLON said that each Department made its own arrangements in regard to its own labour.

Mr. GRIMSHAW observed that in Iraq there was now a considerable amount of industrial employment of a nature which implied the development of a class of the population dependent entirely upon its wages. There were, for instance, well over 3,000 men already employed on the oilfields and a large number on the railways, and the number in the employ of private firms was increasing. Further, it seemed to him clear that changes were inevitable in the relations between agricultural workers and the landowners, and that the situation which was developing as a result of these factors would become pregnant with difficulty, possibly in the near future.

He wondered whether the mandatory Power or the Iraq Government had given consideration to the internal and social difficulties which were likely to arise as this development proceeded. The Iraq Government was quite without experience in these matters. That of the mandatory Power was vast ; but it would probably be lost to the Iraq Government in the near future. Was anything being done to warn the Iraq Government of the dangers which might shortly arise and to indicate the measures to be taken to avert them ? Was anything being done to teach the Iraq Government the way in which the situation should be handled ? Was there anyone on the High Commissioner's staff or in the Iraq Government who was competent to advise on labour matters ?

Mr. BOURDILLON said that, for the moment, the Iraq Government had scarcely realised either the existence of a labour problem or the likelihood that one would arise. There was no one, either on the High Commissioner's staff or on the Advisory staff, who would be able to give the Iraq Government specialist advice on such a problem. The High Commissioner, and no doubt the Government, would welcome any suggestions the Permanent Mandates Commission might put forward.

M. RAPPARD said that, while Mr. Bourdillon's statement was enlightening as a reply to Mr. Grimshaw's question, it seemed impossible to leave matters where they were. Obviously some warning was needed from the mandatory Power. The Permanent Mandates Commission was appointed to help the mandatory Power in carrying out its duty, but it could not take the place of the mandatory Power in giving advice.

Mr. BOURDILLON agreed that it would be desirable to warn the Iraq Government that this problem, which had hitherto not existed, was likely to arise in the future.

M. PALACIOS thanked the accredited representative for the account given, on page 36 of the report, concerning the Esnafs. It appeared that the Esnafs existed in fact but were not legally recognised.

Mr. BOURDILLON replied that the position was the exact opposite. The Esnafs were legally recognised but did not exist in fact.

M. PALACIOS observed that this did not appear from the report, which said :

“ In practically all towns where a municipal government has been set up, the local workers and craftsmen appoint from among themselves a master who represents them in their official dealings with the local authorities The dignity and privileges of the mastership of a craft or guild are much coveted The appointment or election of masters cannot be said to be done in accordance with any constitution having the authority of law ”

Mr. BOURDILLON said that the Esnafs had been recognised under Turkish law. If, however, a shopkeeper or artisan were asked to which Esnaf he belonged, he would probably imagine that his interrogator was talking a foreign language. The appointment of a master to represent workers and craftsmen in their dealings with the local authorities was not in any way official.

M. PALACIOS observed that in that case he supposed that the Esnafs held no meetings and had no jurisdiction.

Mr. BOURDILLON replied that that was the case. Artisans or workers might hold informal meetings, but they had no regular meetings and nothing that resembled, for instance, a chamber of commerce.

Concessions of the Anglo-Persian Oil Company and the Turkish Petroleum Company.

Dr. KASTL reminded the accredited representative that he had given the Commission the figures for the distribution of the capital of the Turkish Petroleum Company. Prior to the arrangement made between the Anglo-Persian Oil Company and the Turkish Petroleum Company, the former had held 45 per cent of the shares of the Turkish Petroleum Company, and had now surrendered to the Near Eastern Development Company, which represented American interests, 23.75 per cent of their shares. Had there accordingly been a new distribution of the Company's shares ?

Mr. BOURDILLON pointed out that the Anglo-Persian Oil Company was a producing Company, whose shares were open to public subscription.

Dr. KASTL observed that the Anglo-Persian Oil Company had formed a subsidiary company, and asked whether the shares of the Khaniqin Oil Company belonged up to 100 per cent to the Anglo-Persian Oil Company. There might thus have been a distribution of general interests as well, because, under the new arrangement with the Near Eastern Development Company, some of the American companies had an interest in the new Company on the Persian frontier.

Dr. Kastl added that he raised this question because he had been asked to report on the extension of the Anglo-Persian Oil Company's concession to 1996, and had come to the conclusion that the extension of the concession would be more favourable to the mandated territory if the receipts from the new royalties were adequate to meet current financial needs. It appeared from the report that the production of the Khaniqin Oil Company was 39,000 tons of crude oil, upon which royalties amounting to one lac of rupees was payable to the Iraq Government. This figure was small compared with the financial needs of the territory. Dr. Kastl wished to ask whether there was any hope that the production of the Company would improve at an early date.

Mr. BOURDILLON pointed out that, at the moment, the production of the Khaniqin Oil Company was restricted to oil which it could dispose of in the mandated territory, because there was no means of exporting surplus production. As soon, however, as a pipe-line had been laid, either to the Persian Gulf or across the desert to the Mediterranean, there was every prospect that the Company's production would increase very considerably.

In reply to a further question by Dr. Kastl, Mr. Bourdillon said that, since the preparation of the annual report, the Khaniqin Company had brought certain new wells up to the point of production and had thoroughly improved its field. It had intimated to the Iraq Government that it intended to cease boring operations for the time being, because it had satisfied itself as to the extent of the field, and because any further boring would be uneconomical.

Dr. KASTL observed that the Turkish Petroleum Company also was under an obligation to build a pipe-line. Would there be any connection between the Turkish Petroleum Company's line and that of the Anglo-Persian Oil Company ?

Mr. BOURDILLON answered that this was a matter for arrangement between the two Companies. He had no knowledge of any such arrangement.

Ministry of Auqafs.

M. PALACIOS observed that the report included a very interesting chapter (Chapter VIII) on the Ministry of Auqafs. It appeared that the administration of their funds was very unsatisfactory. The collecting of the revenues was in arrears, owing in large part, it would appear, to favouritism. The necessary diligence and pressure were lacking, and the staff even was appointed from considerations of friendship rather than competence. The report was rather discouraging as regards a possible remedy. Was there really no remedy for the situation ?

Mr. BOURDILLON answered that, in general, the administration of the Department of Auqaf was one in which the mandatory Power refrained from interfering. The High Commissioner had, however, made unofficial and occasionally official representations advising the Iraq Government as to the better use of these funds. Religious feeling, however, in regard to the Wakf funds was strong and the High Commissioner interfered as little as possible. There was a British Inspector-General in the Ministry, but his powers were limited.

Petition from the Bahai Spiritual Assembly at Baghdad.

M. ORTS observed that, according to the letter from the British Foreign Office dated October 17th, 1928, the accredited representative was authorised to reply to questions on the subject of the petition from the Bahais. M. Orts wished to put the following questions.

First, the Bahais had opposed a judgment of the Court of Appeal at Bagdad regarding certain immovable properties which, according to their statement, had been allocated to persons who were not entitled to them. Was the judgment of the Court of Appeal definitive or had the petitioners some means of appealing against the judgment before a higher Court ?

Mr. BOURDILLON replied in the negative as regards means of appeal. At the same time, the buildings in question had not been used for religious purposes.

M. ORTS observed that he was not expressing any opinion as to whether the case involved interference with the freedom of conscience. It appeared that the judgment of the Court of Appeal was final.

Mr. BOURDILLON replied that that was the case.

M. ORTS observed that the Court was called by various names. Was it the Court of Appeal or the Court of Cassation ?

Mr. BOURDILLON replied that the Court also sat as the Court of Cassation.

M. ORTS asked whether, if that was so, the case could not come again before the same Court sitting in cassation.

Lord LUGARD asked if there was any right of appeal to the Privy Council.

Mr. BOURDILLON replied in the negative.

M. ORTS asked whether, since the petitioners had exhausted all legal means, there were any other means, for instance, political means, of righting the wrong to which they appear to have been subjected. Did the Mandatory, which took the view that the Bahais had suffered an injustice, consider that it had exhausted all the means at its disposal to make amends for the wrong done ? From a letter from the Under-Secretary of State for the Colonies dated February 9th, 1927, it appeared that the mandatory Power had intended to take action in favour of the Bahais either through the mediation of the High Commissioner or by asking the Court of Appeal to revise its judgment or by urging the Iraq Government to expropriate the property in order to restore it to its legitimate owners.

Mr. BOURDILLON said that, according to legal opinion, revision by the Court of Cassation was not possible. It was a fact that the mandatory Power had recognised that the Bahais had suffered an injustice and, ever since the award made by the High Court, the High Commissioner had been considering what means could be found to remove, either by an executive act or otherwise, the unjust effects of that decision. Three different courses had been suggested. The first was that the State, which had so far taken no part in the action, should put in a claim to the escheat of the property in question, on the ground that the person in whose name the property had been registered had died without heirs. An Iraqi lawyer had been consulted and had reported that the proposal was not feasible for various reasons.

M. ORTS asked if there had been a suit for escheat in the Court of First Instance.

Mr. BOURDILLON replied that there had been no suit for escheat in the Court of First Instance, but only a pronouncement that it was not the Shiah, but the State, who should claim the property in the default of heirs. The State, however, had made no claim.

The second suggestion, which Mr. Bourdillon himself had made to a representative of the Bahais, was that they should avail themselves of the provision in Turkish law whereby, if a person were in *bona-fide* occupancy of property not belonging to him and if he erected on that property buildings of greater value than the site itself, he became entitled to purchase the site. The head Bahais had refused to take this course because they were not prepared to admit that the property did not belong to them.

The third proposal was that the Government should expropriate the property for some public purpose—for instance, for use as a school—to which the Bahais would not object, in the hope that in years to come, when the excitement had died down, it would be possible to hand the building over to the Bahais. That course had been urged upon the Iraq Government, which, however, had refused to take it, on the ground that it would arouse such violent opposition among the Shiah and that there would be grave danger of a breach of the peace.

M. ORTS recalled that he had asked the accredited representative whether the mandatory Power considered that it had done everything possible to assure freedom of conscience in the mandated territory and that Mr. Bourdillon had replied that a provision to that effect was contained in the Organic Law of Iraq. That being so, M. Orts had asked whether the mandatory Power possessed means of exercising pressure on the authorities in order, if necessary, to ensure that the Constitution would be respected, and Mr. Bourdillon had replied in the affirmative. When asking this question, M. Orts had had in mind the case of the Bahais. He understood from what the accredited representative had said that morning that the mandatory Power had means of ensuring that the principle of freedom of conscience did not remain a dead-letter. In the present case, however, where it was a question of justice inspired by religious or political passion, the accredited representative had said that, notwithstanding the opinion of the mandatory Power that the Bahais had suffered an injustice, its means of action would be without result.

Mr. BOURDILLON replied that that was the case. Up to the present time, the mandatory Power had exercised very considerable pressure without success, but it was still possible that the injustice might be remedied on the lines which he had stated.

Relations between the Shiah and Sunnis.

M. ORTS observed that the matter had an importance which exceeded that of the individual case of the Bahais. The judgment of the High Court was suspected of having been inspired by political prejudice. The consequent impression was that, from a moral point of view, conditions in Iraq were not improving. Religious passions still ran high and peace had not yet been brought about between the various religious communities. The account given, on pages 16 to 20 of the report, concerning friction between the Sunnis and Shiah showed that the state of affairs in regard to religion was rather serious. It seemed that, now that a regime of political liberty existed, the Shiah and Sunnis were tending to form into two general political parties, each on a confessional basis.

Mr. BOURDILLON replied that the position between the Shiah and Sunnis was better than in the previous year and that there were fewer active signs of disagreement between the two sects. He was, of course, referring to the present moment—that was to say, ten months after the preparation of the report. M. Orts had said that he was under the impression that the Shiah and Sunnis were tending to form into two religio-political parties. Mr. Bourdillon replied that that was true of the Shiah, but the Sunnis showed no signs of forming a religio-political party. The "hahdhah" party was almost entirely Shiah, but the other parties contained Shiah as well as Sunnis. Mr. Bourdillon did not think that the situation was becoming worse.

Mortgage of Land.

Lord LUGARD asked whether there was any check against foreclosure on mortgaged lands by usurers.

Mr. BOURDILLON replied in the negative. There was a legal maximum rate of interest, amounting to only 9 per cent, which could be obtained in the Courts. There was no prohibition on the mortgage of land.

Liquor Traffic.

Lord LUGARD referred to the statement, on page 166 of the report, that more dates than usual had been used for the manufacture of date syrup and alcoholic spirit. Was this liquor distilled, and by whom was it drunk ?

Mr. BOURDILLON replied that date spirits were drunk chiefly by the non-Moslem population.

Traffic in Opium and other Dangerous Drugs.

Lord LUGARD asked whether the Iraq Government co-operated in any way with the Persian Government on the opium question ; for instance, with regard to carrying out the terms of the Geneva Convention as regards the growth of the poppy and exports and imports of opium.

Mr. BOURDILLON pointed out that the poppy was not grown in Iraq and that only the Government was authorised to import opium. There was not much difficulty in checking imports from Persia and, so far as he knew, little opium was smuggled.

In reply to a further question by Lord Lugard, Mr. Bourdillon said that "Charas" was a hemp drug.

M. PALACIOS said that at previous sessions he had made observations to the mandatory Powers with regard to the desirability of a mutual understanding and mutual co-operation in the drugs question. According to the annual reports on the traffic in opium and other dangerous drugs in Iraq during the years 1926 and 1927, it appeared at first sight that the situation called for no comment.

The measures taken to suppress the use of "sukhteh" (the ash or residue of smoked opium) and of "shireh" showed that the policy followed for the suppression of the consumption of opium in one of its most harmful and dangerous forms was a very advanced one.

As regarded active and what he might call national measures, the establishment of a State monopoly signified a real step forward. It was, however, to be regretted that, when issuing its new regulations governing the importation of harmful drugs into Iraq, the Administration had failed to take a very simple additional measure which would have tended to facilitate the solution of the general problem raised by the limitation of the manufacture of drugs, which, taken as a whole, exceeded at the moment the world medical and scientific needs and the surplus of which was the cause of the clandestine traffic. For this reason, M. Palacios would have been glad if the Iraq Administration had ascertained and notified beforehand the amount of its requirements in drugs for medical needs and had indicated at the same time the country in which it would authorise purchases.

The Commission would have no difficulty in understanding that a measure of that kind, if generally adopted, would make it possible to ascertain the total legitimate sale of each manufacturing country, so that no manufacturing country could claim the right to manufacture quantities in excess of the total of its legitimate sale determined according to the total import certificates authorising the importation of narcotics from that country.

M. Palacios ventured to dwell on this point because he believed that the attention of the mandatory authorities should not be confined to the discharge of their responsibilities solely towards the mandated territories, but that they should, as far as possible, take all measures calculated to facilitate the application of Conventions such as the Hague Opium Convention of 1912, the supervision of the application of which had been entrusted to the League under Article 23 (c) of the Covenant.

NINETEENTH MEETING

Held on Wednesday, November 7th, 1928, at 10.15 a.m.

Chairman : The Marquis THEODOLI.

942. Iraq : Examination of the Annual Report for 1927 (continuation).

Mr. Bourdillon, Counsellor to the High Commission of Iraq, and Mr. T. I. K. Lloyd, British Colonial Office, accredited representatives of the mandatory Power, came to the table of the Commission.

Treaty concluded between the British Government and the Government of Iraq on December 14th, 1927, and Subsidiary Agreements (continuation).

The CHAIRMAN observed that the treaty resulting from the negotiations between the British Government and the Government of Iraq had been communicated to the Permanent Mandates Commission. In his view, the duty of the Commission, which acted as adviser to the Council, was in consequence to examine its terms with a view to discovering whether they were, in all respects, in conformity with Article 22 of the Covenant and with the undertakings assumed by the mandatory Power towards the League of Nations. The Commission had not yet proceeded to carry out this detailed examination, but before doing so it desired to know from the accredited representative the nature, the motives and the bearing of the amendments to the system at present in force which the new treaty was designed to make.

The Permanent Mandates Commission wished, moreover, to be informed by the accredited representative whether the mandatory Power continued to assume towards all Members of the League of Nations full and entire responsibility for the state of affairs existing in Iraq and for its administration.

Mr. BOURDILLON made the following statement :

I should like to assure the Commission that my Government stands by the assurance which was given to the Council of the League in September 1924.

In view of the way in which the question has been framed, I should like, before answering it, to explain exactly why this treaty has been communicated to the Permanent Mandates Commission. The British Government is under an obligation to obtain the consent of the Council of the League to any amendment of existing treaties. It is also under an obligation

to submit to the Council of the League an annual report on the administration of Iraq. It is in pursuance of the latter and not of the former obligation that this treaty has been sent to the Permanent Mandates Commission ; had this treaty been signed in January 1928, and not in December 1927, it is probable that it would not yet have been communicated to the Commission.

During yesterday's discussion it was suggested that it would be helpful to my Government to ascertain at an early stage in the negotiations the views of this Commission in regard to any new treaty concerning Iraq. It would undoubtedly be useful if my Government could at each stage of the negotiations be acquainted with the views of the Council of the League. Such acquaintance would effectively prevent my Government from putting forward a treaty which the Council would reject. Unfortunately, neither the Council nor the Permanent Mandates Commission is in permanent session, and such a course is therefore not practicable.

The only course practicable which does not involve inordinate delay is that which my Government is adopting, namely, to bring the treaty to a point where ratification is possible without any further discussion between the parties, and then to apply to the Council for permission to proceed to the formal act of ratification. There is, I must emphasise, no question as yet of an application by my Government for the approval of this treaty by the Council. Any observations which the Mandates Commission may make with regard to the treaty will, of course, be valuable to my Government as indicating the view which the Council is likely to take ; but there is no question of an application as yet on the part of my Government.

I wish to make this clear for two reasons. (1) It is possible, though not probable, that application may never be made for the approval of this treaty by the Council. The negotiations connected with the financial and military agreements may fail, or the Government of Iraq may refuse to consent to the ratification of the treaty or agreements. In that case, no application would be made to the Council, and the labour expended by the Commission with regard to this treaty would be wasted. I do not say that this is likely, but it is possible.

(2) My answer cannot be taken as a formal and official statement of the reasons for which the approval of the Council will be asked, if ever it is asked, to this treaty. Such a statement will, I presume, be made to the Council by the British member if and when the approval of the Council is sought. I have no authority to make it now. All I can give is an interim explanation of the effect that this treaty is likely to have on the existing regime. That is, I imagine, all I have been asked to give, but I feel bound to make my position quite clear.

I have been asked to explain the nature, the motive and the bearing of the modifications of the regime actually in force and which the new treaty is designed to effect.

I would first refer the Commission to the preamble of the treaty itself, which states :¹

“ Recognising that the terms of the Treaties of Alliance signed at Bagdad on the 10th day of October, 1922, corresponding with the 19th day of Sa'far 1341, Hijrah, and on the 13th day of January, 1926, corresponding with the 28th day of Jamadial-Ukhra 1344, Hijrah, are no longer appropriate in view of the altered circumstances and of the progress made by the Kingdom of Iraq and stand in need of revision . . . ”

The preamble itself gives one of the reasons for amending the treaty, namely, that it was agreed between the two Governments that, in view of the progress made in Iraq since 1922, the terms of the existing treaties of Iraq were no longer appropriate and stood in need of revision. The demand for revision of the treaty was made by the Iraq Government and not by the British Government.

Besides recognising, on general grounds, that it was possible, if not actually necessary, to amend the wording of the treaty, my Government realised that there were two objects to be gained by a new treaty. One of these was to satisfy the Government of Iraq by making a more definite declaration as regards the entry of Iraq into the League of Nations, an object which has been fulfilled by Article 8 of the new treaty, which states :

“ Provided the present rate of progress in Iraq is maintained and all goes well in the interval, His Britannic Majesty will support the candidature of Iraq for admission to the League of Nations in 1932. ”

The second object which my Government felt could be gained was that the new treaty should not, as previous treaties had done, automatically terminate with the admission of Iraq to the League of Nations, but should merely be susceptible, on that occasion, of such revision and modification as may be necessary.

I think that explains the motive on both sides for the revision of the treaty.

As regards the nature and the bearing of the modifications in the regime actually in force, I would ask the Commission to bear in mind that the regime is not entirely static—that is to say, it is, in full accordance with the spirit of Article 22 of the Covenant, gradually modifying

¹ Note by the Secretariat : The treaty has been published by the British Government as Cmd. 2998.

itself ; it is progressive, and, in a way, the new treaty does not modify the regime at all, but recognises the progress which has been made under the existing regime, and re-defines that regime in terms that recognise and indicate that progress.

The main objects of the treaty have been two : (1) to delete such clauses in the old treaty as have become either obsolete or unnecessary ; and (2) in view of the undoubted progress which had been made by the Iraq Government since 1922 in the conduct of its own affairs, to re-word, in language more suitable to their independent status and less offensive to their *amour-propre*, such obligations of the old treaty as must be kept alive in the new one.

I do not propose to run through both treaties and compare them word for word, but no doubt the Commission would like me to give one or two examples of the objects to which I have referred.

In the first place, as regards the amendment of provisions which have become obsolete or unnecessary, Article 3 of the old treaty provides for the framing of an Organic Law. The Organic Law having been framed, that article obviously had become obsolete and was replaced by an article undertaking that certain provisions of that Organic Law should not be modified.

Then there is another example of a provision which, in the opinion of my Government, had become unnecessary. I refer to that portion of Article 4 of the old treaty (see document C.216.M.77.1926. VI, page 10) under which :

“ His Majesty the King of Iraq will fully consult the High Commissioner on what is conducive to a sound financial and fiscal policy and will ensure the stability and good organisation of the finances of the Iraq Government so long as that Government is under financial obligations to the Government of His Britannic Majesty. ”

Iraq is no longer under any financial obligations to His Britannic Majesty except with regard to the port and the railways.

At the time when the 1922 treaty was drafted, it was anticipated that the British Government would demand payment for certain capital assets and that the payment for those assets would be a charge on the general revenue of Iraq. Therefore, the general revenues of Iraq being chargeable, in the interests of His Britannic Majesty's Government, with certain payments, a promise by the Government of Iraq to ensure the stability of Iraq was considered necessary. Further, in 1922, Iraq was not balancing her budget, and was financially in a precarious position.

When the time came to discuss the new treaty, these financial obligations had been wiped out, so that there was no charge in favour of the British Government on the general revenues of Iraq. Iraq had also for some years been balancing her budget, and showing a surplus ; it was felt, therefore, that it was unnecessary and wounding to the pride of Iraq to make her include as a treaty obligation something which was so obviously in her own interests—namely, the securing of the stability of her finances.

Similarly, another small provision in Article 8 of the old treaty says :

“ No territory in Iraq shall be ceded or leased or in any way placed under the control of any foreign Power. ”¹

That is a matter of interest to the Iraq Government itself and it was felt unnecessary to make such a provision a treaty obligation.

I would like now to refer to two instances in which existing obligations have to a great extent been kept alive but have been re-worded. I would invite the attention of the Commission to Article 5 of the old treaty, which says :

“ His Majesty the King of Iraq shall have the right of representation in London and in such other capitals and places as may be agreed upon by the High Contracting Parties. Where His Majesty the King of Iraq is not represented, he agrees to entrust the protection of Iraq nationals to His Britannic Majesty. ”²

Article 10 of the new treaty says :

“ His Britannic Majesty undertakes, at the request of His Majesty the King of Iraq, and on his behalf, to continue the protection of Iraqi nationals in foreign countries in which His Majesty the King of Iraq is not represented. ”

The position remains the same, but, instead of being represented as an obligation of the Iraq Government, it is represented as a favour by His Britannic Majesty's Government. In re-drafting the new treaty, an endeavour was made to make the language more palatable.

A more important question arises in regard to Article 5, which, when read in conjunction with Article 8 of the new treaty, may practically be said to replace Article 4 of the old treaty.

¹ Document C.216.M.77.1926.VI, page 11.

² *Ibid.*, page 10.

Article 4 of the old treaty is the article under which the Iraq Government was bound to accept the advice of the British High Commissioner in certain matters and to consult him in certain other matters. That, of course, is *the* article which has most wounded the *amour-propre* of the Iraq nationalists, namely, that they should be bound by a treaty to accept the advice of another Government.

In the new treaty there is no mention of the word "advice" nor of any obligation to consult the British Government, but under Article 5 :

"His Majesty the King of Iraq agrees to place His Britannic Majesty's High Commissioner in a position to give information to His Britannic Majesty regarding the progress of events in Iraq and the projects and proposals of the Iraq Government, and the High Commissioner will bring to the notice of His Majesty the King of Iraq any matter which His Britannic Majesty considers might prejudicially affect the well-being of Iraq or the obligations entered into under this treaty."

In other words, the Iraq Government must keep the British Government informed, through the High Commissioner, of all that is happening, and of important projects, and the High Commissioner has the right to inform the Iraq Government when he thinks things are going wrong.

That article of the new treaty must be read in conjunction with Article 8, which says :

"Provided the present rate of progress in Iraq is maintained and all goes well in the interval, His Britannic Majesty will support the candidature of Iraq for admission to the League of Nations in 1932."

Article 8 provides the sanction without which the second part of Article 5 would possibly be inoperative. There is nothing in the treaty to compel the Iraq Government to accept the advice of the British Government, but it knows that if it does not do so the British Government will be in a position to say : "You have refused to accept our advice in such-and-such a matter. Owing to that refusal, you have not continued your rate of progress. Therefore we are unable to recommend for the acceptance of the Council your application for admission to the League of Nations."

I hope that I have now given the Commission a sufficient general idea of the motives underlying the new treaty and of its effect on the existing regime.

I should like to repeat that anything I have said must not be taken as the formal and official reasons which my Government will give in asking the Council to accept this treaty (if it ever does so). I am not in a position to give such official and formal reasons.

The CHAIRMAN pointed out that the accredited representative had not referred to the omission in the new treaty of any article guaranteeing freedom of conscience. The Commission thought this matter to be of great importance—above all, in a country where a sectarian feeling was highly developed.

Mr. BOURDILLON replied that Article 3 of the new treaty would appear to meet the Commission's point in regard to the question of freedom of conscience. That article was as follows :

"His Majesty the King of Iraq undertakes to secure the execution of all international obligations which His Britannic Majesty has undertaken to see carried out in respect of Iraq.

"His Majesty the King of Iraq undertakes not to modify the existing provisions of the Iraq Organic Law in such a manner as adversely to affect the rights and interests of foreigners or as to constitute any difference in rights before the law among Iraqis on the ground of difference of race, religion or language."

M. RAPPARD thought that the Commission would be grateful for the information which Mr. Bourdillon had given it. The opinion he had formed, however, during that declaration must be the same as that of the Nationalists in Iraq, except that it must be a source of great satisfaction to the latter that the Iraq Government was not bound by treaty to accept the advice of another Government. If the new treaty were to come into force, Great Britain, if it were still responsible in theory for what was going on in Iraq, could only call the attention of the King of Iraq to any matters which might prejudicially affect the well-being of Iraq or the obligations entered into under this treaty ; but would the British Government still possess any legal means of controlling the policy of Iraq ?

The accredited representative had said the great weapon of the British Government would be a threat to refuse to recommend to the League of Nations the entry of Iraq into the League ; but suppose, for example, that like Russia, Mexico, Turkey and the United States of America, Iraq did not apply for admission, what would happen then ? The Iraq Government would always be obliged to tolerate the presence of a High Commissioner and inform him of what was going on, but not to take the advice which the Commissioner had no longer even the right to give. That being the case, M. Rappard could not understand what Great Britain could do if, for example, the Bahai petition had been sent in under the regime of the new treaty.

Doubtless the British Government would have to call the attention of the Iraq Government to the prejudicial effects of its action in the case, and there the matter would end so far as Great Britain was concerned.

He appreciated the tendency of the mandatory Power, but did not think it compatible with any measure of control by the League of Nations. The situation created by the new treaty might be satisfactory on the morrow of the day when Iraq had joined the League of Nations, but in the meanwhile, when Iraq must still submit to advice from the mandatory Power, it seemed to M. Rappard that this treaty was a decisive step and not merely an interim treaty indicating the progress achieved. With the entry into force of that treaty, the last legal bonds between Iraq and the League of Nations under the terms of Article 22 of the Covenant would be broken.

M. PALACIOS agreed in the main with M. Rappard. The political motives for amending the treaty of 1922 by the treaty of 1926 had been conditioned by the entry of Iraq into the League, as was clearly shown by the following passage in the report by M. Undén adopted by the Council on March 11th, 1926 (document C.161.1926.VI, reproduced in document C.216.M.77.1926.VI) :

“ By the provisions of this new Treaty, the Treaty of Alliance of October 10th, 1922, and the various agreements subsidiary thereto are to remain in force for a period of twenty-five years from the 16th day of December, 1925, unless before the expiration of that period Iraq shall have become a Member of the League of Nations. ”

The revision of the treaty of 1926 was therefore to be carried out as the result of the entry of Iraq into the League. Did the Nationalist Party in Iraq desire both the revision of the treaty of 1926 and the entry of Iraq into the League, or merely the latter event, which would automatically imply the revision of the treaty of 1926 ?

In Article 1 of the new treaty of 1927 now before the Commission it was said that “ His Britannic Majesty recognises Iraq as an independent sovereign State ”. The moment the treaty came into force, therefore, would not Iraq as a sovereign State be entitled to claim immediate membership of the League ? This did not appear to be so, since there was still the condition imposed by Article 8. Between Article 1 and Article 8 there existed quite a number of problems which should be carefully examined.

M. MERLIN agreed with the observations of M. Rappard and M. Palacios. The new treaty of 1927 transferred most of the obligations contained in the mandate to Iraq, and the control of the mandatory Power therefore practically disappeared. The accredited representative had assured the Commission that the British Government would always be able to bring pressure to bear upon the Government of Iraq should its actions prove in any respect to be contrary to the terms of the mandate. No stipulation of this kind, however, was to be found in the new treaty.

Constant pressure from the Nationalist Party in Iraq had apparently caused the terms of that treaty to be so modified that the control of the mandatory Power was no longer apparent. Was it not to be feared that, once this treaty had been ratified and put into force, the Nationalist Party would increase its demands, in which case the mandatory Power's position would become more and more difficult ? It might find itself forced to acknowledge its failure to preserve the stipulations of the mandate. Would it not have been better if a provision had been inserted in the treaty binding the Government of Iraq to fulfil all the provisions of the mandate and stipulating that Great Britain's responsibility for the fulfilment of the mandate remained in fact as in law ?

Mr. BOURDILLON, with regard to the question whether or not the treaty between Great Britain and Iraq was susceptible of amendment, would refer the members of the Commission to Article XVIII of the old treaty,¹ which says :

“ Nothing shall prevent the High Contracting Parties from reviewing from time to time the provisions of this treaty . . . ”

and to Article III of the 1926 treaty² :

“ Without prejudice to . . . the provisions of Article XVIII of the said treaty, which permit the revision at any time, subject to the consent of the League of Nations, of the provisions of the said treaty . . . ”

As regarded the question whether the Nationalists in Iraq desired the amendment of the treaty or entry into the League of Nations, he would say that they desired anything they could obtain ; they would like to enter the League, or to have the treaty amended, or preferably both.

M. Palacios had asked whether Iraq was a sovereign State which could enter the League of Nations at any moment. The point was really, Mr. Bourdillon thought, that Iraq was

¹ Document C.216.M.77.1926. VI, page 11.

² *Idem.*, page 7.

unlikely to apply for membership of the League of Nations unless she was certain that her application would receive the support of the British Government.

With regard to the general questions put by M. Rappard and M. Merlin, it seemed to Mr. Bourdillon that he was being drawn into the position that he had tried to avoid, of taking the place of the British representative on the Council. With all due respect to the Commission, he must say that he was not authorised nor prepared to give the reasons by which his Government would seek to justify to the Council its request for approval of this treaty, if it ever proffered such a request. He had done his best to answer the plain and simple questions put to him with reference to the nature, the motive and the bearing of the modifications introduced by the new treaty, but he was not prepared nor authorised—though he did not for a moment wish to suggest that the Commission had not the right to discuss the question—to take an active part in any discussion as to how far the new treaty would enable Great Britain to carry out her obligations to the League of Nations. That he conceived to be the duty of the British representative on the Council.

In answer to a question by M. Rappard as to whether the Commission would be given an opportunity of studying the new financial and military agreements, Mr. Bourdillon stated that the British Government was under an obligation not to ratify those agreements without the approval of the Council. They would therefore be submitted to the Council for such approval. He could not say whether the Council would consult the Mandates Commission; that appeared to him to be purely a matter for the Council to decide.

Close of the Hearing.

The CHAIRMAN, in the name of the Commission, thanked Mr. Bourdillon for the replies which he had made on behalf of his Government during the examination of the report on Iraq for 1927.

(Mr. Bourdillon and Mr. Lloyd withdrew.)

943. Islands under Japanese Mandate: Examination of the Annual Report for 1927.

M. Sato, Director of the Imperial Japanese Office accredited to the League of Nations, accredited representative of the mandatory Power, came to the table of the Commission.

Form and Date of Despatch of the Report.

The CHAIRMAN welcomed M. Sato and thanked him for the very detailed and interesting report which his Government had sent the Mandates Commission. The report showed that the mandatory Power had endeavoured to give as complete a reply as possible to the various comments made in the previous year by the Commission. It would, however, be more convenient if in future, in order to facilitate the study of the report, these replies could be arranged in a special chapter or if a reference index to them could be added to the report. The introduction to the annual report for Iraq for 1927 provided, as far as this point was concerned, an example on which the preparation of future reports on the South Sea Islands might be based.

M. SATO thanked the Mandates Commission for the warm way in which he had been welcomed. The Japanese Government's report on the administration of the South Sea Islands for 1927 had been somewhat late in reaching the Mandates Commission. There were various reasons for this delay. In the first place, there had been changes in the personnel dealing with mandates questions. Nevertheless, it had been possible to despatch thirty copies of the report not later than August. The parcel, which had been sent by the Trans-Siberian Railway, had been mislaid *en route* and had reached Geneva very late. Moreover, the reports had been received in a somewhat lamentable condition, and had had to be sent to the binder. This combination of circumstances had resulted in a delay of about three weeks, which the Japanese Government would do its best to obviate in the following year.

M. Sato admitted that the Chairman's comment with regard to the special chapter for replies from the Japanese Government to the questions put by the Commission was fully justified. He was not aware of the reasons for which the annual report for 1927 had not been submitted in the same form as in the previous year, and he would make every attempt to see that a special chapter for the replies was introduced into the report for the next year.

The CHAIRMAN said that he fully realised the great difficulties which had resulted in the delay in the submission of the Japanese Government's report. They were due to the long distance between Tokyo and Geneva, inadequate communications and the diversity of languages. The observations he had offered should not in any way be taken as a criticism. He recognised the goodwill of the Japanese Government, which he thanked for the promises made through its accredited representative.

M. RAPPARD expressed the feeling of warm sympathy felt by the members of the Mandates Commission on account of the disaster that had befallen the Islands under Japanese mandate

during the period covered by the report under discussion, and the ravages of which were shown in the illustrations annexed to the report.

Special Training of Japanese Officials to be sent to the Mandated Territory.

M. VAN REES recalled that at a previous session he had asked M. Sato if the Japanese officials who were to be sent to the mandated territories received any special training for the task awaiting them. M. Sato had replied that they did not. Generally speaking, however, the colonial Powers recognised the necessity of special training for those of their officials whom they sent overseas. Had Japan considered this question in the past year, and, if not, what was the reason for which the Government thought it unnecessary to give special training to officials who were to be sent to the mandated territories?

M. SATO said that the reply which he had given to this question in the previous year had been and still remained the right one. The Japanese officials in question received no special training. The same remark applied to all officials who were sent to the Japanese colonies. The Japanese universities had no school for the special study of colonial questions and M. Sato was not convinced of the necessity of special training for officials to be sent to the colonies. The officials who had passed the general entrance examination to the various Ministries might be regarded as fit to be sent to the mandated territories or the colonies. Moreover, the competent authority was entitled to make a selection from them and to appoint to the mandated territories only those whom he thought the best qualified to carry out official functions there.

M. VAN REES explained that it was because of the very great difficulties which must exist for Japanese officials in keeping up relations with the peoples of so different a civilisation that he had put his question.

He then asked whether it was true that the Director of the South Seas Bureau and the Director of the Palau Branch Bureau both resided in the island of Korrer.

M. SATO replied in the affirmative. In addition to the explanations he had just given, he wished to say that the Japanese senior officials were not specialists. They were, so to speak, interchangeable. The junior officials, on the other hand, when sent to the Islands, remained there for some time and thus had an opportunity of familiarising themselves with the customs of the natives.

M. RAPPARD observed that the English word "ought" was used rather frequently in the report and asked whether it was meant to be taken as signifying in French "devrait" or "doit".

M. SATO replied that it should be taken to mean "doit".

Reports from Village Chiefs.

Lord LUGARD drew attention to the passage in the report (pages 13 and 14) reading: "The village chief or assistant village chief is required to make a report at least twice a year to the head of the Branch Bureau or to the proper police officer concerning the conditions, changes in population, etc., of the village under his jurisdiction." Would it be possible to receive one of these reports?

M. SATO thought that it would be possible, but he wondered whether the report would really be likely to interest the Commission. The reports contained somewhat dry details as to births, deaths, etc. They contained nothing connected with administrative questions.

Lord LUGARD said that, in the circumstances, he would not press his request.

Forms of Handwriting used in the Territory.

Lord LUGARD observed (page 56 of the report) that the pupils in the schools in the mandated territories were taught the Katakana, Hiragana and Chinese characters. He asked for explanations of these forms of handwriting, and whether it would be possible to adopt the Roman character.

M. SATO explained that a study of the characters in question was necessary by reason of the characteristics of the Japanese language. The Katakana and Hiragana characters were Japanese characters, which all Japanese were bound to know. Japanese handwriting also included certain Chinese characters adopted some fifteen hundred years ago and were indispensable for reading and writing. Furthermore, there was less difficulty in learning these different characters than appeared. Only Chinese writing was difficult to study and

this was limited to the minimum strictly necessary for pupils in the schools of the mandated territories.

M. SATO added that there was a definite movement in Japan for the adoption of Roman characters, but it was hampered by the customs and traditions of the Japanese people, the great majority of whom were averse to any change in the system of writing.

Mlle. DANNEVIG asked whether the inhabitants of the mandated territories, who, as was known, had under the previous Administration begun to read and write in Roman characters, had found it easy to adopt the characters taught in the Japanese schools.

M. SATO said that, prior to the occupation of the mandated territories by the Japanese navy, there had been in the Islands a few natives who were more or less able to speak certain foreign languages, such as, for instance, German, Spanish or Portuguese. Since their arrival, the Japanese had introduced the methods of education in force in Japan. They had encountered no resistance on the part of the children attending school; on the contrary, the children had gladly acquiesced in learning a language which, although certainly not their own dialect, made it possible for them to make themselves understood by the native inhabitants of the other islands, and sometimes by the inhabitants of other parts of their own island. It must be remembered that the dialects were so numerous and so diverse in the South Sea Islands that the inhabitants of one island could not understand the inhabitants of another, and the same remark applied even to different parts of a single island. A similar question had been put in the previous year by M. Palacios, and on page 45 of the Minutes of the twelfth session would be found the reply then given by the Japanese accredited representative.

Languages used in the Mandated Territory.

M. PALACIOS asked what language was used by the missionaries in their dealings with the natives. He read, on page 79 of the report, that most of the missionaries were Spanish (thirty-three out of forty-two).

M. SATO said that the language depended upon the nationality of the missionaries. Most of the latter being Spaniards, the language most commonly used by the missionaries was probably Spanish.

Mlle. DANNEVIG supposed that the large number of languages spoken in the Islands led to great confusion.

M. SATO pointed out that that state of affairs was to be found practically everywhere, even in Europe. There were not many missionaries and they had only a few schools. Generally speaking, Japanese might be said to be the predominant language in the Islands.

Number of Officials in the Islands.

M. SAKENOBE asked if the return given at the bottom of page 11 and at the top of page 12 of the report was a statement of posts estimated for, or of officials actually in the Islands.

M. SATO replied that the return showed the number of posts estimated for; among the members of the personnel in question there were twenty natives.

Budgetary System: Subsidy from the Mandatory Power; Poll-Tax; Mining Tax.

M. RAPPARD said that a perusal of the tables on page 36 and the following pages had led him to a twofold conclusion, which was of some interest. First, in drawing up the budget estimates, every endeavour had been made to ensure as close concordance as possible between the figures for receipts and the figures for expenditure; that was a very praiseworthy effort and a token of great optimism. Unfortunately, in the previous financial years the actual figures of expenditure and revenue were entirely at variance with the estimates. For instance, the estimated revenue for 1926, amounting to 4,618,787 yen, had been exceeded by more than 2,000,000 yen by the actual receipts. This margin was the more striking in that great care had been taken, as M. Rappard had already pointed out, to balance revenue and expenditure as closely as possible. A difference of the same kind was to be found in the estimates for the surplus of revenue, which, instead of 731,538 yen, had been 2,749,779 yen. Would it not be possible to make the estimates a little nearer the actual facts?

M. SATO explained that it was a hard-and-fast rule in Japan that the budget should be strictly balanced. This rule was, he thought, not peculiar to his country, and, if his memory were correct, it had been applied in Russia before the war. The balance in the South Sea Islands budget was obtained by means of a grant from the Japanese Government and could not be continued if the grant ceased to be paid. As to the surplus of revenue, it was always difficult to estimate this in advance, and it was for that reason that the sum indicated as a surplus carried forward from the previous fiscal year was always calculated, for the sake of prudence, on the most pessimistic basis.

M. RAPPARD did not think that the majority of States took a particular pride in making a perfect balance between expenditure and revenue; he noted, moreover, that the grant paid

by the Japanese Government to the Islands budget did not vary. In these circumstances, might it not be that, by varying the figure for the surplus to be carried forward, the Japanese Government sought to effect a balance in the budget estimates? The surplus represented 40 per cent of the total budget, a very considerable proportion. Furthermore, whereas the actual surplus in 1926 had been 2,749,779 yen, against an estimate of 731,738 yen, the estimate for 1927 had been further reduced by 300,000 yen.

M. SATO explained that the Japanese fiscal year began in April and ended in March of the following year. The draft budget had to be ready in August in order to be passed in December or January. It resulted that, when the estimates were framed, there was no exact idea of what the surplus from the current fiscal year would be. In order to avoid surprises, the estimate tended to be low.

M. RAPPARD supposed that, since this was the case, the accumulated surpluses would form a considerable capital reserve for the territories in question.

M. SATO replied that each surplus was carried forward to "Receipts" for the following fiscal year. Such capital was not invested in Japanese State funds; it remained entered on the account of the territories and bore interest, which was entered under "Receipts" for the fiscal year.

M. RAPPARD observed that the resources of the territory consisted mainly of the grant paid by the Japanese Government, next the sale of phosphates, and, finally, harbour dues. Direct taxes represented only a small proportion of the total receipts. He thought that the grant paid by the Japanese Government increased the public debt of the Islands by the amount of the grant.

M. SATO replied that the grant was paid into a non-recoverable fund.

M. RAPPARD observed, from page 46 of the report, that in the South Sea Islands, as in the majority of the other mandated territories, the poll-tax was tending to be converted into a tax on income by reason of the unequal distribution of wealth among the natives. This was a perfectly normal fact and called for no observation.

He then referred to the fact that, owing, among other reasons, to inability to pay, certain exemptions from taxation had been granted to natives who had not been born in the Islands. It appeared that the natives born in the Islands did not enjoy the same privilege. If that were so, what was the reason for this discrimination in treatment?

M. SATO read Article 5 of the regulations applicable to this question (Collection of the Laws, page 65), under the terms of which exemptions from taxation were granted to natives regarded as perpetual paupers on account of old age, deformity or incurable disease.

M. RAPPARD observed that there were other causes of pauperism.

M. SATO supposed that the promoter of the Japanese law had believed that Article 5 covered all cases of poverty likely to exist in the Islands.

M. RAPPARD then drew attention to the following passage in the report (page 47), reading:

"A special system of collecting the poll-tax is in force in the district (the Marshall Group) under the jurisdiction of the Jaluit Branch Bureau. Following the old usage in these islands, each tribal chief is made the taxpayer and is required to pay the poll-tax in copra, the quantity of copra to be handed over to the authorities being fixed for each community."

Could M. Sato give any additional information as regards this method of collection which, even according to the Japanese Government, presented certain disadvantages?

M. SATO recalled that the same question had been raised last year by M. Van Rees, who had drawn special attention to the considerable difference between the yield of the poll-tax and the value of payments in kind. M. Sato had asked for further information on this point from his Government and was now able to give the following information.

In the Marshall Islands, the lands were the property of the chiefs of the tribes. The latter, who numbered thirteen, gave them out for cultivation to the natives, who paid in return half the crops. In exchange, the chief undertook to pay the taxes and the medicines supplied by the hospitals to all natives. Payment in copra, therefore, was a kind of tax on the chief and differed radically from the poll-tax, with which it could not be compared for the purpose of calculating the rate of taxation imposed on the natives.

M. VAN REES asked what basis was taken to fix the amount of copra to be supplied by each village.

M. SATO said that the Japanese Government had, in this connection, merely followed the practice in force prior to the introduction of the mandate. Up to 1924, the amount of copra paid had been 205 tons in weight. Since 1925, it had been 209.5 tons, but he could not give the reasons for the increase. The criterion adopted for determining the quantity of copra to be supplied by the villages did not depend upon the value of the copra, which was variable. It was a fixed quantity in kilogrammes which the chiefs had to hand over each year.

M. RAPPARD noted that the mining tax mentioned on page 48 brought in 75 yen per annum. This appeared very insignificant in comparison with the total of 1,000,000 yen produced from the sale of phosphates.

M. SATO said that the principal phosphate deposit, that at Angaur, was exempted from the payment of this tax because it belonged to the State. Outside that undertaking, there were almost no deposits in the South Sea Islands of sufficiently great importance to be made liable to the mining tax.

Lord LUGARD observed that the report stated (page 41) that there was no outstanding expenditure to be incurred under the various items relating to general administration, education, health and communications. On page 45, however, credits were provided for these items. Were these credits not superfluous?

M. SATO explained that the credits did not represent fresh budgetary estimates but merely an unemployed surplus which had been brought forward to the following fiscal year.

TWENTIETH MEETING

Held on Wednesday, November 7th, 1928, at 3.30 p.m.

Chairman : The Marquis THEODOLI.

944. **Islands under Japanese Mandate : Examination of the Annual Report for 1927** (continuation).

M. Sato, Head of the Imperial Japanese Office accredited to the League of Nations, accredited representative of the mandatory Power, came to the table of the Commission.

Budgetary System (continued) : Subsidy from the Mandatory Power.

In answer to Lord Lugard, M. SATO explained that no vote had been included in the 1927 budget for the repair of losses caused by disasters due to natural disturbances, because, on the one hand, there was no new work to be done in 1927 and, on the other hand, the work begun in 1926 was still in process of completion in 1927 ; there still remained in 1927 a balance of 205,970 yen for the completion of the work in question.

In reply to M. Rappard, who asked for explanations regarding the surplus, which exceeded the budget estimates by about 2 millions, M. Sato stated that doubtless the authorities in the Islands would have been able to anticipate this surplus. They had not entered it in the budget because the Home Government gave the Islands a grant of 1,800,000 yen, and if the surplus had been entered in the budget, budget equilibrium would have been upset. The Tokyo Parliament might have held that, in view of the amount of the surplus, it was no longer necessary to grant the usual subsidy. The surpluses accumulated from year to year, but since the budget of the Islands was independent of the Home budget, the surpluses were always placed to the account of the mandated territory. The question of the utilisation of the surplus remained to be settled. M. Sato would ask for further information on this point from his Government.

The Islands Administration had not yet had sufficiently long experience to be able to say that the grant had become unnecessary. The Japanese Government had intended to do away with it at the end of seven or eight years. In any case, M. Sato thought that no authority would be prepared to take the responsibility of advising that the subsidy should suddenly be suppressed.

System of Communal Taxation : Mining Tax.

M. VAN REES observed, from page 47 of the report, that there was a system of communal taxation of the natives. He would be glad to know if the local authorities had any check on the apportionment of this tax amongst the native taxpayers.

M. SATO replied that the head of the local bureau apportioned the taxes among the local communities, and, further, he supervised the apportionment among individuals in order to prevent abuses.

M. RAPPARD pointed out that, at the beginning of page 46, it was stated that the sources of revenue were divided into four categories, two direct and two indirect. The mining tax, which was regarded as a direct tax, was in point of fact an indirect tax.

Customs Union and Economic Equality.

M. VAN REES observed that the total Customs duties calculated in the four ports open to the importation of goods—the importation of certain commodities being prohibited at Angaur—

represented only the duties paid by goods imported by foreigners, since there was a Customs Union between Japan and the Islands, a Union which placed Japanese merchants in a very favoured position. In this connection, however, it must be remembered that Japan granted such large subsidies that no inconvenience could be seen in according certain privileges to Japanese trade and, moreover, the mandate, being a C mandate, did not require economic equality.

Lord LUGARD said that he understood that Japan had intended to grant economic equality in the Pacific Islands.

M. SATO admitted that the Japanese Government had proposed to include in the terms of the C mandate a clause imposing economic equality like that in the B mandate, but it had not succeeded. Japan still maintained her point of view, and consequently granted, as far as was possible, identical treatment both to foreigners and to nationals. There was, in fact, no exception, save in the case of Customs duties, as resulted from the Customs Union. No discrimination, however, was made between foreigners and Japanese as regarded imports to the Islands from Japan and her colonies.

M. VAN REES said that he had never meant to criticise the Japanese attitude in this matter, but merely to draw attention to the fact that the policy adopted was not in the least contrary to the mandate.

M. RAPPARD, however, hoped that the observations which had been made would not give the impression that the C mandate necessarily involved economic inequality.

M. SATO observed that his Government had thought that the Customs Union would be the most effective means of developing the foreign trade of the Islands. The Islands had been assured of markets for their products by the use of the vessels which carried on the service with the home country, and which received subsidies from the Japanese Government.

Subsidies to the Natives.

Dr. KASTL asked why, in view of the fact that the expenditure incurred by the mandatory Power for the administration of the Islands amounted to a considerable sum, representing not far from £8 sterling per head, the subsidies to the natives had fallen off considerably (page 83).

M. SATO explained that the Government granted subsidies to encourage the fishing industry and the cultivation of the coco-nut and the sugar-cane. There were special regulations governing the grant of these subsidies. If the native complied with these regulations, he benefited by them, but, if he ceased to fulfil the necessary conditions, the subsidies were withdrawn. The total amount of the subsidies therefore varied greatly from year to year.

M. SATO observed, further, that the subsidies granted to the natives to encourage the fishing industry had been almost doubled since 1923.

Dr. KASTL maintained that, speaking generally, the subsidies had decreased, especially those for stock-breeding.

M. SATO said that he had not made the comparison to which Dr. Kastl had drawn attention. He would look into the question and, if necessary, would ask for information from his Government.

Phosphate and Sugar Industry.

M. CATASTINI read a memorandum on the sugar industry in the island of Saipan (Annex 4) and a memorandum on the Angaur mines (Annex 5) submitted by the accredited representative.

The CHAIRMAN thanked M. Sato for supplying these valuable memoranda, which gave all the necessary explanations.

M. MERLIN had only a few observations to make on points of detail. He first thanked the mandatory Power for having complied with the Commission's request by giving information on the mining station at Angaur, but pointed out that the table at the bottom of page 92 of the report did not give an accurate picture of new expenditure, since the chapter for expenditure did not include expenses incurred by the refunding of the capital required for the purchase of the mines, the costs of selling the phosphates, pensions for the staff of the mining station, and expenses necessitated by supervision. The mining industry appeared to have realised a profit of 600,000 yen. M. Merlin would be glad to learn next year the exact amount of the net profit.

M. SATO replied that, if the undertaking were a private one, it would be much easier to give information as to the net profit. The Japanese Government had purchased for about two million yen the rights belonging to Germany and had given them as a donation to the Government of the Islands. Consequently, the expenses involved in the purchase of these

rights could not be entered in the budget of the mining station. M. Sato had some hesitation in undertaking to give more definite information in the following year. He wished, however, to assure the Commission that the Central Government did not benefit by any profits made, which were all appropriated to the Island revenues.

M. MERLIN pointed out that the costs of the sale of phosphates should in any case be entered in the account for the expenditure of the mine.

M. SATO replied that the price for the sale of phosphates to be accounted for was not the sale price at the mine but that on the Japanese market.

M. MERLIN said that, according to the passage on page 101 in the chapter dealing with the sugar industry, the Government had during the military regime granted the sugar company free enjoyment of lands with the intention of developing the sugar industry. That arrangement was to terminate when the company earned sufficient profits to be able to dispense with outside aid. Was the time in sight at which the company would pay a rent to the Government?

M. SATO said that he was unable to reply, especially since the sugar industry was very unstable at the present moment.

M. MERLIN expressed a wish that the statistics referring to the movement of trade for the principal products should include a comparison with preceding years. He was aware that comparison was possible in regard to details, but he would be glad to have recapitulatory statements which would assist the Commission and obviate the necessity of making constant additions.

Lord LUGARD was surprised at the considerable imports of sugar into the Islands. He had always understood that sugar was one of their principal exports.

M. SATO replied that the sugar produced locally was not enough to feed the Saipan factory, which required to import raw material from Java.

Justice.

Dr. KASTL drew attention to an inconsistency between the statistics given on page 22 and those appearing on page 29 of the report. According to page 22, the total number of cases brought before the Courts had amounted to 522 in 1926 and 245 in the first five months of 1927, whereas, according to page 29, the total number of criminal suits had been 96 in 1926 and 227 in the first five months of 1927. Again, on page 33, it was stated that the number of cases in which persons had been sentenced to imprisonment in 1926 amounted to 244. These particulars seemed very inconsistent.

M. SATO observed that, unfortunately, mistakes and printing errors sometimes found their way into the reports. He did not know, however, whether the case in point was a printing error. In any case, he was not at the moment in possession of the necessary data to enable him to correct the figures given.

Lord LUGARD drew attention to the unusual character of some of the offences entered as crimes in sub-paragraphs (c) and (f) on page 25. Were there any regulations laying down the punishment for such offences?

M. SATO replied in the affirmative. The regulations had been given in the report for the previous year.

Police.

In reply to a question by Dr. Kastl, M. SATO said that the strength of the police force at present on service was 95 men (page 15).

M. SAKENOBE, with reference to page 17, asked that in the next report information should be given as to the number of permits granted for the importation of fire-arms.

Labour.

Mr. GRIMSHAW was gratified by the very complete information supplied by the mandatory Power on labour conditions in the Angaur mining stations. He merely wished to ask whether there were any regulations restricting the length of overtime and requiring extra pay for all work done outside the normal hours.

M. SATO replied in the affirmative.

Mr. GRIMSHAW observed that, according to page 100 of the report, accident compensation amounting to 397,000 yen appeared to have been paid to three Kanakas. Was there some mistake here?

M. SATO pointed out that the actual sum was 397 yen. The figure in the report was a printer's error. The three noughts at the end represented fractions of yen which, according to the accountancy rules in use in the Government bureaux, went up to thousandths.

Mr. GRIMSHAW asked if all the tenants and workers belonging to the Saipan Sugar Company were Japanese.

M. SATO recalled that the regulations for tenants and workers had been set forth in the 1925 report. All the Company's employees were Japanese, except three natives, who worked in the factory. Generally speaking, the natives were little fitted for this work.

Dr. KASTL asked if the health conditions of the 518 men employed in the Angaur Islands were satisfactory.

M. SATO replied that he had never heard that health conditions in the islands were unsatisfactory.

Education.

Mlle. DANNEVIG was glad to observe that the report was very complete and very interesting, especially as regarded the health of children.

She asked what was the appropriation made for the salaries of school-teachers.

M. SATO observed that the information required was given on page 39 of the report. School-teachers' salaries amounted in all to 26,400 yen.

Mlle. DANNEVIG asked if the expenditure allocated to education included maintenance and feeding of the schoolchildren.

M. SATO replied in the affirmative.

Mlle. DANNEVIG observed that, according to the data on page 60, the number of children of 8 to 11 years of age (that was to say, of school age) who actually went to school was far from satisfactory. In the case of girls, it was sometimes only ten per cent.

M. SATO said that, taken as a whole, the percentage was 38 in the case of girls and 47 in that of boys. This figure would be very small in a civilised country, but in the Islands, where the schools had only been founded very recently, it was a very encouraging result.

Mlle. DANNEVIG asked if the children began to work as soon as they left school, that was to say, at the age of 11 years.

M. SATO replied that the native was at no age inclined to work. It must, however, be stated that the children now went to school of their own accord.

Mlle. DANNEVIG observed that, according to the information given on page 56, twelve hours a week out of twenty-four were given up to the teaching of the Japanese language. There was therefore very little time for other subjects. The national language and popular traditions seemed to be entirely neglected.

M. SATO recalled that these questions had been raised two years ago by the Commission. The explanations asked for had been given in the 1926 report on page 107. The twelve hours given up to the Japanese language included not only grammar but the study of reading-books dealing with various subjects, such as geography, history and elementary natural science. Finally, there were not merely one or two dialects but a number of different dialects throughout the Islands. In these circumstances, it was useless to press the matter.

Lord LUGARD pointed out that only one hour out of twenty-four was given to agriculture. That seemed very little in an agricultural country.

M. SATO pointed out that this remark applied to the elementary schools. Additional classes for special training in agriculture and manual labour, as well as for women's work and domestic work, were given.

Lord LUGARD, referring to page 75, asked how it had come about that the natives of Ebon had set up a private school. Did not the Government provide schools where the natives were so anxious for education?

M. SATO replied that the South Seas Bureau had no intention of establishing a schools monopoly. It provided a sufficient number of schools, but it left the native or other groups entirely free to set up schools. He pointed out that the school age began at 6 in the island of Ebon, no doubt by special exception. Normally, the school age began at 8 years.

Liquor Traffic.

Lord LUGARD congratulated the Japanese Government on the information it had given, on page 19, as to the strength of each kind of liquor imported. He observed that "shochu" had a very strong alcoholic content. Was it manufactured in the Islands or imported, and who consumed it?

M. SATO replied that, in consequence of a question put by Lord Lugard last year, the Japanese Government had inserted these figures. He added that "shochu" was a very strong alcoholic drink imported from Japan and consumed by cultivators who came from certain islands in the extreme south of the Nippon Archipelago.

Lord LUGARD read a passage from a report which had appeared in the Press by a Japanese lady, concerning a tour she had recently made in the Islands under mandate, in which it was stated that a drink called "sakawo", derived from plants secreting a blue liquid, was consumed at Ponape. The natives who took it got as much pleasure from it as opium addicts from the smoking of opium. The Protestant natives were endeavouring to secure the suppression of this drink.

M. SATO said that "sakawo" was a narcotic, which had the most pernicious results. It was not consumed at home, however, but only on particular occasions, such as marriage and burial feasts, etc. The Germans had endeavoured to restrict its consumption, and the present Administration was carrying on this work.

Lord LUGARD noted, from page 114, that the manufacture of alcohol derived from molasses was one of the main industries of the Islands. He asked what measures were taken to denature such alcohol, or prevent it from getting into the hands of natives or Japanese.

M. SATO thought that there was no need to denature this alcohol, as the manufacture was under the control of the Government.

Demographic Statistics.

Dr. KASTL drew attention to the fact that the population of the island of Yap was dwindling fast.

M. SATO said that his Government was considering the matter. The situation was largely due to native habits and customs, which were very often at variance with the most elementary health requirements, especially in regard to the care of newborn babies. Furthermore, the demographic statistics were not satisfactory in other islands, particularly Palau and Jaluit. The decline was particularly noticeable among the Kanakas.

M. RAPPARD thought the explanations furnished by M. Sato inadequate. The superstitions and customs of the natives had never been held less in honour than at the present time. They could not be solely responsible for the depopulation, which must be fairly recent. Other causes must be sought for this new and deplorable situation. That view was no doubt shared by the Japanese Government, for it had investigated the matter.

Dr. KASTL pointed out that the death rate was very high between the ages of 15 and 30 years (page 127).

M. RAPPARD said that Japanese immigration had doubled since 1920, whereas the native population was stationary. He expressed the hope that the natural resources of the Islands were not employed mainly for the benefit of the immigrants.

M. SATO observed that the immigrants came mostly from Saipan to find work in the sugar industry, for which very few natives were suited. It was, moreover, very difficult to get natives to come from the other villages, which were some distance away, and, furthermore, the Saipan industry, which was quite a new one, was not popular. The reverse was the case as regards the Angaur mining industry.

M. RAPPARD was surprised at the very high death rate among women. He hoped that the Government would shortly furnish explanations on this point.

M. SATO observed that this was possibly due to the special duties which women were called upon to perform.

Lord LUGARD observed that forty-six pages at the end of the report were devoted to detailed hospital statistics. The first two or three pages gave ample statistics and it seemed an unnecessary expense to print the remainder in the report.

Means of Communication : Question of including the Sums spent in the Expenditure incurred in the Direct Interest of the Natives.

Dr. KASTL, referring to page 122, presumed that the subsidies granted for the harbours, roads and shipping companies and the expenditure shown under some other headings of this table could not be regarded as having been expended in the immediate interests of the natives. He thought that it might be necessary to be very careful in compiling such statistics.

M. SATO pointed out that this figure had been given in accordance with the Commission's wish. It was true that the subsidies in question benefited the natives only indirectly, but it must be recognised that the natives had a very special interest in the good working of means of communication.

The Japanese Government itself, moreover, had said that it hesitated to publish these figures. It had done so only in order to carry out the suggestions of the Commission. If the Commission thought that the table was misleading, he would be only too pleased to suggest to his Government that it should be suppressed.

The CHAIRMAN explained that the Commission was not asking that the information in question should be omitted, but was merely suggesting that these facts should not be arranged in the chapter dealing with expenditure incurred in the direct interests of the natives.

Close of the Hearing.

The CHAIRMAN thanked M. Sato for his explanations and said that the Commission was grateful for the detailed and interesting report submitted to it on the work of the Administration, which was particularly arduous in view of the difficulties of language which the Japanese Government had to surmount.

TWENTY-FIRST MEETING

Held on Thursday, November 8th, 1928, at 10.30 a.m.

Chairman : The Marquis THEODOLI.

945. Form of Annual Reports for the Territories under British Mandate.

Lord LUGARD reminded the Chairman that at the last session he had been asked whether the British Government would have any objection to having the reports from the territories under its mandate arranged according to the sequence of subjects in the "List of Questions" submitted by the Permanent Mandates Commission to the Council in 1926, and he had undertaken to enquire. He was glad to be able to inform the Commission that he had received a letter from the Under-Secretary of State for the Colonies stating that despatches were being addressed to the Governments of Nigeria, the Gold Coast and Tanganyika Territory requesting them to arrange that future annual reports on the British Cameroons, British Togoland and Tanganyika respectively should follow the headings in the sequence of subjects in the "List of Questions" (document A.14.1926).

The CHAIRMAN thanked Lord Lugard and, indirectly, the Government of the mandatory Power.

946. Western Samoa : Observations of the Commission.

After an exchange of views, the Commission adopted its observations on the report for 1927 submitted by the New Zealand Government regarding Western Samoa (see Annex 16).

M. PALACIOS, referring to the quotation from the Commission's report on its thirteenth session, included in the observations, recalled that he had refrained from voting when that particular part of the report in which the Commission trusted that the Samoans, "when they realise that they have been misled, will resume their former attitude of confidence", etc., had been adopted. One of his reasons for not voting was that, in his view, the insertion of such radical and delicate pronouncements in official documents should be avoided. He noted, however, that the Commission was repeating this observation again on this occasion.

The CHAIRMAN explained that the Commission was merely quoting part of a report which it had already adopted for the purpose of explaining the observations which it was now making. In those circumstances, he thought that M. Palacios could agree to the observations.

M. PALACIOS was ready to agree to the observations, provided that his remarks were recorded in the Minutes.

947. Togoland under British Mandate : Observations of the Commission.

After discussion, the observations of the Commission on the annual report for 1927 regarding Togoland under British mandate were adopted (see Annex 16).

948. Palestine : Petition concerning the Incident at the Wailing Wall, Jerusalem (September 24th, 1928).

The CHAIRMAN explained that the Secretariat had received a considerable number of communications from various countries concerning the recent incident at the Wailing Wall at

Jerusalem. As most of these communications were couched in very general terms and as, moreover, a petition from the Zionist Organisation dealing with the same subject and much more detailed had been transmitted through the mandatory Power and was being dealt with by the Permanent Mandates Commission (Annex 11.A.), he hardly thought it necessary to have these documents distributed to the Commission or communicated to the mandatory Power for its observations.

A list of the communications received would appear as an Annex to the Minutes (Annex 11.D.). Almost all of the letters and telegrams had been addressed to the organs of the League by various Jewish personalities or organisations, and contained protests against the attitude of the mandatory Power or its officials, while one of them (telegram from the Emir Chekib Arslan) protested against the alleged changes made by the Jewish population of Palestine as regarded the *status quo*, and demanded that the latter be maintained.

The conclusions of the Commission on the Zionist petition might, if and when approved by the Council, be communicated as a reply to the various letters and telegrams.

He reminded the Commission that the matter was a very delicate one. The petition had been made by the Zionist Organisation, but he understood that the Jews who used the Wailing Wall were not Zionists. An incident had occurred on ground belonging to a Moslem Wakf. The Jews were accustomed to go to the Wailing Wall on Fridays and Saturdays to carry out their religious observances. On September 24th, 1928, the police had removed a screen set up by the Jews in front of the Wall. The police had been warned, it would appear, by the Moslems on the day previously that such a screen would be erected. In view of the fact that the erection of such a screen was contrary to the practice which had been followed since the Mandatory had been in authority in Palestine, the authorities of that Power had ordered the Jews to remove it. As they had refused to obey, the police had taken action.

The Commission must now decide its attitude in regard to this matter. It could perhaps endorse the mandatory Power's view that, in removing the screen, it had merely acted in accordance with the terms of the mandate, and had preserved the *status quo*. The Commission could, he thought, at any rate express its regret at this occurrence.

M. RAPPARD thought that the only action which the Permanent Mandates Commission could take would be to express its regret at the occurrence and its hope that the mandatory Power would be able to reconcile the parties, while being careful to respect the various rights involved. The Commission must be very careful not to involve itself in any legal debate, for the matter of the rights of the Wailing Wall was complicated and had given rise to many disputes.

M. ORTS wondered whether the agitation which had been aroused in connection with this incident was not a little artificial. The fact in itself did not seem to merit such a commotion. Had not the petitioners given way to the temptation to take advantage of the incident in order to press for a modification of the *status quo* ?

M. RAPPARD replied that, in view of the widespread and differing religious susceptibilities in Palestine, the agitation aroused by the incident had not surprised him.

M. ORTS pointed out that telegrams and letters had been received from Jewish organisations all over the world. This seemed to indicate concerted action taken on a given word of command rather than a spontaneous outburst of indignation.

The CHAIRMAN thought that, if this were the case, the responsible body was the Zionist Organisation. The protests received by the Commission from various parts of the world had all been worded in similar terms, if not identically. This would lead one to suppose that the protest had been organised.

Lord LUGARD said that there were two distinct issues in the petition. First, the improper use of the police and, secondly, an appeal to the Permanent Mandates Commission to use its good offices to secure for the Jews the free use of the Wailing Wall. As regarded the first point, the Jews had been duly warned but had not obeyed the order of the authorities, and this despite the fact that a previous warning had been issued in 1925. If the mandatory Power had failed to enforce its order and to preserve what were admittedly Moslem rights, a Moslem riot might have occurred. With regard to the second issue, the Permanent Mandates Commission could not, of course, intervene as an advocate for the Jews, however much it might sympathise in their distress at this incident. The Jews had admitted the Moslem rights, for they had actually tried to buy the Moslems out and had failed to do so. They could not possibly think that the mandatory Power could expropriate the Moslems by force.

M. RAPPARD supposed the reason for the petition to be that the Zionist Organisation was considered by Orthodox Jews who used the Wall to show lukewarmness in religious matters, and had therefore taken this action to allay this suspicion.

Mlle. DANNEVIG pointed out that the riot had occurred on the most solemn of all the feast days of the Jews. This might explain the great agitation which had been aroused.

M. PALACIOS agreed with the views of M. Rappard. The Commission should express its regrets and its hopes that the mandatory Power would find means to reconcile the parties.

M. VAN REES agreed, but there was one point to which he would like to call attention. The petition stated that "the identical screen had been in use in the same position ten days previously, and without any complaint or protest having been communicated to any Jewish authority". This statement had not been contested by the Palestine Government.

M. RAPPARD explained that the screen, being small and portable, might on that occasion have been easily overlooked by the Moslems.

M. VAN REES said that the reading of the different documents had given him a very clear impression that the local authority in Palestine had not acted in this matter with sufficient wisdom and tact.

The comments of the British Government on the petition under discussion (Annex 11.B.) showed that, under the Turkish regime, the use of screens on the site in front of the Wailing Wall had been forbidden in 1912, a veto which had undoubtedly been observed by the Jews who inhabited Palestine at that time. It seemed, however, that since then considerable changes had occurred in this country and that the local authorities showed more solicitude for the Jews than had been the case during the Ottoman rule. There had been in the meantime the Balfour Declaration, especially confirmed by the mandate for Palestine, which accorded to the Jews a special legal position and special legal conditions. In view of this great change, it would be asked if it were really inevitable on the day of the great pardon to have recourse to force in the Turkish way, instead of trying to lead the Arabs not to oppose the erection of the temporary and portable screen which would not have obstructed the right of way and which had been employed a few days previously, apparently, without provoking any protestations on the part of the Arabs.

The British Government justified the attitude of the local authority by referring to Article 13 of the Mandate. But did this justification not reveal a spirit of formality which was scarcely in harmony with the generally broad-minded views of the British nation, seeing that Article 13 clearly dealt with the maintenance of existing rights, and that it was scarcely admissible to infer, from the temporary use of a screen and the placing of some chairs on another's property, that an attempt was being made on the part of the Jews to infringe any right whatever.

M. Van Rees in no way blamed the action of the police, who had only carried out the order of the competent authority. He wondered whether these events could not have been prevented if a little more care had been exercised by that authority. He knew, however, that, under the circumstances, it would be difficult for the Permanent Mandates Commission to do more than M. Rappard had suggested.

M. MERLIN said that, for centuries, the Wailing Wall had formed part of a mosque, but was in reality the ruins of the Temple of Solomon. The Jews went there at regular periods to lament the past glories of Israel. The Wall, however, and the space in front of it were Wakf property.

In 1912, the Turkish Government had allowed the Jews to use the Wall for religious purposes, provided that no buildings or any material whatever were constructed or placed near it. If this injunction were broken in the slightest degree, the whole arrangement fell to the ground. Therefore, even the introduction of a portable screen had definitely interfered with the rights of the Moslems. Jerusalem was a city containing many fanatics, and incidents of a violent nature had, in consequence, been frequent. The police, fearing a riot, had told the Jews to remove the screen. Meeting with a tacit refusal, they had acted with prudence and, he thought, with moderation, though they had not been able to prevent a riot.

The mandatory Power had stated that it had confined itself to maintaining the *status quo* in accordance with the terms of the mandate. Any incident occurring on Wakf property might be considered by the Moslems to be an attempt at annexation. While the mandatory Power must endeavour in all cases to maintain the *status quo*, in doing so incidents might occur. The authorities should not, therefore, remain inactive, but should do their best to reconcile the conflicting parties by all possible means, and in this instance the authorities in question did not appear to have done so.

The petition, therefore, though not founded in law, should not be entirely rejected on that account. The Commission should urge the mandatory Power to do its utmost to reconcile the parties. He therefore agreed with the observations of M. Rappard.

M. PALACIOS added that it appeared that the order to remove the screen had not been formally given to persons enjoying real authority in the Jewish community.

Lord LUGARD entirely agreed with M. Rappard. The Commission should express its regret at the incident and its hopes that the efforts of the mandatory Power to find a solution might prove successful.

Dr. KASTL also agreed with M. Rappard and Lord Lugard.

The Commission appointed M. RAPPARD rapporteur for this question.

TWENTY-SECOND MEETING

Held on Friday, November 9th, 1928, at 10.30 a.m.

Chairman: The Marquis THEODOLI.

949. Palestine : Telegrams from the Arab Committee of Santiago de Chile and from the Arab Colony in Paris.

The CHAIRMAN said that he had received two telegrams from "the Arab Committee of Santiago de Chile" and from "the Arab Colony in Paris" protesting against the Balfour Declaration. In view of the fact that they protested against the terms of the mandate itself, he had not regarded them as being acceptable.

950. Palestine and Syria : Petition from the Emir Chekib Arslan, dated November 5th, 1928.

The CHAIRMAN submitted a letter from the Emir Chekib Arslan, dated November 5th, 1928, concerning (1) the present status of the Hedjaz railway and (2) an incident which had taken place in the Djebel Druse in connection with confiscation of arms.

He asked for the views of his colleagues on this matter, for there was one point in the petition regarding the Hedjaz railway which might be worthy of their attention. The Commission had never yet received any very clear information as to the regime governing that railway.

M. RAPPARD thought that the petition could not be regarded as non-receivable. As it appeared that Chekib Arslan would send further documents, the usual procedure should be followed.

M. MERLIN said that, if the petition was to be forwarded to the mandatory Power in accordance with the usual procedure, then it would also have to be sent both to France and to Great Britain, for the Hedjaz railway ran through the mandated territories of Syria and Palestine; incidentally, a large part of it ran through no mandated territory, but through the Kingdom of Ibn Saïd. In the first place, the petition seemed to him to be trivial. Remarks made by a junior official of the railway had been quoted and taken into account. The Commission could not really be expected to take account of every observation made by persons having no real authority in a mandated territory. On the other hand, the petition regarding the seizure of his arms from an inhabitant was equally trivial. If the Commission must take into consideration every complaint of this nature it would have to sit permanently. He had, however, no objection to the submission of the petition to the mandatory Powers concerned if the Commission thought such a procedure to be justified.

The CHAIRMAN said that, by the Rules of Procedure, the petition could be submitted to the mandatory Power. Though certain observations in it might be trivial, yet, as it raised the question of the Hedjaz railway, it might be possible for the Commission to obtain information regarding that railway.

Lord LUGARD thought that the petition should be communicated to the mandatory Powers in the usual manner.

The Commission agreed to communicate the petition to the mandatory Powers of France and Great Britain.

951. South-West Africa : Observations of the Commission.

The Commission considered the draft observations concerning South-West Africa.

Status of Inhabitants.

The text of the draft observations on this point was as follows :

" On April 23rd, 1923, the Council adopted the following resolution :

" ' The Council of the League of Nations, taking into consideration the special case presented to it and the fact that only the inhabitants of South-West Africa alluded to in Article 122 of the Treaty of Versailles are concerned, takes note of the declaration made by the representative of South Africa (Annex 497a), and sees no objection to the proposed action. ' "

“ The last part of the declaration in question reads as follows :

“ ‘ The South African Government, which exercises in the territory the authority derived from the approval of its mandate by the Council, is accordingly desirous of conferring British nationality on the inhabitants of South-West Africa possessing German nationality, provided that :

“ ‘ (a) Every such inhabitant shall have the right to decline British nationality by a declaration made in such conditions as may be prescribed ;

“ ‘ (b) Any person exercising this right shall nevertheless be entitled to remain in the territory and shall not be disturbed or molested on any pretext whatsoever in consequence of the exercise of such right.

“ ‘ The South African Government would be glad to be informed whether the Council sees any objection to the proposed action.’

“ In view of this fact, the Permanent Mandates Commission would be grateful if the mandatory Power would give it information on the following points :

“ 1. Is it a fact that, according to Articles 1 and 30 of the British Nationality in the Union and Naturalisation and Status of Aliens Act, No. 18, 1926,¹ put in force in the mandated territory from July 1st, 1926, any person born within the mandated territory of South-West Africa is assumed to be a natural-born British subject ?

“ 2. Is there any distinction to be made between persons born before the above-mentioned law came into force in South-West Africa, *i.e.*, July 1st, 1926, and after this date ?

“ 3. Is it a fact that, according to paragraph No. 1 (a) and (c) of the Act to define South African Nationality and to provide for a National Flag for the Union of South Africa,² the following persons shall be Union nationals :

“ ‘ (a) A person born in any part of South Africa included in the Union who is not an alien or a prohibited immigrant under any law relating to immigration ;

“ ‘ (c) A person domiciled in the Union and not being a prohibited immigrant under any law relating to immigration who became a naturalised British subject under the laws of any part of South Africa included in the Union and who has for a period of at least three years after entry into that part of South Africa been continuously domiciled in the Union so long as he retains such domicile and does not become an alien ;’

and that, according to paragraphs 5 and 9 of the same Act, any person who, by reason of his having been born in any part of South Africa included in the Union (or in South-West Africa), has become a Union national and wants to renounce his status as a Union national can only make a declaration renouncing his status as a Union national if of full age and not domiciled in the Union? *E.g.*, a son born from British parents in South-West Africa, can he only renounce his status as a Union national if he leaves the territory ? ”

M. VAN REES was unable to agree to the observations made in this paragraph. They seemed to confuse two different questions. In the first part, the author of the paragraph recalled the resolution adopted by the Council on April 23rd, 1923, and the declaration made by Sir Edgar Walton, representative of the Union of South Africa, regarding the naturalisation *en bloc* of Germans who, at that time, were living in South-West Africa. On the other hand, the second part of the paragraph dealt with the naturalisation of other persons in accordance with new legislation. These two questions, however, were quite distinct. The first had been settled by a law of the Union entitled “ The South-West Africa Naturalisation of Aliens Act, 1924 ”. There was no reason therefore to bring it up again. The second question, on the other hand, was a new one and had been raised during the hearing of the accredited representative of the Union, Mr. Werth. This question might be expressed as follows :

According to the terms of a law of 1926, any person born in South-West Africa was considered to be a *British subject*, while another law, of 1927, conferred *Union nationality* upon them. This nationality could only be declined by the persons concerned when they finally left the territory. If these facts were true, were the terms of the mandate infringed ? This, it seemed, was the point in question and which the draft observations seemed implicitly to settle in the affirmative. In M. Van Rees' view, the subject called for the utmost circumspection. The mandate for South-West Africa authorised the mandatory Power to apply the laws of the Union of South Africa “ to the territory, subject to such local modifications as circumstances may require ”. Since local conditions were not contrary to the two laws to which he had referred, it might be concluded that the legitimate nature of those laws, from the point of view of the mandate, could not be called in question.

¹ Statutes of the Union of South Africa, 1926, page 136.

² *Union Gazette*, Extraordinary, November 15th, 1927, page 11.

On the other hand, it might perhaps be maintained that the territory was an international entity distinct from that of the territory belonging to the mandatory Power itself. This principle, which was at the basis of the mandates system, would be compromised if the Mandatory promulgated a law according to which any person born in the mandated territory automatically became the subject of the mandatory Power.

Could the third general resolution of the Council adopted on April 23rd, 1923, be quoted in favour of this view? That resolution recognised that naturalisation by an individual and voluntary act was not contrary to the terms of the mandate, and, in consequence, implied that compulsory naturalisation *en bloc* was against the terms of the mandate.

M. Van Rees was convinced that the Mandates Commission could not express a final opinion on this complicated matter unless it had further information as to the exact nature and scope of the two naturalisation laws in question. It should therefore confine itself, for the moment, to asking for explanations without making any reference to the conclusions which might be deduced from them.

M. RAPPARD said that the real question to be decided was whether, for the purposes of the mandate, whites born in the territory of South-West Africa could be treated in respect of naturalisation exactly as if they had been born in the Union. In other words, was the naturalisation *jure soli* of the children of whites living in South-West Africa against the terms of the mandate?

M. VAN REES agreed. The Commission might lay emphasis on the fact that the territory was a separate international entity and maintain that anything affecting that international status would be contrary to the mandate; but he was not very sure of the ground in this matter, because it did not seem to be impossible for the Union of South Africa to justify, by the very terms of the mandate, the application of the legislation in question to the territory of South-West Africa.

Dr. KASTL agreed to a certain extent with M. Van Rees, but not in all points mentioned by him. The decision of April 23rd, 1923, concerned only those inhabitants of South-West Africa referred to in Article 122 of the Treaty of Versailles. This question had been definitely settled between the Government of the Union of South Africa and the Council. The Permanent Mandates Commission had therefore no further say in the matter.

The general question of naturalisation *en bloc* was confusing and difficult. The original declaration of 1923 prohibited naturalisation *en bloc*. But as far as the Commission could ascertain, naturalisation *en bloc* had occurred, though whether it concerned the natives and the white population of South-West Africa, or only the white population, or only certain members of that white population was not perfectly clear. It seemed that the legal advisers of the Union were themselves in doubt. Some maintained that the legislation passed in 1926 and 1927 covered the natives of South-West Africa; others that it covered only the white population. The only matter which could interest the Permanent Mandates Commission was whether or not naturalisation *en bloc* had occurred in the mandated territory, for this was an infringement of the mandate. Some of the legal advisers of the Union maintained that, by the terms of Article 30 of the British Nationality in the Union and Naturalisation and Status of Aliens Act, 1926, South-West Africa was included for the purpose of the Act in the Union of South Africa. Other advisers maintained that Article 30 was a general and not a special provision.

Dr. Kastl himself had been unable to make this distinction, and he had received no clear answer from Mr. Werth, the accredited representative. It was necessary, therefore, to ask what was the true meaning of the law. The Government of the Union, which was responsible for interpreting the law, must furnish this answer.

Mr. Werth had referred to the new Union nationality just created and had pointed out that only a person born a British subject could become a Union national. That was not correct, for naturalised British subjects could also become Union nationals *en bloc*. The law of 1927 had, Dr. Kastl thought, definitely introduced naturalisation *en bloc*, for the greater part of the population of South-West Africa were to be regarded either as British-born subjects or as naturalised British subjects.

The next question which the Commission must put to the Union Government was whether it was a fact that a person who by birth or naturalisation was a Union national could renounce this nationality without having to leave the country in order to do so. Article 5 of the law stipulated that a person desirous of renouncing Union nationality could not do so and remain domiciled in the Union, and Article 9 of the law extended this provision to cover the territory of South-West Africa. If, therefore, the Union Government maintained this to be the case, then it had acted against the Declaration of 1923 stipulating that no naturalisation *en bloc* should occur, and that every inhabitant should have the right to decline, and if he did so should not be disturbed or molested.

M. VAN REES said that everything that Dr. Kastl had said strengthened his own view, that it was impossible for the Commission to form any opinion on the substance of the question until the answers to the questions which it desired to put to the Government of the Union had been received.

On the proposal of the CHAIRMAN, M. VAN REES, Dr. KASTL and M. RAPPARD were asked to form a Sub-Committee to re-draft the three questions.

After further discussion, the Commission adopted with certain amendments the remaining sections of the draft observations on the administration of South-West Africa. (For final text, see Annex 16.)

952. **Togoland under French Mandate : Further Petition from Mr. Casely Hayford, dated September 6th, 1928.**

M. ORTS said that he would make a verbal report to the Commission on the new petition from Mr. Casely Hayford and he believed that, when the Commission had heard the facts of the case, it would agree with him that the interventions of Mr. Casely Hayford represented a case of the abuse of the right of petition.

M. Orts then made the following verbal report :

The same facts were first brought to the notice of the Commission through the same intermediary in 1924 at its fourth session. Since that time, Mr. Casely Hayford, who was a barrister at Accra, had continued to send the League petitions on behalf of the Adjigos, or, at any rate, he stated that he was acting at their request and as their attorney.

The question had meanwhile developed further. The Adjigo clan, which had been deported into the interior of the country, had now returned to Anecho. A report from the French Commissioner in Togoland dated October 9th, 1926, forwarded by the mandatory Power stated that the Adjigo and Lawson clans had been reconciled, that the Adjigo had accepted the elevation to the chieftainship of the representative of the Lawsons and that public order had never again been troubled as a result of the dispute.

In view of this statement on the part of the responsible Administration—a statement which gave no ground at all for doubting its perfect concordance with the facts—the Permanent Mandates Commission had decided to eliminate the item from its agenda.

In 1927, however, the subject had come up again. Mr. Casely Hayford abandoned the thesis of ill-treatment which his clients were alleged to have suffered during their deportation and stated that the abandonment of their political claim had been extorted from them by means of intimidation. There was no question of violence having been used.

In reply to an observation by M. Rappard, M. Orts here pointed out that, even if there had been intimidation—and there was no reason to suppose that to be the case—the question was no longer of such interest to the Commission, seeing that the point whether it was important to have at the head of the city of Anecho an Adjigo or a Lawson was outside the competence of the Commission.

M. Orts, continuing, said that this last allegation, made by the signatory of the petitions, had been categorically denied by the mandatory Power. It brought to light no new fact and, at the twelfth session, the Mandates Commission had approved his report rejecting Mr. Casely Hayford's petition on the grounds that a question which had been closed could not be reopened unless a new fact were adduced to justify such a procedure. It being M. Orts' impression that the petitioner had abused the Commission's goodwill, he recommended that an end should be put to any correspondence with Mr. Casely Hayford.

One fact, however, had attracted the attention of the Rapporteur. Mr. Casely Hayford had asserted that he had submitted to the French Commissioner in Togoland a petition dated November 4th, 1926, and addressed to the League of Nations. The mandatory Power, however, had not forwarded the petition in question to the Mandates Commission and it had reached the Commission by another channel. M. Orts had referred to this fact in the verbal report he had made to the Commission (see Minutes of twelfth session, pages 157-158). The mandatory Power, in a letter dated June 13th, 1928, had furnished explanations regarding this fact (see document C.P.M.743). This communication refuted Mr. Casely Hayford's insinuation which implied that the mandatory Power had deliberately held up a petition intended for the Mandates Commission so that the latter might not be aware of its existence.

Furthermore, in a communication to the Secretary-General of the League dated December 1st, 1927, Mr. Casely Hayford referred to a report made by M. Picanon, Inspector-General of Colonies, in the conclusions of which it was recognised that the claims of the Adjigos must be recognised as justified. Mr. Casely Hayford had added that the Inspector-General's report would have enlightened the Mandates Commission if it had been transmitted to it by the Mandatory (document C.P.M.709).

The mandatory Power had already contradicted the assertion that the Inspector-General's report contained any statement of the kind, when there appeared in a newspaper published at Accra an article on the quarrel between the Adjigos and the Lawsons of which the general purport was the same as that of the report attributed to M. Picanon. According to this article, that high official had very severely criticised the action of M. Bonnacarrère, whose recall he recommended, while asking permission from the Minister of the Colonies to set right himself the wrongs inflicted on the Adjigos.

The paper in question was referred to M. Picanon, who wrote to M. Bonnacarrère a letter—of which the French Government had just forwarded a copy—stating that the alleged report ascribed to himself (M. Picanon) was a complete forgery, that it was a fraud and that M. Picanon himself had no need to deal with a question which had been settled by M. Bonnacarrère at the time of his arrival in Togoland.

After this last incident, M. Orts would venture to renew the recommendation which he had put forward a year ago when he had first suspected that Mr. Casely Hayford was abusing the goodwill of the Permanent Mandates Commission. He proposed therefore: (1) that the Chairman should suspend his enquiry into the matter on the ground that the petition did not deserve the Commission's attention; and (2) that any communications received in future from the same source should be returned to the writer.

In recommending this line of action, M. Orts did not suppose for a moment that it could harm any legitimate interests—interests that had been ill served by a counsel which was unscrupulous as regards its choice of methods.

After a short discussion, *the Commission adopted the conclusions submitted by M. Orts.*

TWENTY-THIRD MEETING

Held on Friday, November 9th, 1928, at 4 p.m.

Chairman: The Marquis THEODOLI.

953. Cameroons under British Mandate : Observations of the Commission.

After some discussion, *the observations on the administration of the Cameroons under British mandate were adopted (see Annex 16).*

Dr. KASTL *was requested to prepare for the next session* a report on the question of the apportionment of expenditure between the Cameroons and Togoland under British mandate and the adjacent British colonies to which the foregoing mandated territories are attached for administrative purposes.

954. South-West Africa : Petition from the Rehoboth Community, dated November 26th, 1926.

The Commission took note of Lord Lugard's report (Annex 6), and *adopted its conclusions to be submitted to the Council (see Annex 16).*

955. Iraq : Petition from M. B. S. Nicolas.

The Commission approved, with some amendments, the conclusions of M. Merlin's report (see Annexes 7 and 16).

956. Syria and the Lebanon : Petition from M. Chekib Arslan and M. Riad el Souh, dated March 8th, 1928 : Petition from M. Chekib Arslan, dated June 8th, 1928.

The Commission approved the conclusions of M. Sakenobe's report (see Annexes 8 and 16).

957. South-West Africa : Petition by Mr. D. W. Drew concerning the Rehoboth Community.

LORD LUGARD made some verbal comments on Mr. D. W. Drew's petition.

M. CATASTINI intimated that the mandatory Power had not yet had the time necessary to comment on this petition. The matter would therefore be brought up again at the next session of the Commission.

After a short discussion, *the Commission decided to postpone the examination of Mr. D. W. Drew's petition until its next session.*

958. Palestine : Petition from the Palestine Arab Moslem-Christian Congress and Comments of the British Government, dated July 24th, 1928.

M. RAPPARD submitted his report on the petition from the Palestine Arab Moslem-Christian Congress (Annex 9).

M. VAN REES said that he had read with much interest M. Rappard's report, and asked whether M. Rappard would agree to omit the last sentence, which read :

“ In the present instance, it seems obvious that a form of democratic and parliamentary Government is not provided for either by the Covenant or by the mandate, and that it is not even compatible with the obligations devolving upon the mandatory Power under those engagements. ”

M. RAPPARD wished to explain the meaning of the sentence which M. Van Rees proposed to omit.

Under Article 2 of the mandate for Palestine, the mandatory Power had assumed responsibility for establishing in the territory political, administrative and economic conditions of a nature to ensure the establishment of a national home for the Jewish race. The population of Palestine, however, was mostly Arab and was opposed to the establishment of the Jewish national home. It was, in these circumstances, plain that, if a democratic and parliamentary Government were established in Palestine, its first action would be to abrogate the disposition foreshadowed in the Balfour Declaration.

M. VAN REES feared, nevertheless, that the sentence in question might give rise to different interpretations. Moreover, he did not consider it to be indispensable, and its omission would not weaken in the least the report by M. Rappard.

M. PALACIOS recalled that the question raised by the Arabs, to which M. Rappard had just replied in his report, had already been discussed at length by the Mandates Commission. When examining the first report submitted by the mandatory Power on the Palestine administration, the Commission had asked Sir Herbert Samuel, who was the accredited representative for Great Britain, for information concerning the Jewish national home, and also concerning the measures taken by the mandatory Power to give effect as regards the Arabs to the provisions of Article 2 of the mandate.

Three stages in the development of the question could be distinguished. In the first stage, Sir Herbert Samuel had told the Commission that the mandatory Power had been unable to go very far towards developing the institution of free government stipulated in Article 2, but that it was prepared to put into execution the policy outlined in 1923 as soon as the Arabs who were at that time in opposition decided to co-operate with the Mandatory.

In the second stage, Mr. Ormsby Gore, who was then representative of Great Britain to the Mandates Commission, had said that the Government was carried on in Palestine by officials of the mandatory Power and had asked the Commission to be patient ; perhaps it would be possible in ten years to begin to set up representative institutions.

The third stage, namely, the present stage, was what might be described as the stage of confusion ; the Arabs were asking that the free Government stipulated under Article 2 should be granted, to which the mandatory Power replied by saying that it would be prepared to set up the local councils contemplated by the terms of Article 3.

M. Palacios thought that the external policy of Great Britain always gave proof of great wisdom, and he proposed that the Mandates Commission should express its confidence in the Mandatory as regards the task still awaiting accomplishment in Palestine. Nevertheless, he thought that the principle enunciated in Article 2 in regard to the institution of free government should be recalled.

Dr. KASTL thought that it would be incorrect, in point of fact, to say that democratic government was not stipulated in the mandate. It was rather the reverse which seemed to be the case.

M. RAPPARD maintained his point of view and emphasised that the mandate absolutely excluded the democratic Parliament as government of the territory by the inhabitants, since it conferred certain powers on the Mandatory, in regard to that territory, which were incompatible with the sovereignty of a free Government. If a free and democratic Government were installed, the powers of the mandatory Government would disappear and there would be a breach of the terms of the mandate.

He had, however, no objection to the omission requested by M. Van Rees.

The Commission decided to omit the passage referred to by M. Van Rees.

The Commission approved M. Rappard's report with the above amendment.

959. Iraq : Extension of the Concession to the Anglo-Persian Oil Company.

Dr. KASTL summarised his report (Annex 10) and read his conclusions.

M. PALACIOS thought that Dr. Kastl's report was very good, particularly the arguments which preceded the conclusion. He would refer to the following passage in paragraph VIII :

“ The Iraq Government has not violated Article 11 of the Treaty of October 10th, 1922, between Great Britain and the Iraq Government concerning economic equality by granting (without calling for public tender) an extension of the concession for thirty-five years to the Anglo-Persian Oil Company. ”

The Mandates Commission had invariably argued that the markets of the mandated territories must be open as widely as possible to the nationals of all States and had often asked questions regarding public tenders. A statement of the kind contained in the conclusion under consideration might be just in the present case, but it must not be regarded as a general principle to be followed on every occasion.

M. MERLIN drew the Commission's attention to a point raised in Dr. Kastl's report which was, to his mind, of some importance. As was known, the Anglo-Persian Oil Company possessed concessions in Persia as well. As a result of the extension it had obtained in Iraq, the Persian concessions would lapse thirty-five years earlier than those it had obtained in the mandated territory. In these circumstances, would it not be expedient to take into consideration the possibility that the Company might neglect its undertakings in Iraq and devote itself more exclusively to the exploitation of the wells it possessed in Persia until the expiration of the concession which it had been granted by the Persian Government and of the extension of which it was not certain? There was ground, therefore, for asking whether the extension of the Anglo-Persian Oil Company's concession had not been premature, and whether it would not be right to obtain from the Company certain assurances as to the way in which the resources placed at its disposal in Iraq would be exploited until 1961, when the concession in Persia expired.

Dr. KASTL submitted an amendment to cover M. Merlin's point.

M. VAN REES observed that the report by the mandatory Power on the administration of Iraq (page 40) explained the reasons for which the Iraq Government had decided to grant the extension requested by the Anglo-Persian Oil Company without offering the concession for public tender. The reasons there given appeared to be perfectly convincing and were, in any case, in conformity with Dr. Kastl's conclusions.

M. MERLIN said that he supported the opinion of Dr. Kastl and M. Van Rees to the effect that the Iraq Government was not obliged to offer the concession for the petroleum-bearing areas to public tender.

The Commission adopted, with certain amendments, the conclusions of Dr. Kastl's report (Annex 16).

TWENTY-FOURTH MEETING

Held on Saturday, November 10th, 1928, at 10.30 a.m.

Chairman: The Marquis THEODOLI.

960. **Palestine : Petition from the Zionist Organisation dated October 12th, 1928, relating to the Incidents which occurred at the Wailing Wall in Jerusalem on September 24th, 1928 (continuation).**

M. RAPPARD submitted his draft observations on this petition (Annex 11) and said that he had not attempted to find a legal solution, but to adopt as impartial an attitude as possible with the object of conciliating all parties.

The CHAIRMAN drew attention to the passage reading :

“ . . . A situation as painful for those who feel offended and mortified in their most sacred sentiments as it is trying and unsatisfactory for those who are responsible for the maintenance of order . . . ”

That statement made no reference to the feelings of the Mohammedan parties concerned.

M. RAPPARD pointed out that the present situation was not at all painful for the Moslems, either *de jure* or *de facto*. They desired the continuance of the present situation.

M. MERLIN also thought that the passage beginning “ a situation as painful ” and ending “ racial communities in Palestine ” might be omitted.

M. CATASTINI drew the attention of the Commission to the logical consequences which would follow the mere acceptance of the conclusions contained in M. Rappard's report, and noted more especially the words employed concerning the possibility of an arrangement “ regulating the conduct of the services at the Wall . . . in such a way as to satisfy

normal liturgical requirements and decencies". The adoption of this passage would imply, in his opinion, that the Commission proposed a solution of the difference relating to the exercise of the cult, instead of limiting itself, as it ought to do, to finding a solution for the incident, which was the principal object of the petition. If the Mandates Commission adopted this line of conduct, it would inevitably give the impression of setting itself up, in a way, as a "Commission for Holy Places", and it would therefore overstep the bounds of its competence.

In order to obtain an exact idea of the competence of the Mandates Commission in the case in question, it was sufficient to refer to the obligations which the mandate imposed on the mandatory Power in this connection, even if there was an inclination, as appeared from the discussion, to consider this incident as a question involving the principle of the liberty of public worship. The obligation for the mandatory Power to ensure this liberty was bound, in Palestine, by two limiting factors—the first, which was common to all mandates, the maintenance of public order and good administration; the second, which was more special to the Palestine mandate, the observation of the *status quo* (Articles 13 and 16 of the mandate).

In his opinion, the petition in question should only be examined by the Commission from the special standpoint of the execution of those obligations, otherwise the Commission would risk acting *ultra vires*.

M. RAPPARD replied that his conclusion signified that the settlement of the question should be left entirely to the mandatory Power. It could hardly be held, therefore, that the Mandates Commission was setting itself up as a Commission for the Holy Places. The object of the Palestine Government was merely to secure a free agreement between the two parties. It was not forcing any solution upon them. Furthermore, the terms of the agreement were so general that the Commission could hardly fail to approve them.

Lord LUGARD observed that the Commission could either adopt the report of the Rapporteur as the report of the Commission to the Council, or leave it as the work of the Rapporteur and merely state that the Commission endorsed generally the conclusions contained therein. If the latter alternative were adopted, it would be necessary to alter the last paragraph so as to make it clear that the conclusions were those of the Rapporteur and not of the Commission, although the Commission, generally speaking, agreed with them.

M. ORTS, in reply to M. Catastini, said that the terms of M. Rappard's report were so general and reasonable that there could be no objection to them. The Commission could not disapprove of the intentions of the Palestine Government in making the contemplated arrangement, seeing that it was undoubtedly right and proper; the terms in which it was referred to in the observations were quite general and merely approved the object at which the mandatory Power was aiming. The Commission could not but approve of that object.

The CHAIRMAN said that he did not share M. Catastini's view.

M. PALACIOS said he could not agree with M. Catastini.

M. MERLIN said that he accepted M. Rappard's conclusions as they stood, but if it were desired to satisfy the legal scruples felt by M. Catastini, he would suggest that, in the last paragraph, the words "regulating the conduct . . . matters of public worship" should be omitted and replaced by the words "between the parties", and, further, that, in the second sentence, the words: "the views expressed in the closing paragraph of the comments of the mandatory Power" should be replaced by the words "the views expressed by the mandatory Power".

The CHAIRMAN asked whether the members of the Commission accepted M. Rappard's report.

The following members replied in the affirmative: Mlle. DANNEVIG, M. PALACIOS, M. MERLIN, M. VAN REES, M. SAKENOBE, Mr. GRIMSHAW and Lord LUGARD, subject to the reservation that the report was not addressed to the Council as a report from the Commission, but as a report by M. Rappard with which the Commission expressed its agreement.

M. RAPPARD said that, in order to satisfy Lord Lugard, he was prepared to modify the last paragraph of his draft observations so that the first sentence would begin: "I have no doubt that the Mandates Commission . . ." and the second sentence: "I have the honour to suggest that the Mandates Commission . . ."

Lord LUGARD intimated that these amendments would satisfy him, and he took it that M. Rappard's observations would be forwarded as an annex to the Commission's report to the Council, with a statement that the Commission concurred generally with the conclusions.

The Commission agreed.

961. **South-West Africa : Petition, dated March 5th, 1926, from the Kaoko Land- und Minengesellschaft transmitted by the South African Government, with its observations, on July 4th, 1928.**

M. PALACIOS submitted his report (Annex 12).

M. RAPPARD observed that, in his report (beginning of Section IV), M. Palacios expressed the opinion that the question had two aspects, for one of which the Commission was competent, while for the other it was not. M. Rappard would like to be assured that the Commission was competent to consider the first aspect. The only test of its competence was whether the question affected the well-being and prosperity of the mandated territory. M. Rappard was not sure that it did.

M. PALACIOS replied that he justified his opinion by recalling past events and by the attitude taken up by the Mandates Commission in regard to ex-enemy property. He had been present when M. Rappard, at that time still Director of the Mandates Section of the Secretariat, had supported the same thesis. The Mandates Commission could not take cognisance of the question of substance, which, under the terms of the Treaty of Versailles, was expressly reserved for other organs. While it was true that, in 1926, the Mandatory had stated that no exceptional war measure had been applied to landed properties belonging to enemy nationals in the territory under mandate, it now appeared to be quite otherwise from the very fact that the mandatory Power stated in its observations that the Company had been expropriated in accordance with the terms of Article 297 of the Treaty of Versailles. It was in connection with this latter point, therefore, that a question arose as to the competence of the Commission to express an opinion and to ask the mandatory Power for explanations as to the fate of the landed properties in question.

Dr. KASTL was unable to see why the Mandates Commission was not competent to give a decision on the petition. The Commission was aware that the Union Government had refrained from making use of Article 297 of the Treaty of Versailles and it had the statement of the accredited representative to this effect in its records. If the Union Government said that the expropriation of the Company was an exceptional war measure and that the Company must apply to the German Government for compensation, the German Government would reply that no expropriation according to Article 297 had taken place, because the South African Government had, by its own express statement and in fact, refrained from expropriating any ex-enemy property. That point was on record. The Commission therefore could say that it was impossible for the Company to take such action if suggested by the Union Government.

There was a further point. M. Palacios considered that the question was not one which concerned the inhabitants of the mandated territory. Dr. Kastl, however, would point out that the Company was situated in the mandated territory and that therefore there was nothing to prevent its making a petition to the Mandates Commission if its land had been expropriated. Dr. Kastl could not agree that the Commission was concerned solely with safeguarding the interests of the indigenous natives of the mandated territory. If that were so, the Commission would be unable to take cognisance of the situation of the Anglo-Persian Oil Company in Iraq, which was very similar to that of the Kaoko Company in South-West Africa.

Dr. Kastl thought that the Commission should say that, as the Union Government was not entitled to plead an exceptional war measure—since such measures were purely temporary and never permanent—and if the Government did not wish to apply Article 297 of the Treaty of Versailles but if it nevertheless thought it necessary to expropriate the Company in the interests of the mandated territory—either because the Company did not make proper use of its land or for any other reason—then either the Company was entitled to bring the case before a court of law or it must be compensated by the Government. The question might have been solved by saying that the case should be brought before the Mixed Arbitral Tribunal under Articles 304 and 308 of the Treaty of Versailles but for the fact that the Union Government was not a party to any Mixed Tribunal and would therefore have to pass a special law or regulation in order to become a party to such a Tribunal.

Lord LUGARD said that he had read the petition very carefully before receiving M. Palacios' report and he had come to the conclusion that the case was one for a Mixed Arbitral Tribunal. Dr. Kastl was quite right in saying that the military administration had no power to confiscate the property permanently because, until the ratification of the Treaty of Versailles, all the mandated territories had had to be administered under the Hague Convention. Lord Lugard had had personal experience of administering a territory under that Convention.

The CHAIRMAN thought that all the members agreed with M. Palacios, although in point of fact some members of the Commission—Dr. Kastl, for instance—wished to go even further.

M. PALACIOS, in reply to Dr. Kastl, said that it was not correct to state that the Company wished to take the case before a court of law. It was true that, in its first petition, the Company had referred to the possibility of referring the case to a court, but after the Chairman had replied that in that case the matter did not concern the Mandates Commission, the Company had withdrawn the suggestion in its second petition, in which it had asked that the matter might be brought before the Council. All the arguments brought forward by Dr. Kastl proved the incompetence of the Commission to deal with the substance of the question. As Lord Lugard had said, the case seemed to be one for a Mixed Arbitral Tribunal. M. Palacios' report contained the reply to the other arguments brought forward by Dr. Kastl. The case

of the Anglo-Persian Oil Company was connected with the question of economic equality. It must also be remembered that the first volume of Laws and Ordinances of the Union of South Africa dating from 1914 included one ensuring execution of Article 297 of the Treaty of Versailles.

The question, moreover, was of great importance in view of the immense extent of the properties in question (100,000 square kilometers), the date on which and the form in which they were originally obtained, the method of estimating their price, the activity of the Company, its contracts with the German Government in 1913, its relations with the Government of the Union of South Africa since 1920, etc.

M. VAN REES wondered whether the Commission could not contemplate a special solution of a special problem. The question dated from the time when South-West Africa was under military administration; that was to say, a time when the mandate was not yet in force. Would it not be possible to say that the Mandates Commission considered itself incompetent to express an opinion on the question, but that it suggested that the Council should consider the advisability of asking, in virtue of Article 14 of the Covenant, for an advisory opinion from the Permanent Court of International Justice?

M. PALACIOS said that he had considered the possibility just suggested by M. Van Rees, but he had come to the conclusion that it was impossible for the Commission in this matter even to make a suggestion to the Council. The Commission did not possess all the relevant documents to enable it to deal with this case. The report on the Company's work, for instance, did not refer to any period later than the year 1905. Further, the action of the South African Government had been taken in 1920 and yet the Company only began to make its claim in 1926. There was therefore this long period of almost twenty years for which the Commission had no relevant documents. It was for the Company, if it wished, to make representations to its own Government with a view to the latter's taking the necessary action either by making the question a diplomatic one or by adopting another procedure; but it was most certainly not for the Mandates Commission to make any other proposals to the Council than those given in the report.

M. RAPPARD said that the reason for which he would make a distinction between the case of the Anglo-Persian Oil Company and that of the Kaoko Company was that the Mandates Commission was only concerned in the well-being and interests of the mandated territories. Iraq was very greatly interested in the financial position of the Anglo-Persian Oil Company. In the present case, however, the welfare of the mandated territory did not seem to be affected. Therefore he thought it impossible for the Commission to ask the Council to send the matter to the Permanent Court for an advisory opinion. The Commission should merely say that, for such-and-such reasons, it was incompetent in the matter; it should add that, in examining the dossier, it had noted the difference between the statement now made by the mandatory Power with regard to the authority under which it expropriated the Company and the statement previously made by the accredited representative, and should request the Council to take steps to clear up this latter question.

Dr. KASTL wished to make himself quite clear. He had never intended to propose that the Permanent Mandates Commission should lay down the last word in the case. The only point to which he objected was the conclusion that the Mandates Commission should declare itself incompetent.

Furthermore, the Commission might ask the Union Government what was the basis on which it had instructed the Administrator of South-West Africa to enforce its decision of 1920. The Commission could go even further and say that, if the Union Government refrained from applying Article 297, then the Company must either be given an opportunity of bringing the matter before an impartial court of law or be granted compensation. Even though the Commission might perhaps be incompetent to decide the substance of the question, it could not say that it was incompetent to give advice or to put to the Union Government the question which Dr. Kastl had suggested.

M. RAPPARD asked on what basis Dr. Kastl argued that the Commission was competent. The Commission had invariably declared that ex-enemy property questions were not within its powers unless they affected the interests of the mandated territories.

Dr. KASTL answered that, according to the statement of the Union Government, there was no ex-enemy property in South-West Africa.

M. PALACIOS, in reply to Dr. Kastl, said that both the Government of the Union of South Africa and the petitioning Company were agreed in recognising that the properties in question were ex-enemy properties. The mandatory Power affirmed this, since it invoked Article 297 of and the Annexes to the Treaty of Versailles. The petitioning company said, on page 11 of the petition:

“ The *General Gazette* now states that the Mandates Commission has determined to ratify the motion of Sir Frederick Lugard and to ask the Governments of the

mandatory States to submit reports concerning the present position with regard to ex-enemies' private property. It is our opinion that this must also cover the case of our private property."

If this were so, the question did not concern the Mandates Commission.

M. VAN REES, in reply to what M. Rappard had said, viz., that, if the Mandates Commission was incompetent, it would be exceeding its powers in suggesting that the matter should be put to the Permanent Court, observed that, even if the Commission considered that it was incompetent, which he personally did not doubt, it might nevertheless suggest that the case should be sent to the Permanent Court and explain that it based its view on the spirit underlying the terms of the mandate. As the South African Government's action had first been taken previously to the establishment of the mandate, the question could not obviously be settled by the mandate, but in accordance with the spirit of the mandate the Commission could, he thought, if not suggest to the Council, at any rate draw the Council's attention to the fact that Article 14 afforded a means of obtaining an authoritative opinion on the substance of the question under discussion. This opinion might perhaps serve as a basis for any action which the Commission might think it desirable to take later. M. Van Rees did not think that the Commission, by adopting such an attitude, would be exceeding its competence.

M. RAPPARD observed that M. Van Rees' argument corroborated his own. If the question did not come under the mandate, it could not concern the Permanent Mandates Commission, which therefore could not suggest to the Council that the case should be sent to the Permanent Court.

The CHAIRMAN observed that all the members of the Commission with the exception of Dr. Kastl appeared to agree that the Commission was incompetent.

Dr. KASTL pointed out that M. Van Rees' proposal would mean that the Company would have to approach its Government with a view to getting the matter referred to the Permanent Court, because only Governments could be parties to suits in the Court. That would be a way out of the difficulty and might perhaps be the best way out in so far as concerned the Permanent Mandates Commission. Nevertheless, Dr. Kastl thought it absolutely essential that M. Palacios' report should contain an expression of opinion on the part of the Commission that exceptional war measures were of a purely temporary character and that the Union Government had, according to its own explicit statement to the Commission and elsewhere, refrained from making use of Article 297 of the Treaty of Versailles. Furthermore, Dr. Kastl did not know whether under its rules the Permanent Court was competent to consider a case of that kind, and it might be that the Commission would be giving advice which the Company would find it impossible to follow.

The CHAIRMAN consulted the Commission. Did the members, with the exception of Dr. Kastl, agree that the Commission was incompetent in the matter?

Dr. KASTL said he thought that the Commission was incompetent to take any decision, but not to consider the question.

Lord LUGARD observed that, in point of fact, it had been considered already at great length.

The CHAIRMAN concluded that the Commission was prepared to invert the order of the last two paragraphs of the report by M. Palacios. Did the Commission desire to adopt the proposal of M. Van Rees urging that the question should be referred to the Permanent Court of International Justice?

Lord LUGARD thought that the words "or any other appropriate tribunal" could be added after the reference to the Permanent Court.

M. VAN REES withdrew his suggestion.

After a short exchange of views, the CHAIRMAN proposed the following text:

Conclusions.

"The Commission considers that a reply should be sent to the Company petitioning to the effect that its claim, whatever view may be taken of its title and rights or of the arguments advanced by the mandatory Power, does not come within the competence of the Commission.

"Nevertheless, the Commission is of opinion that the attention of the Council of the League should be drawn to the existence of considerable landed estates in South-West Africa which had constituted ex-enemy property. It hopes that the Council will request the mandatory Power to explain its declaration of February 19th, 1926, which appears to the Commission to be clearly inconsistent with the statements made with reference to the status of the said properties and their disposal by the accredited representative at the Commission's meeting held on November 2nd, 1928, and by the mandatory Power itself in its observations of July 4th, 1928."

Dr. KASTL was prepared to agree with this conclusion but not with the body of the report of M. Palacios.

M. PALACIOS explained that it was understood that the Commission was only required to adopt the conclusions of the report.

The text proposed by the Chairman was adopted (Annex 16).

962. **Treatment extended in Countries Members of the League to Persons belonging to Mandated Territories and to Products and Goods coming therefrom** (continuation).

M. VAN REES, referring to the report by M. Rappard (Annex 3 B) on the first question examined in his own report (Annex 3 A), pointed out that M. Rappard made two suggestions. The first was that the Commission might ask the Council to consider the expediency :

“ . . . Of renewing the recommendation, contained in its resolution of September 15th, 1925, that the benefit of international agreements concluded by the mandatory Powers in favour of their own territories should be extended to the countries under mandate. ”

The Council had first recalled this resolution on September 1st, 1928. It seemed useless, therefore, to ask it, barely two months later, to repeat it.

M. RAPPARD agreed, and withdrew this part of his proposal.

M. VAN REES, referring to M. Rappard's second proposal, said that he had two objections to raise. This proposal was as follows :

“ (b) Of requesting the States Members of the League of Nations to guarantee without delay, to the nationals of the territories under A mandate, at any rate the same treatment in regard to establishment, the free exercise of industries and professions, etc., as is applied to nationals of their mandatory Powers. ”

In the first place, in making such a suggestion to the Council, the Commission would be deliberately taking a step backward, in view of the fact that its recommendation made in 1923, upon which the Council had taken action in 1925, did not refer exclusively to the inhabitants of territories under A mandate. In the second place, though fault might be found with the mandates system owing to the fact that it deprived the nationals of territories under that system of certain rights guaranteed to the nationals of neighbouring colonies or protectorates, it would not appear quite logical to base on that condition of inferiority a request for the restitution of rights affecting only the nationals of territories under A mandate. For those reasons M. Van Rees had confined himself, in so far as equality of treatment was concerned (the first part of his report), to maintaining that the Commission ought to be content with what it had already done—that was to say, the resolution adopted by the Council in 1925 and with the diplomatic and consular protection which mandatory Powers were required to grant to nationals of the territories under mandate who were living outside the territory.

M. RAPPARD, in reply to the first objection of M. Van Rees, said that the Commission was not reversing any previous decision or even returning to it. The fact that it had twice made the recommendation showed its lack of success in the matter. For that reason, he had made his new proposal.

He could not agree to the second objection of M. Van Rees, because territories under B mandate were territories which, if they were subjected to no mandate system at all, would very probably not enjoy the privileges claimed. It would, for example, appear excessive to claim equality of treatment for a native of Nigeria or the Congo and therefore equally excessive to claim it in the case of a native of the Cameroons merely because the territory was under mandate. The case, however, was quite different with regard to inhabitants in territories under A mandate. M. Van Rees asked in his report whether it followed that :

“ Reciprocally, States Members of the League are bound to secure equality of treatment in the same sense to persons belonging to A and B mandated territories and resident in the territories of such States. ”

He hoped that M. Van Rees would delete this part of his report, because to ask States Members of the League to grant such equality of treatment in the case of A mandates and at the same time to say that they were not even morally bound to do so was to furnish them with a strong argument against acceding to the request.

M. VAN REES understood the object of M. Rappard's proposal to be that the Commission should strengthen the recommendation it had originally made in 1923. He pointed out, however, that the question of establishment was included in the more general recommendation adopted by the Council in 1925. M. Rappard's proposal did not, therefore, add anything

to what the Commission had submitted to the Council in 1923. On the contrary, it restricted what the Commission had had in view at that time.

With regard to the passage in his report to which M. Rappard objected, M. Van Rees would point out that it should be read in conjunction with the preceding and following passages.

He had pointed out in his report that the effect of the provisions mentioned was that, generally speaking, as regards the treatment of nationals of States Members of the League resident in A or B mandated territories, no discrimination on grounds of nationality was permitted: in other words, these persons had a legal right to the juridical position enjoyed by the nationals of the mandatory Powers themselves.

This principle, nevertheless, did not apply to the native inhabitants in territories under mandate and could not be arbitrarily extended to those inhabitants. This was what the report tended to show in the following passage:

“ The clauses quoted above do not establish equality of treatment except between the nationals of the mandatory Powers, on the one hand, and those of other States Members of the League, on the other hand. They do not extend this equality to persons belonging to the mandated territories, who are, in law, neither nationals of a mandatory Power nor nationals of one of the States Members of the League. It would therefore seem scarcely logical to infer from the principle of equality in question, notwithstanding this circumstance, any claim in favour of persons belonging to mandated territories but resident outside those territories. ”

From this explanation it followed that it would be useless to invoke the principle of equality in order to lead States Members of the League to recognise that the inhabitants of the mandated territories living in those States possessed any special privilege. This was the point of view on which the arguments used in the report were based. Those arguments only touched upon the legal aspect of the problem, but were not the least opposed to the voluntary granting, in the sense indicated by M. Rappard, of privileges to the nationals in question.

M. RAPPARD repeated that in his view the report of M. Van Rees, as at the moment worded, gave a strong argument to the Government of Liberia for refusing to grant equality of treatment. The Commission should not appear to take the view that it had asked for too much in this matter.

M. VAN REES said that, if the wording of his report really lent colour to any such argument, he was prepared to state more definitely his meaning.

M. MERLIN noted that M. Rappard had withdrawn his first proposal. He had formerly proposed, however, that the Commission should ask that inhabitants under A mandate should be granted the same right of establishment as the nationals of the mandatory Power.

M. VAN REES observed that such a request could not be justified by the terms of the mandate.

M. RAPPARD said that, if the Permanent Mandates Commission adopted that attitude in its report, it would be following the same line of action as a man who said to one friend: “ John, please ask Richard to dinner ”, and a moment later urged Richard to refuse the invitation.

M. MERLIN thought that the Commission should make no recommendation at all.

M. RAPPARD was prepared to agree to this suggestion provided that the Commission did not base its reasons for taking no action on the considerations set forth in the report of M. Van Rees.

M. VAN REES pointed out that he had been asked to examine this question. In doing so, he had endeavoured to find some argument having legal force which might strengthen the recommendation submitted by the Commission in 1923. He had been unable to find such an argument and he doubted if one existed.

Dr. KASTL said that the Commission must make a report on the matter to the Council because the Council had instructed it to make a general enquiry. As far as he was concerned, he could fully endorse the proposal of M. Rappard.

M. CATASTINI drew the attention of the Commission to the resolution adopted by the Council on September 1st, 1928, in which it was especially entrusted with the duty of studying the whole question.

M. RAPPARD thought it quite clear that the Council desired the Commission to make some recommendation in respect of these inhabitants. After enquiry, it had discovered that it could not do so and based its action on the terms of the mandate, but it must say that the present state of the law did not give to such inhabitants that degree of protection to which they were morally entitled. He would, however, suggest that no final decision should be taken until the next session of the Commission.

The suggestion of M. Rappard was adopted.

TWENTY-FIFTH MEETING

Held on Monday, November 12th, 1928, at 10.15 a.m.

Chairman: The Marquis THEODOLI; later, M. VAN REES.

963. **Iraq: Petition from the Bahai Spiritual Assembly at Baghdad, dated September 11th, 1928** (continuation).

M. ORTS read the conclusions of his report (Annex 13).

He added that Lord Lugard had proposed another version for one of the last paragraphs, but that he had hesitated to adopt it. He was, however, prepared to do so if the Commission desired. Lord Lugard proposed to insert, after "the documents accompanying it", the words:

"The Commission recommends the Council to invite the British Government to inform the Government of Iraq that a country in which the Sovereign and the highest law courts are capable of so flagrant a denial of justice would probably not be considered to be eligible to become a Member of the League of Nations and to call upon the Government of Iraq to restore to the petitioners the property of which they have been illegally dispossessed."

In view of the fact that the Iraq Government seemed very anxious to become a Member of the League of Nations, this argument had a very good chance of being effective.

Lord LUGARD said that the draft as it stood—especially the words "to compel the Government of Iraq"—would probably give rise to a strong reaction, since Iraq under the treaty claimed to be an independent sovereign State. The Commission had been told that it was the ambition of Iraq to become a Member of the League of Nations, and the insertion of the words he suggested would probably have the immediate effect of bringing home to the Iraq Government the necessity of taking the steps required without calling upon the Mandatory to resort to methods of compulsion.

M. MERLIN said that he had intended to propose the following draft for the second recommendation covered by the amendment of Lord Lugard:

"The Commission recommends the Council to ask the British Government to compel the Government of Iraq to put an end without delay to the position, which is entirely contrary to the provisions of the Covenant, of the British mandate, of the Organic Law of Iraq even, and finally of the sacred mission of civilisation entrusted to the mandatory Powers."

M. Merlin did not think that the question of the entry of Iraq into the League of Nations should be confused with that of the Bahai petition. If it were desired to make use of this incident, then a place should be found for it in the observations of the Commission.

The draft proposed by Lord Lugard would cause the League of Nations to play the scurvy part of a bargainer and a blackmailer.

M. ORTS said it was scarcely possible to refer to the terms of the mandate, since there was no mandate properly so called, but a treaty which had taken its place. On the other hand, a reference to the Organic Law was scarcely possible, for there had been no direct violation of freedom of conscience.

After reflection, he agreed with M. Merlin that the two questions should not be combined.

M. PALACIOS was against the proposal of Lord Lugard. He asked the Commission to reflect very carefully whether the attitude of the Government of Iraq amounted to an interference with freedom of conscience.

M. ORTS said that, after having carefully examined the petition from this aspect, he now thought that there had not, properly speaking, been any attack on freedom of religion, but only a flagrant violation of justice which the mandate should make impossible.

M. RAPPARD proposed to add, after the paragraph ending "partiality, servility and sectarianism", the following sentence:

"Of the various moral and material interests protected by the League in accordance with the Covenant, there is none more precious than the assurance of an impartial administration of justice."

The Commission adopted this form of words.

M. RAPPARD suggested the following draft for the sentence covered by the amendment :

“ The Commission recommends the Council to invite the British Government to ensure the restitution to the Bahai, through the Government of Iraq, of the property of which they have been illegally dispossessed. ”

The CHAIRMAN pointed out that it would perhaps be preferable not to ask for the restitution of this property in order that the Government of Iraq might find another solution of the problem, such, for example, as granting to the petitioners other properties which would be more advantageous.

After an exchange of views, in which the CHAIRMAN, M. RAPPARD, M. MERLIN, M. ORTS and M. CATASTINI took part, *the Commission agreed on the following text* :

“ The Commission recommends the Council to ask the British Government to call upon the Government of Iraq to redress without delay the denial of justice from which the petitioners have suffered. ”

964. Iraq : Observations of the Commission.

The Commission examined the text of its draft observations on the administration of Iraq.

After an exchange of views, *the draft was adopted with certain amendments* (for final text, see Annex 16), *with the exception of the paragraph concerning the relations between Great Britain and Iraq.*

Relations between Great Britain and Iraq.

M. VAN REES regretted that he could not agree with the observations made in the following paragraphs :

“ The Commission has carefully considered the treaty between the United Kingdom and Iraq signed at London on December 14th, 1927, which the mandatory Power had communicated to the Secretary-General of the League of Nations with the report on Iraq for 1927, with covering letter from the Foreign Office dated August 28th, 1928.

“ The Commission noted that this treaty would not be put in force before the Council of the League had approved it, and that this approval had not yet been sought. As, however, the treaty had been officially communicated to it, the Commission believed it to be its duty to consider it. Accordingly, it examined the said treaty in the light of the principles of Article 22 of the Covenant and of the obligation retained by Great Britain under the agreements at present in force.

“ It noted that, under the provisions of the new treaty, Great Britain abandons all right to advise the Government of Iraq and all legal means of controlling its policy. The Commission therefore cannot escape its apprehensions that the coming into force of the new treaty would release Great Britain from all responsibility towards the League of Nations in respect of Iraq and would imply the severance of all legal ties provided for under Article 22 of the Covenant. ”

He proposed that these paragraphs should be deleted and put forward the following considerations in support of his proposal.

As Mr. Bourdillon, the accredited representative of Great Britain, had formally stated on several occasions, the treaty in question had only been communicated to the Permanent Mandates Commission for information. It had transpired from the discussions which had taken place regarding this treaty that Great Britain had not submitted the document in question to it for the purpose of analysis and comment. The treaty was intended to define the relations between Great Britain and Iraq and was therefore essentially a political act accomplished by these two Powers acting together. As such, it does not call for the comments of the Permanent Mandates Commission, which was not bound or authorised by the terms of the last paragraph of Article 22 of the Covenant to submit an opinion to the Council upon an act of that kind. This point of view was confirmed by the fact that the Permanent Mandates Commission had not been consulted in regard to the two similar treaties concluded between Great Britain and Iraq in 1922 and in 1926. It had abstained from examining those treaties and it had expressed no opinion upon them.

The last two treaties had been communicated to the Council, which was the only body competent to take note of them. Did the fact of their communication imply that the treaties must necessarily be approved by the Council before entering into force? M. Van Rees would reply in the negative. At its meetings of September 27th, 1924, and of March 11th, 1926, the Council had accepted and approved, not the two treaties, but the terms of the declaration made by the Government of His Britannic Majesty which had simultaneously been submitted to the Council. Those terms had been described by the Council as being suitable to give effect to the provisions of Article 22 of the Covenant. In its first resolution of 1924, the Council made no reference to the treaty of 1922, and in its second resolution of

1926, which was even more significant, it merely approved the terms of the British Government's letter of March 2nd, 1926.

This action appeared to have been dictated by the consideration, which was perfectly justified, that it was not for the Council to interfere in the political relations of two States resulting from treaties concluded, even if this interference merely constituted a formal approval, and that the only duty of the Council was to take cognisance of the written declarations of the British Government by the terms of which Great Britain as mandatory Power would continue to assume *vis-à-vis* the League of Nations the obligations resulting from the provisions of Article 22 of the Covenant. The same procedure would probably be followed in regard to the new treaty. That would also be communicated at the proper moment to the Council, a fact of which the Permanent Mandates Commission had been informed. It would be accompanied by a statement on the part of the British Government similar to the previous statements. Doubtless, it would once more be that statement which the Council would accept and approve if its text appeared satisfactory to it.

Even supposing that the Council had intended in 1924 and 1926 *implicitly* to approve the two previous treaties, the Mandates Commission could not claim that it was its duty to express an opinion on the present treaty.

Having been unable to find a valid motive justifying any intervention on the part of the Commission in this matter, M. Van Rees thought it his duty to insist that the Commission should refrain from any observation which might expose it to criticisms which it would be difficult to refute.

M. RAPPARD wished to state, in the first place, that the treaty between Great Britain and Iraq had not only been made the object of a communication to the Permanent Mandates Commission, but that a special passage in its report had been devoted to it. The Commission might well wonder, therefore, with what object this double presentation of the treaty had been made if the mandatory Power had intended to prevent the text of the treaty from being examined by the Permanent Mandates Commission. Further, the Commission should beware of the danger that there might be in concluding from its silence that the treaty had been approved by it. Whether the treaty ought to be formally approved by the Council or be made the object of a less explicit resolution on its part did not affect the substance of the matter. What it was important to settle was whether the Council had any right to review or take any decision concerning the relations existing between Iraq and Great Britain. To M. Rappard's mind, that point was not in doubt. Great Britain had, in fact, assumed responsibility for administering Iraq in conformity with the principles enunciated in Article 22 of the Covenant, and the Council was, in the natural course of affairs, entrusted with supervising the execution of the provisions of the Covenant. The duty of the Permanent Mandates Commission was to assist the Council in its task, and the Commission's competence in regard to the question of the treaty between Great Britain and Iraq could not be seriously contested.

M. Rappard thought, moreover, that the accredited representative of Great Britain would have been somewhat surprised had he heard M. Van Rees' observations. Had he not himself said that the treaty would not come into force until it had been approved by the Council?

M. VAN REES pointed out that the accredited representative might not attach to the expression he had used the meaning attributed to it by M. Rappard.

M. RAPPARD observed that, in any case, it was not for the Permanent Mandates Commission to put him right on this point.

M. Van Rees had said that the most the Council could do would be to ask the mandatory Power to make a declaration that it would guarantee the execution of the treaty concluded between itself and Iraq. How could the Mandatory supervise the execution of the treaty if it renounced its right to advise?

M. Rappard concluded by saying that the Commission would not be exceeding its powers in making a reference, which could be expressed very discreetly, to the treaty between Great Britain and Iraq in the observations to be submitted to the Council.

M. ORTS agreed with M. Rappard in thinking that it was hard to see for what object the text of the treaty had been communicated to the Mandates Commission by the mandatory Power unless it was in order that the Commission might express an opinion on it. He had none the less been struck by M. Van Rees' observations with regard to existing precedents. There had, in fact, been treaties which had not been submitted to the Mandates Commission, and in that respect the Commission was bound by what had been done in the past. It could not take upon itself to formulate an opinion on the treaty submitted without being invited to do so. Did it follow, then, that it should say nothing in its observations? That was not M. Orts' view, since silence signified approval and the silence of the Commission could be so interpreted. M. Orts proposed, therefore, that the Commission should say in its report that it had thought that it could not express an opinion on the treaty concluded between Great Britain and Iraq, which was a political act. In any case, the Commission must consider itself either competent or incompetent. In the first alternative, it must say in its observations everything which it thought fit, while, if the second alternative were adopted, it must say nothing at all, for there could be no half-way house in this particular case.

M. RAPPARD said that he was unable to follow M. Orts in his submission that the Commission was incompetent in matters such as those with which it was dealing at the moment. It must be remembered that the task of the Mandates Commission was to supervise the

application of the provisions of Article 22 of the Covenant. M. Rappard would be prepared to consider an amendment to this section of the observations, but would be opposed to the Commission declaring itself incompetent.

Dr. KASTL associated himself with the observations made by M. Rappard in both his statements. It was true that the treaty in question had a political character, but it none the less affected both the administration of the mandated territory and the supervision exercised over its Government by the mandatory Power. It followed that the Mandates Commission was competent in this question and was bound to examine the treaty submitted to it. It could not fail to examine the treaty without suffering loss of prestige.

M. ORTS thought that the three following facts should be taken into consideration : (1) the examination of the text of the treaty by the Commission had precedents against it ; (2) the accredited representative of the mandatory Power had clearly indicated that the treaty had been communicated to the Commission only for information ; (3) the Council had not as yet asked the Commission to state its opinion on the treaty.

M. CATASTINI recalled that the Commission had on several occasions in the past expressed an opinion to the Council on the ground of unofficial and sometimes quite indirect information. Such had been the case as regards a speech delivered by a Prime Minister and reported in the Press. It might therefore be held that, whatever might be the form from the legal point of view in which a document had been submitted to it, the Commission was perfectly at liberty to intimate its opinion or its anxieties to the Council.

M. VAN REES said that there was a sharp distinction between the examination and approval of a political instrument defining the relations between two countries and the examination and approval of the application of that instrument. The task of the Mandates Commission was to supervise the application of the laws of the mandated territory, the observance of the principles on which the mandates system reposed, and the execution of the provisions contained in the mandate instruments themselves. While it was true that the Commission was entitled to examine documents or information coming from the most varied sources, it was nevertheless essential that such information should raise only questions of execution, of practice or of application.

M. Catastini had perhaps been referring to the attitude taken up by the Mandates Commission in consequence of the speech delivered by the Prime Minister of the Union of South Africa. If that were so, M. Van Rees would remind M. Catastini that he had himself drawn the Commission's attention to this speech, but it had been a question in that case of an official confirmation dealing directly with a fundamental principle of the mandates system, and the Commission had perfectly well realised this fact. The treaty between Great Britain and Iraq, on the contrary, did not concern the Mandates Commission, and the point that was of interest to the Council was the way in which Great Britain would ensure the execution of the obligations assumed by her under Article 22 of the Covenant. If, in submitting the treaty to the Council, Great Britain declared, as she had done in 1924 and 1926, that she continued to assume responsibility towards the League of Nations for the administration of the mandated territory, it was for the Council to consider that declaration, but it was certain that the Mandates Commission was not called upon to intervene in this matter unless it was specifically asked to do so.

M. Van Rees thought it might be useful to recall the terms of the resolution adopted by the Council on September 27th, 1924, which stated :

“ The Council of the League of Nations
“ Accepts the undertakings of the Government of His Britannic Majesty ;
“ Approves the terms of the above communication as giving effect to the provisions of Article 22 of the Covenant ”

This resolution therefore did not expressly approve the 1922 treaty. Again, on March 11th, 1926, the Council approved “ the terms of the letter from the British Government dated March 2nd, 1926, to which the text of the treaty between Great Britain and Iraq dated January 13th, 1926, is annexed, as giving effect to the provisions of Article 22 of the Covenant ”, without approving the actual text of the treaty in more explicit terms. There was therefore ground for thinking that, if the new treaty was submitted by the mandatory Power accompanied by a satisfactory declaration, the Council would take up the same position as in 1924 and 1926.

In conclusion, M. Van Rees maintained the view that it would be desirable to suppress the paragraph under discussion.

Dr. KASTL repeated that he shared M. Rappard's opinion completely. The treaty between Great Britain and Iraq was a document that had been made public and which could be discussed by the Mandates Commission. It could not therefore be said that the Commission could not examine it. In the second place, the Mandates Commission was, in these matters, the advisory organ of the Council, and every representative on the Council would have reason for astonishment if, after being seized of the terms of a treaty which concerned a mandated territory, the Commission had been unable, after a session of sixteen days, to give an opinion on it. The Commission, moreover, had no need of instructions from the Council for putting forward an opinion, since paragraph 4 of Article 22 of the Covenant was sufficient authorisation. It was, in point of fact, because the mandatory Power had thought that Iraq had not yet reached a sufficient degree of development to allow of her final recognition as an independent

State that the mandatory Power still continued to exercise guardianship, and it was obvious that the Commission was bound to consider whether the treaty negotiated between Great Britain and Iraq made it possible for the mandatory Power still to exercise that guardianship. The Mandates Commission could never take into account any measure restricting the development of a territory under A mandate towards an independent status. This development was quite natural and to be expected in accordance with the Covenant. But as long as this independent status was not reached, it was obvious that the mandatory Power must be formally and practically in the position to exercise its guardianship.

M. ORTS submitted the following considerations.

1. Iraq was under an A mandate, that was to say, the territory was expected within a relatively short period to become completely independent, and it was natural that the guiding strings in which the Government was being driven should be gradually relaxed.

2. The question of determining whether the relaxation proposed was justified by the progress made was a question of politics and, as such, came within the competence of the Council; it was outside that of the Mandates Commission, which was concerned solely with the internal administration of the territory.

3. It might be noted from the Commission's Minutes that, if Mr. Bourdillon had said that the mandatory Power was not asking for the formal approval of the terms of the treaty, he had further said that any observations which the Commission might make would certainly be of great value to the mandatory Power.

M. PALACIOS approved the first and third of the considerations of M. Orts. As regards the second, he was doubtful. A proof that the Commission could discuss the treaty between Great Britain and Iraq was that it had done so. The question involved was that of coming of age, a question which was full of problems on which the Commission ought to express an opinion.

M. RAPPARD wished to rebut the argument drawn from precedents against the thesis that the Commission should examine the terms of the treaty. The Commission had never been consulted as to the terms of the mandate instruments, and, if it had not been asked to approve the terms of the 1922 treaty, it was precisely because that treaty served as a mandate or took its place. Once, however, the system had been set up, the task of the Commission began. In many cases, the Commission had submitted observations on its own initiative. At one of the previous sessions, it had warned France that certain measures contemplated in Syria appeared to the Commission likely to diminish French authority. It seemed, moreover, inconceivable that the Mandates Commission should concern itself with questions of application and not with questions of principle. Would it not then be enough to say that the treaty itself raised a question of application, and was it necessary to add a reminder of the action taken by the Commission in the question of the South-West African railways?

M. Rappard then proposed that, in place of the last paragraph of the observations on the relations between Great Britain and Iraq, there should be introduced a passage stating that the Commission would abstain from putting forward any observations or recommendations on the subject of these relations until it had been invited to do so by the Council.

The CHAIRMAN regretted that he was obliged to leave the meeting and asked that the further discussion of the question should be postponed until the next meeting.

The Commission assented.

(M. VAN REES took the chair.)

965. Observations of the Commission on the Status of the Inhabitants of South-West Africa.

After a short discussion, *the draft observations were adopted* (Annex 16).

TWENTY-SIXTH MEETING

Held on Monday, November 12th, 1928, at 3.30 p.m.

Chairman : M. VAN REES ; later, the Marquis THEODOLI.

966. Ruanda-Urundi : Observations of the Commission.

General Administration.

M. MERLIN, with reference to the scheme for transferring natives to the neighbouring districts of the Congo, thought that it was not for the Mandates Commission to say that another scheme would have more successful results.

M. ORTS replied that, when a mandatory Power had prepared a scheme of so vast a nature, and when it had communicated that scheme in a report to the Commission, it was with the object of ascertaining whether it caused any opposition. Having communicated the scheme, the Mandatory could not take it amiss if the Commission gave its opinion.

Lord LUGARD, M. RAPPARD and Dr. KASTL agreed with M. Orts.

After a discussion between Lord LUGARD, M. MERLIN, M. ORTS and M. RAPPARD, *the text in question was adopted with certain amendments.*

The draft observations as a whole were adopted with certain minor amendments (For final text, see Annex 16).

967. **Liquor Traffic : Text drafted by Lord Lugard for insertion in the Report to the Council.**

The report was adopted (see Annex 16).

M. MERLIN said that he abstained from voting. He thought that—in the French version, at any rate—the question had not been put in the right way and that it required reconsideration *in toto*.

968. **Western Samoa : Petition of the Anti-Slavery and Aborigines Protection Society, dated June 8th, 1928.**

The report by Dr. Kastl was adopted (Annex 14).

969. **Palestine : Petition concerning the Incident at the Wailing Wall, Jerusalem, September 24th, 1928 (continuation).**

The final text of the conclusions of the Commission was adopted (Annex 16).

M. PALACIOS stated that he expressly adhered to the terms of M. Rappard's report.

M. CATASTINI wondered whether it would not be advisable to issue a *communiqué* to the Press on the conclusions which the Commission had reached, since the question of the Wailing Wall was of interest to the whole world.

M. VAN REES thought that the conclusion which the Commission had reached would not be understood without all the other supplementary documents.

M. MERLIN agreed with M. Van Rees. Further, he feared that the Press might make a habit of asking for *communiqués* on all questions in which it was interested.

The Commission agreed.

970. **Iraq : Observations of the Commission (continuation).**

Relations between Great Britain and Iraq (continuation).

Certain members of the Commission having submitted that the question raised in the first paragraph might be passed over, Dr. Kastl said that he could not agree with this view.

M. RAPPARD said that he had submitted a compromise, but he preferred the original text.

Lord LUGARD agreed with Dr. Kastl. The Commission's attitude would certainly cause comment if, after holding a long discussion at its seventeenth to nineteenth meetings, it now decided that the question lay outside its competence. The accredited representative had said—and M. Orts had emphasised the point—that any comment which the Permanent Mandates Commission might make on the Treaty would be of value to his Government, especially as it would indicate the attitude which the Council would probably take up ; but he had also said that he was not authorised to discuss the treaty in detail. That would be the task of the British representative if the treaty ever came before the Council.

Lord Lugard consequently thought that the Commission's remarks should be of a very general nature. If the Commission agreed with this view—which all the members appeared to have shared in the previous discussion—Lord Lugard was prepared to suggest various amendments to the wording of the last paragraph.

M. VAN REES said that he could not agree even to the amended text.

He wished once again to explain his point of view. He was quite clear in his mind as to the relations which existed between the Mandates Commission and the Council on the one hand, and the Council and the mandatory Power on the other, and he therefore contested the argument that it would be the right and duty of the Mandates Commission to scrutinise the Anglo-Iraqi treaty and to express an opinion on the faults which it thought it had discovered therein.

It had been objected that the Commission had already discussed this treaty, and had expressed its opinion regarding the contents. Nevertheless, it should be noted that the discussion which had taken place at a previous meeting regarding this instrument had been confined to an exchange of views between certain members of the Commission and Mr. Bourdillon, an exchange of views which engaged only the responsibility of the speakers, whereas, in its report to the Council, the Commission as a whole must assume the responsibility for the conclusions and observations resulting from the discussion.

If the Commission could refrain from expressing any opinion as to the terms of the treaty, M. Van Rees would be entirely satisfied. If, on the contrary, it persisted in its desire to formulate an opinion, he would be obliged to ask for an addition to the report in the form of a footnote to the following effect :

“ The Dutch member was unable on this point to agree to the report for reasons which are given on pages 222-227 of the Minutes. ”

After an exchange of views between the CHAIRMAN, M. VAN REES, M. RAPPARD, M. MERLIN, M. PALACIOS and Dr. KASTL, the Commission adopted a final text which was approved by all members (Annex 16).

971. Date of the Next Session of the Commission.

The Commission decided that its fifteenth session would begin on Monday, June 17th, 1929.

TWENTY-SEVENTH MEETING

Held on Tuesday, November 13th, 1928, at 10 a.m.

Chairman : The Marquis THEODOLI.

972. Islands under Japanese Mandate : Observations of the Commission.

The Commission discussed the draft observations on the administration of the Islands under Japanese mandate.

After a short discussion, the draft was adopted with various amendments (For final text, see Annex 16).

973. Draft Report to the Council on the Work of the Fourteenth Session of the Commission (Preamble).

The Commission examined the draft Preamble to the report on the work of the fourteenth session.

After some discussion, this draft was adopted (Annex 16).

974. Public Health in the Mandated Territories.

M. MERLIN said that he had carefully read the note prepared by Dr. Kastl (Annex 15 A), who had said that in many cases it might be observed that there was a lack of proportion between the almost unlimited needs of the mandated territories in regard to health and the otherwise very honest endeavours made by the majority of the mandatory Powers, and that this was perhaps due to the fact, not only that the financial resources available for the mandatory Powers in these territories were inadequate, but that they did not possess the indispensable minimum of medical staff. Dr. Kastl had concluded that it might perhaps be expedient to call in doctors who were nationals of countries other than those of the mandatory Powers. M. Rappard's report (Annex 15 B), which differed somewhat, concluded by suggesting that a certain number of questions should be put to the mandatory Powers, and Lord Lugard, taking up M. Rappard's suggestion, had proposed that still more detailed questions should be put to them (Annex 15 C).

M. Merlin thought that this was not the right way of putting the problem. He realised very well that, in examining the report of a mandatory Power on the administration of the territory entrusted to it, the Commission raised all kinds of questions and put forward all the suggestions it thought useful, but he did not think that it would be pertinent to make a general recommendation to the Council with a view to a general study of the problem by all the

mandatory Powers. The latter might reply that they did everything that was possible, and that it was impossible to effect in a few years in the countries for which they had assumed responsibility a transformation in health matters which was far from having been realised in the Western countries; that, under the terms of the mandates, they administered the said territories as they thought right, within the limits of Article 22 of the Covenant and of Article 9 of the B mandate; finally, that the practice of medicine was not absolutely unrestricted in any country, as was the case for the industrial and commercial professions. The laws governing the practice of medicine varied enormously from one country to another. In particular, in France and in certain other States there were two kinds of medical diploma, a diploma of learning and a permit for the practice of medicine issued by a special board only to nationals of the country. To sum up, while he recognised the importance of the question, M. Merlin could not subscribe to the conclusions of the three reports submitted to the Commission.

M. RAPPARD thought he was right in saying that in France there were foreign doctors who carried on their profession after having obtained the necessary diplomas. While he did not share M. Merlin's view, he thought that he and M. Merlin were in agreement on more points than M. Merlin seemed to believe. It appeared to M. Rappard incontestable that the question was of a general character, since in no mandated territory was the health situation either entirely satisfactory or as satisfactory as it would be if the Mandatory had at its disposal a sufficient number of doctors. On various occasions, the mandatory Powers had pleaded, not only financial difficulties, but difficulties in obtaining doctors. When the Commission had suggested that they should seek help elsewhere, certain Powers had replied that they had done so and others that they wanted no doctors except their own nationals.

When the suggestion had been put forward that the missions should be subsidised with a view to facilitating the recruitment of doctors from other countries, the Commission had not always obtained a perfectly definite reply. Obviously, the practice of medicine was closely linked to the question of public order, and in this respect the mandatory Governments were particularly responsible. On the other hand, the exclusion from the mandated territories of a foreign doctor regardless of his capacity and his qualifications appeared to be at variance both with the general interest and the principle of equality in the mandated territories. M. Rappard did not, therefore, see how the exclusion of a foreign doctor who would be prepared to submit to the same requirements as doctors who were nationals could be justified solely on the ground of nationality.

M. MERLIN pointed out that a doctor's application would not be refused on the ground that he was a foreigner, but on the ground that he did not possess the national diploma. To his mind, there could be no question, in this matter, of economic equality. In view of the complexity of the considerations raised by the problem, he thought that it should not be made a general question, and that the Commission should confine itself to asking the accredited representatives for any information they thought fit.

M. RAPPARD explained that, in his note, he had suggested, not that the Commission should make a recommendation of principle to the Council, but merely the request that the mandatory Powers should be asked to give information to the Commission.

M. MERLIN was prepared to agree that the mandatory Powers should be consulted as to the conditions in which the practice of medicine might be thrown open to all comers, whether directly or indirectly, but he could not associate himself with the conclusions contained in M. Rappard's or Lord Lugard's report.

M. ORTS added that, as they were responsible for the administration of the mandated territories, the mandatory Powers were always entitled, for reasons of which they were the supreme judges, to refuse admission to a foreign doctor. They might have good reasons for not wishing a certain individual to be in direct contact with the population—above all, when his sphere of operations was remote from the authorities.

Dr. KASTL thought that the predominating consideration should be the necessity for the natives to have at their disposal the best and most prompt medical treatment possible. The mandatory Powers were responsible for ensuring the presence in the mandated territories of a sufficient number of doctors. If it were impossible to obtain a sufficient number at home, this should be no obstacle to choosing other doctors who were nationals of countries Members of the League. Dr. Kastl observed that, before the war, the regulations governing the question had been much more liberal, and he cited the case of a Russian doctor belonging to a Finnish mission from Angola and a Norwegian doctor, both of whom had practised in South-West Africa.

The mandated territories were not the national possessions of the mandatory Powers, and it was difficult to see why these territories should not be entitled to have any doctors except those who were nationals of the respective Mandatories. It was possible to admit that a mandatory Power might refuse to employ a foreign doctor on its staff, but it should not refuse to admit a doctor who came to practise in a mandated territory if he were a national of a State Member of the League and duly qualified.

M. VAN REES asked whether Dr. Kastl thought that a mandatory Power should admit, not as an official, but as a private doctor, any foreign doctor provided he held the diploma of his home country, without requiring other guarantees.

Dr. KASTL replied in the affirmative. It might be held that the approval or legalisation of the diploma was given by the League of Nations.

M. RAPPARD thought that there were three possible hypotheses: (1) Any doctor authorised to practise in his home country could practise in a mandated territory; (2) any doctor could practise in a mandated territory if he held a diploma issued by the mandatory Power; (3) only the nationals of the mandatory Power were authorised to practise in the mandated territories. It was the third hypothesis which it seemed difficult to M. Rappard to justify.

Mlle. DANNEVIG looked at this question from the point of view of the natives, who suffered from the shortage of doctors. It would be a pity if progress as to public health were seriously hampered by the legal considerations connected with the question of admitting foreign doctors. She drew attention to a precedent. Owing to the dearth of doctors in Norway during the war, foreign doctors had been individually authorised to practise in certain districts of that country. Would it not be possible to make an arrangement of this kind in the mandated territories when there was a shortage of doctors nationals of the mandatory Power?

M. MERLIN still thought that the crux of the question lay elsewhere. To his mind, the practice of medicine did not fall under Article 6 of the mandates, but under Article 9.

M. RAPPARD observed that the "exercise of a profession" did not refer solely to the industrial or commercial professions.

M. MERLIN replied that the medical profession was a special profession, which was not practised freely in any country in the world.

The CHAIRMAN suggested that M. Rappard should be requested to prepare a new note for the next session, and Dr. Kastl and M. Merlin likewise, if the Commission agreed.

Dr. KASTL said he was not opposed to M. Merlin's last submission. Nevertheless, it was in the general interests of the Commission that a decision should be taken at the present session. It was a fact that there were not in the mandated territories enough doctors who were nationals of the mandatory Powers. The provisions of the Covenant could not be adduced in favour of the continuance of a state of affairs that was injurious to the natives of the mandated territories from the point of view of medical treatment.

M. RAPPARD observed that, if there was any opposition, it could only be overcome if it was at variance with the Covenant. Personally, he adhered to the conclusions of his report.

M. MERLIN said that, if the discussion were to continue, he would be obliged to discuss M. Rappard's conclusions point by point.

M. RAPPARD urged that it should be definitely decided that the question would be discussed in February at a special session, together with the other general questions held over.

M. VAN REES supported this suggestion.

M. CATASTINI said that he was always prepared to comply with the Commission's wishes. Nevertheless, he was obliged to make reservations regarding the realisation of the scheme for an extraordinary session in February, for he could not give any undertaking without studying the question in advance with the Internal Services.

It was decided to postpone the question to the next session.

Dr. KASTL asked that an expression of his regret that the question under discussion had been postponed should be recorded in the Minutes.

The CHAIRMAN said that the Commission undertook to settle the question at its next session, whether it was an ordinary or extraordinary one.

M. RAPPARD associated himself with the regret expressed by Dr. Kastl.

975. Treatment extended in Countries Members of the League to Persons belonging to Mandated Territories (continuation).

M. RAPPARD recalled that the Commission had previously accepted certain conclusions contained in M. Van Rees' report on this question, but the report did not preclude the consultation of the mandatory Powers. While he bowed to the legal arguments advanced by M. Van Rees, M. Rappard thought that the present situation was not in accordance with the wishes of the mandatory Powers themselves. He proposed, in order to give effect to the Council's instructions that the Commission should investigate the question, that the Commission should make a suggestion that the mandatory Powers should be asked to express their views on the subject and to consider whether any measures should be taken in the matter. A report would be submitted at the Commission's next session.

The Commission asked M. Rappard to submit a report at the next session.

976. List of Annexes to the Minutes of the Fourteenth Session.

The Commission approved the list of Annexes to the Minutes of the fourteenth session.

977. Close of the Session.

The CHAIRMAN requested M. Rappard to go through the report to the Council as usual, with the assistance of the Secretariat.

It might be possible that he himself would be unable to come to Geneva in March, and in that case he would ask M. Van Rees to take his place at the Council session.

He thanked all the members of the Commission for their indefatigable industry and for their patience, as well as the members of the Secretariat for the great care they had taken in preparing the Commission's work, and for their devotion. Only the previous day, the Secretary-General had told the Chairman that the Mandates Commission was one of the Commissions which came nearest to satisfying the League.

M. PALACIOS congratulated the Chairman on the ability, tact and, when necessary, the energy with which he had, as usual, conducted the proceedings of the session. As to the Secretariat, he would renew the praises he had lavished on it during the Assembly. It was his definite belief that the Commission had done important work during its fourteenth session.

978. Date of the Next Session (continuation).

M. VAN REES asked if the date of the next session was fixed for June 17th, 1929.

The CHAIRMAN replied in the affirmative, unless the Commission were convened at an earlier date.

ANNEX 1.

C.P.M.785 (1).

LIST OF DOCUMENTS ¹ FORWARDED TO THE SECRETARIAT BY THE MANDATORY POWERS SINCE THE LAST EXAMINATION OF THE REPORTS RELATING TO THE FOLLOWING TERRITORIES :

A. <i>Iraq.</i>	E. <i>Islands under Japanese Mandate.</i>
B. <i>Cameroons under British Mandate.</i>	F. <i>Western Samoa.</i>
C. <i>Ruanda-Urundi.</i>	G. <i>South-West Africa.</i>
D. <i>Togoland under British Mandate.</i>	

A. IRAQ.

1. Annual Report, 1927.
2. (a) Index of the Laws, Regulations, Proclamations, etc., relating to Iraq issued between October 31st, 1914, and December 31st, 1926.
(b) Supplement to Compilation of Laws and Regulations issued between January 1st, 1926, and December 31st, 1926.
(c) Iraq Constitution of March 31st, 1925.
(d) Compilation of Laws and Regulations issued between January 1st, 1924, and December 31st, 1927.
3. Iraq Government *Gazettes* (except Nos. 20 and 22, 1928). ²
4. Treaty between the United Kingdom and Iraq, December 14th, 1927.
5. Letter from the British Government, dated February 6th, 1928, forwarding the Provisional Agreement concluded on April 6th, 1927, between Iraq and Syria for the regulation of the affairs of frontier tribes (C.P.M.693).
6. Turkish Petroleum Company's Convention with the Government of Iraq, dated March 14th, 1925.
7. Anglo-Persian Oil Company's Agreements with the Iraq Government, dated May 28th, 1901 ; August 30th, 1925 ; May 24th, 1926.
8. Contract for service under the Iraq Railway Administration for personnel normally domiciled in India.
9. Note on Certain Aspects of Revenue (Collection), with annexed graph, supplied by Mr. Bourdillon on October 25th, 1927. ²
10. Letter from Mr. Lloyd, dated May 11th, 1928, drawing attention to an error on page 34 of the Minutes of the Twelfth Session of the Permanent Mandates Commission. ³
11. Letter of the British Government, dated October 5th, 1927, forwarding statistical tables. ³
12. Turco-Iraq Frontier Delimitation Commission Maps, transmitted by the High Commissioner for Iraq with a letter dated December 9th, 1927. ²
13. Observations of the British Government, dated July 24th, 1928, on the Council's decision relating to the report of the Permanent Mandates Commission on the work of its twelfth session (C.369.1928.VI).
14. Letter of the British Government, dated July 26th, 1928, forwarding a Petition from Mr. B. S. Nicolas and giving their comments thereon (C.P.M.768).
15. Letter of the British Government, dated October 17th, 1928, forwarding a Petition from the Bahai Spiritual Assembly at Bagdad and giving their comments thereon (C.P.M.784).
16. Documents supplied by Mr. Bourdillon on November 1st, 1928 :
 - (a) Final Protocol of the Delimitation Commission of the Turco-Iraq frontier.
 - (b) Brief Note on the taxes at present levied on mines and quarries in Iraq.
 - (c) Statistics.

¹ Documents received by the Secretariat primarily for any of the technical organisations (e.g., Opium Committee) or other Sections of the Secretariat (e.g., Treaty Registration) are not included in this list. Unless otherwise indicated, the members of the Permanent Mandates Commission should have received copies of all the documents mentioned hereafter.

² Kept in the archives of the Secretariat.

³ Information contained in document C.143.M.34.1928.VI.

B. CAMEROONS UNDER BRITISH MANDATE.

1. Annual Report, 1927.
2. (a) Amendments which should be made in the Laws of Nigeria, 1923, and in the 1927 Supplement as a consequence of legislation published from September 1927 (inclusive) to July 1928 (inclusive).
(b) Addenda to the Tables of Amendments which should be made in the 1927 Supplement to the Laws of Nigeria as a consequence of legislation published during January, February and March 1928.
(c) Orders in Council : Nos. 26 to 37, 1927 ; Nos. 1 to 28, 1928.
(d) Regulations : Nos. 41 to 48, 1927 ; Nos. 1 to 23, 1928.
(e) Bye-laws : Nos. 7 and 8, 1927 ; Nos. 1 to 3, 1928.
(f) Rules : Nos. 6 and 7, 1927 ; Nos. 1 to 3, 1928.
(g) Ordinances : Nos. 1 to 22, 1928.
(h) The Supreme Court Ordinance, Rules of Court, January 16th, 1928 ; February 6th, 1928 ; February 20th, 1928.
3. Nigeria *Gazettes*.¹
4. Letter of the British Government, dated October 21st, 1927, forwarding statistical tables.²
5. (a) Letter from the Accredited Representative of the British Government, dated November 22nd, 1927, concerning the Observations of the Commission relating to the Report for 1926 on the Administration of the Cameroons (C.582.M.206.1927.VI).
(b) Observations of the British Government, dated July 24th, 1928, on the Council's Decision concerning the Report of the Permanent Mandates Commission on the Work of its Twelfth Session (C.369.1928.VI).
(c) Observations of the British Government, dated September 5th, 1928, on the Council's Decision concerning the Report of the Permanent Mandates Commission on the Work of its Twelfth Session (C.480.1928.VI) (Ex-Enemy Properties in Cameroons).

C. RUANDA-URUNDI.

1. Annual Report, 1927.
2. (a) *Official Gazette* of Ruanda-Urundi, from No. 1, 1927, to No. 2, 1928.¹
(b) Supplement to the *Official Gazette* of Ruanda-Urundi, No. 2 bis, May 15th, 1928.¹
3. Letter from the Belgian Government, dated April 26th, 1928, forwarding Information concerning the National Status of the Inhabitants of Mandated Territories (C.P.M.783) (C.543.1928.VI).
4. Letter from the Belgian Government, dated May 16th, 1928, relative to certain Definitions of Terms concerning the Liquor Traffic (C.234.1928.VI).
5. Letter from the Belgian Government, dated May 30th, 1928, forwarding Information concerning Postal Rates in Mandated Territories (C.P.M.783) (C.543.1928.VI).
6. Letter from the Belgian Government, dated July 14th, 1928, forwarding a List of the General International Conventions and a List of the Bilateral International Conventions in force in Territories under Belgian Mandate (C.P.M.783) (C.543.1928.VI).
7. Observations of the Belgian Government, dated September 12th, 1928, on the Petition dated May 20th, 1928, submitted by the Bureau international pour la Défense des indigènes (C.P.M.776).

D. TOGOLAND UNDER BRITISH MANDATE.

1. (a) Annual Report, 1927.
(b) Corrections to be made in the Annual Report.
2. Proclamations, Orders in Council, Miscellaneous Orders, Rules and Orders by the Governor for the year 1927.
3. Gold Coast *Gazettes*.¹
4. Letter of the British Government, dated October 5th, 1927, forwarding statistical tables.²
5. Maps of the territory mentioned in the Franco-British Declaration of July 10th, 1919.¹
6. Observations of the British Government, dated July 24th, 1928, on the Council Decision concerning the Report of the Permanent Mandates Commission on the Work of its Twelfth Session (C.369.1928.VI).

¹ Kept in the archives of the Secretariat.

² Information contained in document C.143.M.34.1928.VI.

E. ISLANDS UNDER JAPANESE MANDATE.

1. Report for 1927.
2. Laws and Regulations promulgated during 1927.
3. (a) Letter dated October 28th, 1927, from M. Sato, Accredited Representative of the Mandatory Power, and Corrections to be made in the Text of the Report for 1926 (C.P.M.661).
(b) Letter from the Japanese Government, dated May 4th, 1928, accepting the Recommendations of the Permanent Mandates Commission with reference to certain Definitions of Terms concerning the Liquor Traffic (C.234.1928.VI).
(c) Letter from the Japanese Government, dated June 13th, 1928, forwarding Information concerning the National Status of the Inhabitants of Mandated Territories (C.P.M. 783) (C.543).
4. Letter dated November 5th, 1928, from M. Sato, Accredited Representative of the Mandatory Power, forwarding Corrections to be made in the Text of the Report for 1927 (C.P.M.803).
5. Documents forwarded to the Commission by M. Sato, Accredited Representative, on November 7th, 1928 :
(a) Memorandum on the Angaur Mines.
(b) Memorandum on the Sugar Industry in the Island of Saipan.

F. WESTERN SAMOA.

1. Annual Report for the year ended March 31st, 1928.
2. Annual Report by the Department of Health for the year ended March 31st, 1928.
3. Estimates for the financial year 1927-28.
4. Estimates for the financial year 1928-29.
5. *Legislation*:
[(a) Samoa Acts, Orders in Council from 1919 to March 31st, 1928.
(b) Western Samoa Ordinances from 1920 to March 31st, 1928.
(c) The Samoa Post and Telegraph Amendment Order, 1928.
(d) The Port and Customs Service Tax Ordinance, 1928, No. 4, 1928. ¹
(e) The Port and Customs Service Tax Regulations, 1928. ²
6. The *Samoa Gazette*. ²
7. Legislative Council : Minutes of the Meetings held on February 21st and March 30th, 1928. ²
8. Observations of the New Zealand Government, dated June 7th, 1928, on the Council's Decisions concerning the Remarks contained in the Report of the Permanent Mandates Commission on the Work of its Twelfth Session and relating to Western Samoa (C.323.1928.VI).
9. Letter, dated September 5th, 1928, from the High Commissioner for New Zealand in London, forwarding an Extract of the *New Zealand Gazette* disallowing the Port and Customs Service Tax Ordinance, 1928, of Western Samoa (C.P.M.774). ²
10. Brief Notes on the Annual Report, 1927-28, transmitted by General Sir G. S. Richardson.

G. SOUTH-WEST AFRICA.

1. (a) Annual Report, 1927.
[(b) Graphs A, B, C, annexes to the Annual Report for 1926.
2. Laws of South-West Africa, 1927.
3. *Official Gazettes* of South-West Africa. ²
4. Accounts of the Administration of South-West Africa for the financial year 1926-27, together with the Report of the Controller and Auditor-General thereon.
5. Estimates of the Revenue to be received and the Expenditure to be defrayed from Revenue and Loan Funds during the year ending March 31st, 1929.
6. Report on the Census of the European Population taken on May 4th, 1926.
7. (a) Comments by the Accredited Representative of the Union of South Africa, dated July 21st, 1927, on the Commission's Observations regarding the Report for 1926 on the Administration of South-West Africa (A.28.1927.VI).

¹ See No. 9 below.

² Kept in the archives of the Secretariat.

- (b) Supplementary Comments by the Accredited Representative of the Union of South Africa, dated September 26th, 1927, on the Commission's Observations regarding the Report for 1926 on the Administration of South-West Africa (A.28(a).1927.VI).
8. (a) Observations, dated October 28th, 1927, of the Government of the Union of South Africa on the Council's Decision concerning the Special Observations made in the Report of the Permanent Mandates Commission on the Work of its Eleventh Session (C.612.1927.VI).
- (b) Further Observations, dated February 10th, 1928, of the Government of the Union of South Africa on the Council's Decision concerning the Report of the Permanent Mandates Commission on the Work of its Eleventh Session (C.73.1928.VI).
9. Map showing the Native Areas and Reserves in South-West Africa. ¹
10. (a) Report of the Rehoboth Commission, dated September 20th, 1926.
- (b) Views of the Government of the Union of South Africa on the Report of the Rehoboth Commission, sent on February 17th, 1928 (C.P.M.700).
- (c) Telegram from the Prime Minister of the Union of South Africa, dated March 19th, 1928 (C.P.M.705).
- (d) Observations of the Government of the Union of South Africa, dated June 8th, 1928, on the Remarks contained in the Report of the Permanent Mandates Commission on its Eleventh and Twelfth Sessions regarding the Petition of the Rehoboth Community (C.329.1928.VI) (C.P.M.746).
- (e) Letter of the Government of the Union of South-West Africa, dated June 2nd, 1928, forwarding a letter, dated May 7th, 1928, from some Members of the Rehoboth Community (C.P.M.773).
11. (a) Letter of the Government of the Union of South Africa forwarding a Petition from Mr. Lange, dated June 8th, 1927, and giving their Observations thereon (C.P.M.640).
- (b) Letter of the Government of the Union of South Africa, dated February 24th, 1928, forwarding a Petition and other Documents received from Mr. Lange (C.P.M.704).
12. Petition, dated March 5th, 1926, from the Kaoko Land- und Minengesellschaft, transmitted by the Government of the Union of South Africa on July 26th, 1928, with their Observations thereon (C.P.M.769).
13. Letter, dated April 12th, 1928, from the High Commissioner for the Union of South Africa in London, and the Secretary-General's Reply (C.P.M.710).
14. Letter, dated October 3rd, 1927, from the High Commissioner for the Union of South-Africa in London, forwarding a Report of the Conference of Magistrates (South-West Africa) (C.P.M.636).
15. Photographs of the Native Reserves and the Natives in South-West Africa, given to the Commission by Mr. Werth on October 31st, 1928. ¹
16. *The Native Tribes of South Africa*, book distributed to the Commission by Mr. Werth on October 31st, 1928.
17. *Afforestation and Conservation in South-West Africa*, pamphlet by J. D. Keet, of the Union Forestry Department. ¹
18. *Farming Opportunities in South-West Africa*, pamphlet compiled and published by the South African Railways and Harbours Administration, in collaboration with the Department of Agriculture, 1926. ¹

ANNEX 2.

C.P.M.777 (2).

AGENDA OF THE FOURTEENTH SESSION OF THE PERMANENT
MANDATES COMMISSION.

- I. Opening of the Session.
- II. Examination of the Annual Reports of the Mandatory Powers.
- Iraq, 1927.
 - Ruanda-Urundi, 1927.
 - Cameroons under British Mandate, 1927.
 - Togoland under British Mandate, 1927.
 - South-West Africa, 1927.
 - Western Samoa, 1927-28.
 - Islands under Japanese Mandate, 1927.

¹ Kept in the archives of the Secretariat.

III. Petitions.

(a) Palestine.

- (1) Petition of the Agudath Israel (Jerusalem), dated January 4th, 1928, and letter from the British Government, dated March 9th, 1928.
- (2) Petition from the Askenasic Community, dated April 29th, 1928, and observations of the British Government, dated June 8th, 1928.
(Rapporteur : M. Palacios.)
- (3) Petition from the Palestine Arab Congress (telegram) transmitted by the British Government on July 24th, 1928.
(Rapporteur : M. Rappard.)

(b) Iraq.

- (1) Petition from Mr. Nicolas dated January 3rd, 1928, and observations by the British Government dated July 26th, 1928.
(Rapporteur : M. Merlin.)
- (2) Petition from the Bahai Spiritual Assembly of Bagdad, dated September 11th, 1928, and observations relating thereto transmitted by the British Government.
(Rapporteur : M. Orts.)

(c) Syria and the Lebanon.

Petitions from Emir Chekib Arslan and M. Riad el Soulh, dated March 8th, 1928.
(Rapporteur : M. Sakenobe.)

(d) Togoland under French Mandate.

Petitions from Casely Mr. Hayford, dated November 4th, 1926, and December 1st, 1927, and observations by the French Government, dated June 13th and March 31st, 1928.
(Rapporteur : M. Orts.)

(e) South-West Africa.

- (1) Petition from certain Members of the Rehoboth Community, dated November 26th, 1926.
(Rapporteur : Lord Lugard.)
- (2) Petition from the Kaoko Land- und Minengesellschaft, dated March 5th, 1926, and observations by the South African Government, dated July 4th, 1928.
(Rapporteur : M. Palacios.)

(f) Western Samoa.

Petition, dated June 8th, 1928, from the Anti-Slavery and Aborigines Protection Society, London.
(Rapporteur : Dr. Kastl.)

- (g) Petitions rejected as not worthy of the attention of the Commission : Report by the President.

IV. Letter from the "Arusha Coffee-Planters' Association", dated January 23rd, 1928, received from the British Government in July 1928.

V. General Questions.

(a) Economic Equality.

- (1) Purchase of Supplies by or for the use of Administrations of Mandated Territories or for Public Works.
(Rapporteur : M. Orts.)
- (2) Postal Tariffs in the Territories under A and B Mandates.
- (3) Prolongation of the Anglo-Persian Oil Company's Concession in Iraq.
(Rapporteur : Dr. Kastl.)

(b) Traffic in Spirituous Liquors.

- (1) (a) Note by Lord Lugard (P.V.XII, pages 189-90).
(b) Report by M. Freire d'Andrade (P.V.XII, pages 190-193).
- (2) Resolution adopted by the Council in December 1927 (C. / 48th Session / P.V.2, or *Official Journal*, 9th year, No. 2, February 1928, page 126).
- (3) Examination of the Observations of the Mandatory Powers concerning the definition of terms proposed by the Commission at its tenth session (C.234 and 234 (a) 1928).

(c) Public Health.

Note by Dr. Kastl.
(Rapporteur : M. Rappard.)

- (d) Treatment extended in Countries Members of the League of Nations to Persons belonging to Mandated Territories and to Products and Goods coming therefrom.
(Rapporteur : M. Van Rees.)

ANNEX 3.

C.P.M.782 (1).

TREATMENT EXTENDED IN COUNTRIES MEMBERS OF THE LEAGUE TO PERSONS BELONGING TO MANDATED TERRITORIES AND TO PRODUCTS AND GOODS COMING THEREFROM.

A. REPORT BY M. VAN REES.

On September 25th last, the Chairman asked me to draw up a report which might serve as a basis for or introduction to the discussion of the above problem. I now beg to submit to my colleagues the following observations.

1. In Section 3 on page 2 of its thirteenth report,¹ the Permanent Mandates Commission laid before the Council two separate questions of a general nature.

In the first place, it pointed out that the French Government, in its last two annual reports on Syria and Lebanon, had drawn attention to certain difficulties arising from the fact that Article 11 of the Mandate for these territories obliged them to apply without reciprocity their lowest Customs tariffs to goods originating in States Members of the League.

In the second place, the Commission called the Council's attention to certain measures taken by the Liberian Government against foreign traders belonging to countries not bound to the Liberian Republic by any commercial agreement — measures which had affected in particular certain Syrians and Lebanese resident in the hinterland of Liberia.

While making no definite recommendation on these questions, the Commission recalled the Council's resolution of September 15th, 1925, relative to the extension of special international conventions to territories under mandate and the resolution of the Assembly on the same subject adopted on September 22nd, 1925, and simply expressed the hope that it would be possible to arrive at a satisfactory solution of the situation without prejudicing the principle of economic equality stipulated in the mandate.

At its meeting on September 1st, 1928, the Council decided, in accordance with its Rapporteur's proposals :

(a) Again to call attention to the resolution it adopted on September 15th, 1925, and to express the hope that the States Members of the League of Nations would be good enough to take all the necessary action involved ;

(b) To request the Permanent Mandates Commission to institute a general enquiry into the whole question of the treatment of persons belonging to mandated territories in countries Members of the League of Nations, and of the produce and goods coming from these territories, and to communicate to it the result of this enquiry.

According to this resolution, the enquiry which the Council expects the Commission to make must cover two entirely distinct questions.

First, the treatment of persons belonging to mandated territories who leave their country of origin to settle permanently or temporarily in the territory of States Members of the League. This question concerns the *personal interests of such persons*.

Secondly, the treatment of produce and goods coming from mandated territories and imported into the territory of States Members of the League. In contradistinction to the first, this question concerns the *interests of the exporting territories and of their inhabitants*.

2. Before dealing with the enquiry which has been called for, it may be useful to retrace briefly the history of the problem.

In its report to the Council on the work of its third session (1923), the Permanent Mandates Commission drew attention to the disadvantageous position in which the inhabitants of territories under B and C Mandates were placed in regard both to the protection of their persons and property and to the disposal of the products of their soil and industries.

The Commission goes on to say that, since the special international conventions entered into by a State do not apply *de jure* to territories in regard to which the State in question has been entrusted with a mandate, even when these conventions are applicable to contiguous territories placed under the sovereignty of the same State, this leads to a situation prejudicial to the inhabitants of the mandated territories and to the economic development of these territories.

The Commission says :

“ The inhabitants . . . may not claim the benefits of any treaties which have laid down the legal status of nationals of the mandatory State (*traités d'établissement*) within the territory of other States. Accordingly, they are liable to have their right of free movement questioned, and also their right to carry on trade and to own property, although these rights are recognised and guaranteed by treaty to the inhabitants of the contiguous colonies and protectorates of the mandatory State . . . Moreover, the Mandates Commission has learned that the benefits of the most-favoured-nation clause have been refused in the case of goods coming from a territory under a B mandate, while products of the same kind coming from contiguous protectorates of the mandatory State enjoy the advantage of this clause on being imported into the same country of destination. ”

¹ Document A.17.1928.VI.

In order to remedy this state of affairs, the Commission made the following recommendation to the Council :

“ That the Members of the League of Nations should forthwith consider the possibility of extending to the territories under B Mandate the advantages which are conferred upon the contiguous colonies and protectorates of the mandatory State by special treaties and conventions entered into by that State with any other Member of the League of Nations, on the understanding that reciprocity will only be recognised if it does not in any way infringe the principles of economic equality. ”

As the same question arose in connection with C Mandate, with a few slight modifications due to differences inherent in the two types of mandate, the Commission added that it would appear desirable, on grounds which apply equally to C and B Mandates :

“ That the recommendation set out above should be forwarded to the Members of the League of Nations on behalf of territories under C Mandate, with a modification to the effect that, as regards the latter, reciprocity could be applied in any case without thereby infringing the terms of the Mandate. ”

These suggestions having been referred to the mandatory Powers and having elicited no objection so far as the principle was concerned, the Council requested the Permanent Mandates Commission, on June 8th, 1925, to inform it whether, in the light of the information received from the mandatory Powers concerned, it had any modifications to propose in its recommendations. After further consideration of the matter at its sixth session, the Commission, acting on this invitation, submitted to the Council a resolution which that body adopted, at its meeting of September 15th, 1925, in a slightly modified form.

This resolution, which applies to all territories under A, B or C Mandate, is worded as follows :

“ The Council :

“ (1) Recommends that the mandatory Powers, and also all States, whether Members or not of the League of Nations, which have concluded special treaties or conventions with the mandatory Powers, should agree to extend the benefits of such treaties or conventions to mandated territories if circumstances render such extension possible and expedient and if the provisions of these international agreements are consistent with the stipulations of the Covenant and the mandate ;

“ (2) Requests the mandatory Powers, subject to the above reservations, to insert in any special treaties or conventions they may conclude hereafter a clause providing for the possibility of their application to mandated territories ;

“ (3) Requests the mandatory Powers to indicate in their annual reports, if possible and expedient, the reasons and circumstances which have prevented the application to mandated territories of the special treaties or conventions which they may have concluded with other Powers during the period under review. ”

3. Such is the past history of the problem which the Council has just referred to the Permanent Mandates Commission.

It should be realised — and that is a point which is worthy of attention — that the Commission, in making its recommendations in 1923 and 1925, based its action, not on any specific provision in the texts of the mandates, but on an omission in these texts, namely, the absence of any clause providing for the extension to mandated territories of the *special* international conventions concluded, or to be concluded subsequently, between the mandatory Powers and other States Members of the League of Nations. ¹

This omission was, in fact, the cause of the disadvantageous position to which the Commission drew the Council's attention. Guided by the general spirit of the mandate system and anxious to remedy the regrettable state of affairs which had come to its knowledge, the Commission asked itself whether it would not be consistent with the intentions of the authors of the Covenant to secure to the inhabitants of mandated territories at least such advantages as they would enjoy if, instead of being under the protection of the League of Nations, they were merely subjects of a sovereign State.

4. The specific cases which induced the Commission to return to this problem in its last report to the Council, and which led that body to invite the Commission to take up this matter afresh, make it necessary, however, to approach the problem from a different angle.

The considerations which were advanced by France as a mandatory Power, and which pointed out the absence of all reciprocity both in commercial matters and in the treatment of Syrian traders domiciled within the territory of Liberia, were indeed based, not on the spirit of the mandate system, which was the motive adduced by the Commission in 1923, but on a specific provision defining the principle of economic, commercial and industrial equality which appears in the texts of A and B Mandates. ²

The point to be considered is therefore whether this principle could be used as the basis of some recommendation which would strengthen or supplement that previously adopted by the Council.

This, it would seem, is the subject-matter of the enquiry which the Commission has been requested to undertake.

5. Let us begin by considering the first of the two questions which constitute the problem, namely, the treatment of persons belonging to territories under A and B Mandates who are outside these territories.

What do the mandates say in regard, more particularly, to the principle of equality of treatment?

¹ The extension to territories under A and B Mandates of *general* international conventions has, on the other hand, been provided for in the mandates.

² This principle does not apply to C mandated territories.

Article 6 (7) of the B Mandate stipulates that the mandatory Powers shall secure to all nationals of States Members of the League of Nations the same rights as to their own nationals in respect of :

“ The entry into and residence in the territory, the protection afforded to their persons and property, and acquisition of property, movable and immovable, and the exercise of their profession or trade, subject only to the requirements of public order, and on condition of compliance with the local law. ”

Article 11 of the Mandate for Syria and Lebanon and Article 18 of the Mandate for Palestine, as also Article 11 of the Anglo-Iraqi Treaty of Alliance of 1922, do not lay down the principle of equality of treatment, except as regards “ the exercise of industries and professions ”, omitting the other guarantees detailed in the B Mandate.

The effect of these provisions is that, generally speaking, as regards the treatment of nationals of States Members of the League resident in A or B mandated territories, no discrimination on grounds of nationality is permitted; in other words, these nationals have a legal right in the said territories to the juridical position enjoyed by the nationals of the mandatory Powers themselves.

Does it follow that, reciprocally, States Members of the League are bound to secure equality of treatment in the same sense to persons belonging to A and B mandated territories and resident in the territories of such States?

There seems every reason to doubt this.

The clauses quoted above do not establish equality of treatment except between the nationals of the mandatory Powers, on the one hand, and those of other States Members of the League, on the other hand. They do not extend this equality to persons belonging to the mandated territories, who are, in law, neither nationals of a mandatory Power nor nationals of one of the States Members of the League. It would therefore seem scarcely logical to infer from the principle of equality in question, notwithstanding this circumstance, any claim in favour of persons belonging to mandated territories but resident outside those territories.

This principle can certainly be invoked in favour of nationals of mandatory Powers living in other countries, but it can hardly be advanced in support of the view that complete equality of treatment should be extended to persons belonging to mandated territories and resident in these States.

Does this mean that the individual interests of such natives have been neglected, or simply overlooked?

Not at all. Under Article 127 of the Treaty of Versailles and Articles 3 and 12 respectively of the Mandates for Syria and Lebanon and for Palestine, citizens of the mandated territories, when outside those territories, are entitled to the diplomatic and consular protection of the mandatory Powers concerned. It is therefore for these Powers to intervene, if necessary, on behalf of the persons under their protection, either diplomatically or, in certain cases, by appealing to the League of Nations, as was recently done by the French Government.

To conclude, it appears to me that, as regards equality of treatment, no general suggestion calculated to strengthen or to supplement the Council resolution of September 15th, 1925, of which States have just been reminded, could usefully be made to that body.

6. The same does not apply to the second question which the Commission is called upon to consider — that of reciprocity in commercial matters.

As the French Government has pointed out, the principle of commercial equality obliges A and B mandated territories to apply, without any assurance of reciprocity, their lowest Customs tariffs to goods originating in States Members of the League.¹

Whereas the absence of reciprocity in the principle of equality of treatment can affect only the private interests of persons belonging to mandated territories who have left their country of origin, the absence of reciprocity in commercial matters affects the general interests of the mandated territories and of their inhabitants.

This situation raises an important problem which is only partly solved in the Council resolution mentioned above. This contains only a conditional recommendation, inasmuch as it suggests that the benefits of special treaties or conventions concluded by States, whether Members of the League or not, with the mandatory Powers should be extended to mandated territories provided that “ circumstances render such extension possible and expedient ”. On the other hand, the resolution does not provide for any case in which Great Britain, France and Belgium, the three Powers concerned with A and B mandated territories, may enjoy most-favoured-nation treatment only in respect of certain specified goods to the exclusion of all other goods. Finally, it does not cover the possible case of there being no convention granting these Powers the benefit of the lowest Customs tariffs.

Accordingly, in order to secure the reciprocity in question, there should be a supplementary recommendation to the effect that A and B mandated territories should receive in return the whole of the privileges they are required to give to all States Members of the League.

There are two arguments in favour of such a recommendation.

In the first place, it must be borne in mind that, in virtue of the separate mandates confirmed by the Council in the name of the League, the whole community of States Members of the League secured a considerable commercial profit in the A and B mandated territories by imposing fiscal sacrifices on those territories.

Secondly, it must be remembered that these territories have been placed under the protection of the League, which in the last resort stands in the position of a trustee to them.

¹ This principle has been extended to produce and goods originating in the United States of America, under special conventions concluded between the United States Government and the Powers responsible for the administration of the A and B mandated territories.

It is therefore only fair that the community of States Members of the League should regard itself morally bound to do its utmost to promote the commercial interests of the territories in question and of their inhabitants, and should accordingly recognise it as a duty to treat goods originating in those territories exactly as the latter are obliged to treat goods originating in those States.

7. We have now to consider what suggestion might be made to the Council with this object. There would seem to be two possible formulæ.

The States Members of the League¹ and the United States of America might be invited :

To conclude, if they have not yet done so, commercial agreements with Great Britain,² France and Belgium, granting most-favoured-nation treatment to products and goods originating in the A and B territories for which those Powers are mandatories ;

Or, if these States preferred it, to consider the possibility and expediency of revising their Customs tariffs to adjust them to the tariffs in force in the various A and B mandated territories.

8. One further point deserves attention : Would the financial consequences for the various countries assume such proportions that those countries would be obliged to refuse reciprocity, although equity demands it?

I have no hesitation in replying in the negative.

In this connection, I would recall the highly judicious remark of our colleague, M. Orts,³ that " trade follows the flag, and economic domination follows political domination ".

If this is true in general, it is no less true for mandated territories, of whose products a large, if not the greater, part is exported to the home country.

This tendency is further stimulated at all events, in the African territories by certain measures taken by the British and French Governments. Under the Imperial Preference Order, No. 2, 1922, products grown, harvested, or manufactured in Togoland, the Cameroons and Tanganyika Territory under British mandate, and imported either into Great Britain or into any other part of the British Empire, may benefit by a preferential tariff on entry. As regards Togoland and the Cameroons under French mandate, the principal varieties of agricultural produce coming from these territories enjoy on import into France, under various decrees, either a considerable drawback up to certain specified quantities, or even exemption from duty.

In the case of the Asiatic territories reckoned in terms of value, the goods exported to the adjacent countries which are not Members of the League definitely represent the biggest item (according to the annual reports for 1927, 36 per cent in Syria and Lebanon and about 43 per cent in Palestine).⁴ Further, in 1927, the values of exports from these territories to France and Great Britain were 14 per cent and approximately 35 per cent respectively. Leaving out the home country and all countries not Members of the League, the values of the goods exported to other countries were only 39 per cent of the total value for Syria and the Lebanon and 22 per cent for Palestine.⁵

It is therefore not perhaps unduly rash to conclude from what has already been stated that a refusal to grant, in one form or another, trade reciprocity to A and B mandated territories cannot reasonably be justified by any financial sacrifice which this measure of equity might entail.

C.P.M.808.

B. NOTE BY M. RAPPARD.

At its meeting of November 5th, the Commission asked me to amplify the observations which I made during the discussion of the first part of M. Van Rees' report (Section A of this annex).

1. I agree with M. Van Rees in considering that, in the present state of the texts relative to this matter, the League of Nations possesses no legal means of inducing States Members of the League to allow the nationals of mandated countries to enjoy in the territories of the said States a legal situation equal to that of the nationals of the mandatory Powers.

In this respect there is an undoubted absence of reciprocity, since in A and B mandated territories the nationals of all States Members of the League are guaranteed equality of legal treatment.

2. It is manifestly regrettable that the mandate system one of the main objects of which is to ensure the welfare and development of certain communities, should have the effect of depriving the individuals of which they are composed of certain rights they would enjoy by a simple application of the prevailing rules of international law if the mandate system did not exist.

3. It was in order to remedy this deficiency that, in 1923, the Permanent Mandates Commission took the initiative which led to the Council and Assembly resolutions of September 1925. These resolutions, which aim at inviting the Members of the League of Nations to extend as far as they may consider it possible to the nationals of the mandated territories the benefit of the provisions stipulated in international agreements in favour of the nationals of the mandatory Powers, no doubt provide a partial remedy for this situation. It must, however, be recognised, as M. Beelaerts van Blokland points out in the report which he submitted to the fifty-first session of

¹ The States non-Members of the League referred to in the Council resolution of September 15th, 1925, must be excluded, as they do not benefit by the principle of commercial equality in question.

² As regards Iraq, with Great Britain and the Government of Iraq.

³ Pierre Orts, *Le système des mandats de la Société des Nations* (Brussels 1927).

⁴ Under express provisions in the two mandates, special Customs arrangements have been concluded or are contemplated between the two mandatory Powers and the adjacent countries.

⁵ The figures in the Iraq report for 1927 do not lend themselves to such an analysis.

the Council on the work of the thirteenth session of the Commission, that it is doubtful whether these resolutions are sufficient to guarantee just reciprocity to all the territories under A and B mandates, since this is not expressly provided for.

4. In view of the fact that the nationals of the territories under A mandate have in many cases reached such a stage of development that they undertake distant business journeys and that their present situation is not without genuine drawbacks, as the Commission has lately had occasion to observe in the course of its thirteenth session, it might be well to ask the Council to consider the expediency :

(a) Of renewing the recommendation contained in its resolution of September 15th, 1925, that the benefit of international agreements concluded by the mandatory Powers in favour of their own territories should be extended to the countries under mandate ;

(b) Of requesting the States Members of the League of Nations to guarantee without delay, to the nationals of the territories under A mandate, at any rate the same treatment in regard to establishment, the free exercise of industries and professions, etc., as is applied to nationals of their mandatory Powers.

ANNEX 4.

THE SUGAR INDUSTRY IN THE ISLAND OF SAIPAN.

MEMORANDUM SUBMITTED BY THE REPRESENTATIVE OF THE JAPANESE GOVERNMENT TO THE PERMANENT MANDATES COMMISSION.

[*Translation.*]

1. *Origin of the Sugar Industry.*

Before the island of Saipan was placed under Japanese mandate, only a few natives were engaged in sugar-cane growing. The quantities produced were insignificant, the methods of cultivation being primitive and the varieties grown of inferior quality. As a matter of fact, the total yield was only a very small quantity of molasses, obtained by crushing and boiling sugar-cane. In the year 1916, the total area under sugar-cane was only 20 hectares ; in 1919, this had increased to 459 hectares, a very small figure compared with the present one. In 1919, moreover, the island possessed no modern mechanical apparatus or machinery. In that year, however, two companies were formed and these installed eight factories in Saipan. Owing to economic disturbances as a result of the war, the two companies which had been formed in the ordinary manner required by law experienced great difficulty in carrying on. There was, indeed, some danger that the industry, thus arrested at the outset, might completely die out. The two companies and the Japanese authorities were agreed that steps must be taken to forestall this eventuality, which would hardly be in keeping with the general principles of the mandate system, namely, the development of the material and moral well-being of the inhabitants. To meet what had become a very serious situation, in 1922 the two companies were fused into one under the name " Nanyo Kohatsu Kabushiki Kaisha " (South Seas Development Company), with a fully paid capital of 3,000,000 yen. The aim of the company was to develop the sugar-cane industry, and since 1926 it has also been engaged in distilling alcohol from molasses as a by-product of the sugar industry. ¹ The land utilised by the company may be divided into three categories, as follows : (a) land bought from foreigners ; (b) land leased from the natives ; and (c) State lands conceded to the company. ²

2. *State Lands conceded to the Company.*

As the idea was to grow sugar on a vast scale in order to promote the economic development of the island, and as the Nanyo Kohatsu Kabushiki Kaisha was obliged to clear this land in order to prepare it for plantations, obviously a considerable amount of capital outlay was necessary, while the undertaking was not devoid of risks. To overcome these difficulties, the South Seas Bureau decided to furnish assistance. As mandatory Power, Japan was entitled, under paragraph 2, Article 257, of the Treaty of Versailles, to dispose of all land — over which there were no private property rights — forming part of the actual State domain.

It was from this domain that the authorities conceded land to the Nanyo Kohatsu Kabushiki Kaisha, free of charge — for the time being, at any rate. It should be noted that such concessions are made without distinction to natives, Japanese, and even to foreigners. ³

Without such assistance, any company would have hesitated to engage in such an undertaking in a distant land where working conditions were primitive.

The question was raised in the Permanent Mandates Commission whether the company paid taxes to the Government and, if so, to what extent. In reply, it should be pointed out that the

¹ See annual reports for 1924, page 49 ; 1925, page 61 ; 1926, pages 61 and 76.

² See annual report for 1926, page 105.

³ See annual report for 1924, page 86, X2.

company does not enjoy a privileged situation from a fiscal point of view and that no taxes are levied in the island, either on the operations or the capital of persons or companies engaged in business or industry. Consequently, the company does not at present pay any taxes to the Government. We should add, however, that the Government has now announced its intention of levying a lease-rent on the conceded lands as soon as the company becomes self-supporting.¹

3. *Establishment of Sugar Factories.*

In September 1922, an Order was promulgated containing regulations for the sugar industry.² Under this Order no person may establish a sugar factory until he has obtained permission from the Director of the South Seas Bureau ; the Director is also *entitled*, if he thinks fit, to indicate expressly and imperatively the localities or area in which the sugar-canes are to be bought by the manufacturer. If such an area is defined, no sugar-canes may be sold to anyone except to the manufacturer designated for that area.

4. *Working of the Factories.*

Supplies of sugar-cane are obtained by the factories from three different sources, namely : (a) factory workers ; (b) the tenants of land leased by the company ; and (c) independent growers. In this connection, it should be noted, first of all, that almost all the hands engaged in factory work are Japanese. In other words, the number of natives employed in the sugar refineries is very small. As a matter of fact, in 1927, only three natives were so employed.³ The tenants who cultivate the land leased by the company do not include a single native. The company's tenants are as free as the independent growers, with the sole difference that they cultivate land leased by the company, under conditions laid down in a Decree concerning which more detailed information will be given in the following paragraph.³ Thus all danger of the exploitation of natives by the manufacturers is eliminated. In order to make the situation as clear as possible, it should be explained that the area of land cultivated by growers of this category amounted, at the end of September 1927, to 2,448 hectares 97 ares, the number of families in this category being at the same period 638.⁴ As regards labour conditions, entirely reassuring information will be found on pages 102 and 103 of the 1927 report.

5. *Sugar-cane growing in the Island.*

The company, after clearing the conceded land at its own cost and risks, then leased this land to tenants or farmers for sugar-cane growing. Where, however, any tenant was already engaged in sugar-growing before the formation of the company, the latter is bound to pay him reasonable compensation, since, in such cases, it did not incur the expense of clearing the land. As, however, the company was in most instances obliged to incur this expense of clearing before leasing the land to tenants, it is obviously entitled to levy a charge on these tenants with a view to recuperating part of its expenditure and to charge a sort of rent on the land cleared by it. This rent varies according to the fertility of the soil, but in most cases it amounts to two- or three-tenths of the crop. The extent of the leased lands is from three to seven hectares per family, the average being four hectares.⁵

Moreover, the general conditions of the lease are fixed by the authorities, who thus watch over the interests of the tenant-farmers. These conditions are given on page 27 of the annual report for 1923.

The *growing* of sugar-canes in the island is subject to no restrictions, except in the case of tenants of lands belonging to the Nanyo Kohatsu Kabushiki Kaisha. These may only grow sugar-cane, whereas independent farmers may grow this or any other crop. When, however, independent farmers plant sugar-canes they are obliged to sell their crop to the manufacturer of the district at the price fixed by the authorities. Cane crops have therefore to be sold to the district factory, just as the factory is obliged to buy them at a price previously fixed by the Director of the South Seas Bureau, the object being to prevent manufacturers from buying sugar-canes at too low prices. In fixing the prices, the Director takes into account, not so much the state of the market, as the situation of the farmers. He sees to it that the latter shall obtain a fair profit. With a view to safeguarding the farmers still further, the manufacturer of the district is obliged to purchase the crops within a certain time-limit established by the Director of the South Seas Bureau. Should the manufacturer not make his purchases within that time-limit, he is bound to pay compensation to the farmers for the loss involved by non-sale.⁶

6. *Subsidies granted to the Sugar Industry.*

In order to give effective encouragement to sugar-cane growing outside the concessions granted free of charge to the Nanyo Kohatsu Kabushiki Kaisha, the Government also promulgated, in October 1922, a Decree, which was amended in September 1926.⁷

¹ See annual report for 1926, page 76 (N.B.) ; 1927, page 101 (N.B.).
² See annual report for 1927, page 83.
³ *Ibid.*, page 101.
⁴ *Ibid.*, page 102.
⁵ *Ibid.*, pages 101 and 102.
⁶ Annual reports : 1926, page 62 ; and 1927, pages 83 and 102.
⁷ Annual report, 1926, page 62.

This Decree authorises the Director of the South Seas Bureau to grant subsidies to any sugar manufacturers and sugar-cane growers who may be deemed to deserve them because : (a) they have imported fresh seed to improve existing varieties ; (b) have planted sugar-canes of a variety specified by the authorities over more than a hectare ; (c) have cleared and prepared within twelve months more than one hectare for the plantation of sugar-cane ; or (d) have exported sugar to an amount and of a quality specified by the Director of the South Seas Bureau elsewhere than to the other islands of the South Seas. As a result of this Decree, during the period April-December 1924, 423 Japanese and 53 natives obtained grants totalling 140,441 yen. In 1925, the subsidies amounted to 130,648 yen, allocated between 473 Japanese and 53 natives.¹ In 1926, these grants had risen to 173,920 yen, allocated between 337 Japanese and 13 natives.²

7. *Extent of Area of Land under Crop and Annual Production.*

Thanks to these two forms of official encouragement, *i.e.*, the granting of free concessions of land to the Nanyo Kohatsu Kabushiki Kaisha, and subsidies to manufacturers and farmers, appreciable results have been obtained. The area under crop amounted in 1923-24 to 2,172 hectares ; in 1925-26 to 2,771 hectares ; and in 1926-27 to 3,226 hectares. Similarly, the sugar-cane crop, which amounted in 1923-24 to 113,230,000 lb.,³ had risen in 1926 to 203,614,000 lb., equivalent to 15,265,800 lb. of sugar.⁴

8. *Sugar Exports to Japan.*

In conclusion, a few figures may be given concerning sugar exports to Japan, because these figures show what progress is being made.⁵

1923	1924	1925	1926	1927 (January-June)
275,589 yen	1,135,768 yen	2,835,350 yen	2,651,356 yen	2,716,854 yen.

Paris, November 5th, 1928.

ANNEX 5.

THE ANGAUR MINES.

MEMORANDUM SUBMITTED BY THE REPRESENTATIVE OF THE JAPANESE GOVERNMENT TO THE PERMANENT MANDATES COMMISSION.

[*Translation.*]

1. *Origin.*

In 1908, the German Government formed a company called " The South Seas Phosphates Company ", granting it the right to work the phosphate-mines at Angaur, Palau and Feys. In the following year — that is in 1909 — this Company began to work the beds at Angaur, leaving the other two mines, which are far less important, temporarily in abeyance. The work continued normally until the beginning of the world war, when the South Sea Isles were occupied in October 1914 by the Japanese Navy. For military reasons, German nationals were ordered to withdraw and this entailed the temporary stoppage of work in the mines. As soon, however, as the Japanese authorities realised that this state of affairs could hardly continue without injuring the economic interests of the inhabitants of the island and endangering the upkeep of the plant left by the Company, work on the phosphate deposits was resumed and entrusted to a Japanese consortium called " Nanyo Keiei Kumiai ". It was decided as far back as 1915 to place these mines under the direct supervision of the Japanese Navy. This form of administration was merely due to the special conditions caused by the world war and was thus merely provisional. It continued until the establishment of the South Seas Bureau in 1922, when the Japanese Government, for the sum of 1,939,960 yen, definitely purchased all the rights and property from the former German Company, which thus became the private property of the Japanese State as a result of a financial transaction. The property rights in question do not, therefore, come within the category of State property set up under Article 257, paragraph 2, of the Treaty of Versailles.

2. *Working of the Mines.*

As from 1922, the working of the mines was placed under the supervision of the Director of the South Seas Bureau. The phosphate deposits purchased by the Japanese Government are

¹ Annual report, 1926, page 63.
² Annual report, 1927, page 83.
³ Annual report, 1924, page 50.
⁴ Annual report : 1926, page 61 ; 1927, page 82.
⁵ Annual report, 1927, page 117.

chiefly situated at Angaur, but there are others at Feys, Palau and Togobai. They are, however, far less important than those at Angaur. The mines in this last island are estimated to contain 3,487,828 tons, whilst those in Togobai, for example, only contain 250,000 tons. The working rights in this latter mine were conceded in 1924 to a private concern, but, doubtless on account of its slight importance, no work has been started so far (annual report, 1925, page 69 ; annual report, 1926, page 68).

All work connected with the mines must conform to the South Sea Islands Mining Regulations, which are published *in extenso* on page 207 of the Collection of Laws and Regulations appended to the annual report for 1926. Among the more important provisions of these Regulations, mention should be made of Article 1, under which any person desiring to engage in the mining industry must apply for permission to the Director of the South Seas Bureau. Permission for this purpose may be given to all persons, without distinction of nationality. Should any person, with a view to engaging in the mining industry or in connection with mining operations, find it necessary to enter the land owned by others and make surveys or investigations there, or even occupy the land for the purposes of this undertaking, permission can be obtained from the Chief of the Civil Administration, who is now the director of a branch office (Articles 4 and 5). The landowner, on his side, cannot refuse to allow his land to be used for survey purposes, but he is entitled to demand compensation for any loss he may suffer (Article 4). Should it be necessary to occupy this land with a view to extracting the phosphates, the prospector must procure the permission of the Chief of the Civil Administration and further negotiate with the landowner with a view to settling the purchase price and acquiring the rights in the land (Article 5). Should the parties concerned not come to an agreement, the matter shall be referred for arbitration to the Chief of the Civil Administration (Article 6). Under these Regulations, therefore, if phosphate deposits are discovered on land belonging to natives, the native landowners receive compensation for any loss caused by the survey operations, or else a rent for the occupation of their land for the purpose of extracting the phosphates. This rent is fixed by agreement between the parties, or by an arbitral award of the competent civil authority, who thus maintains a reasonable respect for native property rights whilst bringing them into line with the material progress of the island (annual report, 1927, page 91). It should be observed, further, that, under Article 10, a mining tax of 1 yen per annum per 1,000 tsubo is payable by the mining concerns.

This regulation does not appear so far to have received practical application as regards the development of phosphate-mines, as hardly any deposits of that nature are found outside Angaur, apart from Togobai, the working system of which latter mines has been explained above.

3. Area and Production.

The total area of the mines worked at Angaur was 28,224 square meters in 1926, and the area still to be developed was estimated at 3,806,000 square meters.

The total quantity of phosphates extracted from the beginning until the end of 1926 is 1,198,789 tons, and the total still in reserve is estimated at 2,289,000 tons (annual report, 1927, page 91).

4. Exports.

All the refined phosphates are exported to Japan. The quantities exported since 1917¹ are shown below :

Year	Quantity in tons.	Value in Yen.	Year	Quantity in tons.	Value in Yen.
1917	47,505	1,132,131	1922	56,300	1,019,897
1918	56,699	690,810	1923	59,987	1,049,772
1919	73,685	1,419,718	1924	60,659	1,097,891
1920	55,552	1,039,997	1925	65,864	1,320,573
1921	54,868	1,477,910	1926	62,912	1,299,132

Paris, November 5th, 1928.

ANNEX 6.

SOUTH-WEST AFRICA.

PETITION FROM CERTAIN MEMBERS OF THE REHOBOTH COMMUNITY, DATED NOVEMBER 26TH, 1926.

C.P.M.781(2).

Report by Lord Lugard.

On March 19th, 1928, a letter from the Union Government to the Secretary-General, dated February 17th, 1928 (document C.P.M.700), was circulated, in which it was stated that the Mandatory had decided to accept generally the report of the Hon. Mr. Justice de Villiers and

¹ Annual report, 1927, page 91.

to concur in his recommendations. It further detailed the policy which the Mandatory had decided to adopt in regard to the Rehoboths.¹

On March 30th, 1928, a telegram from the Prime Minister of the Union of South Africa was circulated (document C.P.M.705), giving the views of the Mandatory regarding the petition (November 26th, 1926), to the effect that it endorsed the observations of the Administrator which had been received by the Permanent Mandates Commission with the petition (document C.P.M.546).

The Mandates Commission being at its last session (June 1928) in possession of the views of the Mandatory on both petitions, the matter would then have been dealt with, but in the meantime the High Commissioner for South Africa, under date April 12th, 1928, transmitted a request from the Prime Minister that the discussion and examination of the de Villiers report should be postponed till the October session, when the Administrator, Mr. Werth, would be present.

A further letter, dated June 8th, 1928, added that "the communication of my Government's observations (*re* the Rehoboth petition) is therefore being deferred till October". The Permanent Mandates Commission acceded to the wishes of the Mandatory.

In these circumstances, it would obviously have been premature to submit a further report until the accredited representative had been afforded an opportunity to state the further observations of the Mandatory, which he was charged to communicate to the Permanent Mandates Commission, and this he has now done.

I suggest that the petitioners should be informed that the Permanent Mandates Commission has learnt that their grievances have been fully investigated, and have now lost their relevance, and considers that, in the circumstances, there is no need for further action on the part of the Permanent Mandates Commission.

ANNEX 7.

IRAQ.

PETITION FROM MR. B. S. NICOLAS, DATED JANUARY 3RD, 1928.

Report by M. Merlin.

C.P.M.799 (1).

Mr. B. S. Nicolas sent the League of Nations his first petition on November 28th, 1927, asking it to be good enough to establish his nationality and stating that he had been successively refused Iraq and Turkish nationalities and that he was not entitled to claim French nationality.

On December 28th, 1927, the Secretariat of the Permanent Mandates Commission, to which this document was transmitted, informed Mr. B. S. Nicolas that the League was not qualified to settle individual questions of nationality, but that, if Mr. B. S. Nicolas had any complaint to make under the provisions of the British Mandate for Iraq, he should send a petition to the Chairman of the Permanent Mandates Commission.

On January 3rd, 1928, Mr. B. S. Nicolas forwarded a further memorandum to the Permanent Mandates Commission.

In this memorandum he stated that he was born at Jelu (Kurdistan) and fled the country with his family on the outbreak of the war, taking refuge in Bagdad. He left this city in 1924 and went to France, where his family joined him in September 1926.

He appears to have applied for Iraq nationality in 1926. A letter from the Colonial Office dated December 1st, 1926, advised him, pending the examination of his request, to apply to the nearest British Consulate for a provisional certificate of Iraq nationality.

In another letter, dated August 16th, 1927, the Colonial Office informed Mr. B. S. Nicolas that, as Iraq was not his normal residence on August 6th, 1924, he was not entitled to claim Iraq nationality.

Mr. B. S. Nicolas's petition was duly forwarded on January 16th, 1928, to the British Government for its observations.

The mandatory Power replied on July 26th of the same year.

It confirmed that Mr. B. S. Nicolas was born at Jelu (Assyria), in territory which was never detached from Turkey; that in 1919, after being deported from India, he arrived at Iraq, where he claimed French protection, and, finally, that he left Iraq on October 11th, 1923, with a French passport.

¹ The text of this communication reads as follows:

"With reference to the enquiry of the League of Nations relative to the views of the Union Government on the report of the Hon. Mr. Justice de Villiers on the Rehoboth affairs, I am instructed by the Hon. the Minister of External Affairs to inform you that, after careful consideration, the Union Government have decided to generally accept the report of the Hon. Mr. Justice de Villiers and to concur in his recommendations.

"In giving effect to these recommendations, the Government of the Union intend adopting the following policy:

"1. It being considered premature for the present to restore the powers of self-government enjoyed by the Rehoboth Community prior to the promulgation of Proclamation No. 31 of 1924, the powers of the Raad will for the time being continue to be vested in the Magistrate as prescribed by that Proclamation, subject to the following modifications:

"(a) There will be constituted an Advisory Board consisting of members of the Rehoboth Community, of whom three will be elected by the said Community and three appointed by the Administrator, to advise the Magistrate in the execution of the powers vested in him generally.

"(b) In suits between Bastards, the Magistrate will be assisted by two disinterested assessors selected from a body of twelve persons nominated every year by him on the recommendation of the Advisory Board mentioned above.

"2. No person other than a member of the Rehoboth Community shall be permitted to acquire in the Rehoboth Gebiet any interest in immovable property, whether leasehold or freehold, without the approval of the Administrator, the Government, however, reserving to itself the right to reconsider its policy in this respect with the change of circumstances.

"3. All natives will be removed from the Gebiet, except the Berg Damaras, and no other natives will be allowed in future to enter the Gebiet to reside there.

"4. Europeans will not be allowed to reside in the Gebiet except on a permit from the Administrator; temporary permits may be issued by the Magistrate to Europeans visiting the Gebiet for purposes of trade.

"5. Legislative steps will be taken prohibiting Europeans from purchasing or being in possession of intoxicating liquor, firearms or ammunition in the Gebiet without a permit from the Magistrate."

The documents in the possession of the Permanent Mandates Commission show that Mr. B. S. Nicolas was not born in Iraq and that he was not normally resident there on August 6th, 1924.

In these circumstances, the mandatory Power and the Government of Iraq did not consider that the provisions of Article 30 of the Treaty of Lausanne and Article 3 of the Law of Iraq concerning nationalities were applicable to his case.

This decision on the part of the mandatory Power and the Government of Iraq does not infringe any of the provisions of the mandate, and the claim of Mr. B. S. Nicolas against it appears to be unfounded.

I would point out that, as the Permanent Mandates Commission is not responsible for settling individual questions of nationality, it is not its duty to ascertain whether, in view of the fact that Mr. B. S. Nicolas was born at Jelu, he has or has not remained a Turkish subject, or whether he can or cannot acquire Iraq nationality by applying to the Government of Iraq for naturalisation.

ANNEX 8.

SYRIA AND THE LEBANON.

C.P.M.811.

PETITIONS FROM THE EMIR CHEKIB ARSLAN AND M. RIAD EL SOULH, DATED MARCH 8TH AND JUNE 8TH, 1928.

Report by M. Sakenobe.

The first petition is dated March 8th, 1928, and is in the main a criticism and protest against various aspects of the policy pursued by the mandatory Power in Syria. Several points are raised which may be treated under two main headings :

I. The petitioners, pointing out certain passages in the declarations of the new Syrian Ministry and of the High Commissioner in reference to a policy leading to self-government, and the elaboration of an Organic Law in accordance with the mandatory Power, repudiate certain formulæ employed as unacceptable and assert that Syria is not only a self-governing but also an independent State, and that the idea of collaboration with the mandatory Power is incompatible with Syrian freedom. They further declare that the Syrians had no desire that their country should be placed under mandate, and demand that the latter should be replaced by a Franco-Syrian Treaty.

II. Referring to the new election law, the petitioners claim : (a) that the elections should be general throughout Syria and should be based on larger administrative districts (*sandjak*), as was the case in the Lebanon, instead of small districts (*caza*), as was proposed for Syria ; (b) that the exclusion of certain persons from the recently proclaimed amnesty is a violation of electoral freedom ; and (c) that the election would be unjust unless a plebiscite be first taken amongst the inhabitants of those districts annexed by force to the Lebanon, in order to give them the opportunity of themselves determining their status.

* * *

The second petition is dated June 8th, 1928, and is, in effect, a political denunciation of the mandatory Government, couched in very general terms and not based upon any definite facts. It makes certain allegations against the mandatory Power, regarding the freedom of election and of the Constituent Assembly, which are entirely unsupported by any statement of fact. It declares more clearly and strongly than the previous petitions its repudiation of the principle of the mandate.

* * *

The observations of the mandatory Government regarding the above petitions¹ are dated October 29th, 1928, and, referring to the first complaints of the first petition, they state that these complaints are related to general questions which have already been dealt with by the Permanent Mandates Commission more than once and to which it considers it unnecessary to revert. It only points out that :

“ Although it is ready to conclude agreements with the Governments of the mandated countries, it will do so in order to promote the fulfilment of its commitments towards the League, and not to supersede them by others which would be the outcome only of agreements concluded with the Governments in question. ”

With regard to the second category of complaints, the mandatory Government makes observations which may be summarised as follows :

(a) It states that social conditions in Syria and the Lebanon are different, and, when the election law was drawn up in 1923, the backward condition of rural Syrian people offered but slight chance of their being represented unless the seats for rural districts were reserved for persons resident therein. It adds that the Constituent Assembly, which, after its recent meeting, was adjourned for three months, was given ample freedom to alter the present electoral system if it thought fit.

¹ Document C.P.M.794.

(b) It considers that a Government, being responsible for the order and defence of a country, cannot be obliged to extend amnesty to all persons previously engaged in revolt against it, whatever their attitude during and since these disorders may have been; and that it is unable to accept any curtailment of its freedom of decision in vital matters relating to peace and order in the territory under its mandate.

(c) It does not believe in the convenience and efficacy of the plebiscite as a means of settling the question of the boundaries of Syria and the Lebanon, as such a measure would evoke from all sides pressure of a political and even of a social nature, which might eventually give rise to disturbances. The question should be settled only by negotiations between the States concerned and by the arbitration of the mandatory, if such negotiations fail.

* * *

With regard to the second petition, the mandatory Government thinks that it does not call for special observations, as it is merely a vague political denunciation and does not cite any definite fact.

* * *

In my opinion, the observations of the French Government on every point are completely satisfactory. Moreover, at its thirteenth session, the Permanent Mandates Commission was satisfied that the election in question took place in complete calm and freedom — at least, so far as the mandatory authorities are concerned (Minutes of the Thirteenth Session, page 158).

As regards the claim concerning Syrian independence and freedom, it seems to me incompatible with the provisions of the mandate.

In the circumstances, I think, the Permanent Mandates Commission has no observations to make to the Council in connection with these petitions, and the petitioners should be informed accordingly.

ANNEX 9.

PALESTINE.

PETITION FROM THE PALESTINE ARAB CONGRESS.

C.P.M.767.

A. *Telegram from the President of the Palestine Arab Congress, transmitted by the British Government.*

Permanent Mandates Commission through
High Commissioner, Jerusalem.

By a unanimous resolution taken by the Palestine Arab-Moslem-Christian Congress held to-day June twentieth 1928 at Jerusalem representing all Arab parties now amalgamated in Congress we hereby demand as of right the establishment of a democratic parliamentary system of Government. It is the duty of the League of Nations to see after ten years of absolute colonial rule in Palestine that such system of Government be granted in accordance with the Covenant of the League of Nations and pledges and declarations made to the Arabs by the Allies. Palestine stands on equal basis with the neighbouring Arab countries which now enjoy parliamentary Government in different forms. The people of Palestine cannot and will not tolerate the present absolute colonial system of Government and urgently insist upon and demand the establishment of a representative body to lay its own Constitution and guarantee the formation of a democratic parliamentary Government. — PRESIDENT PALESTINE ARAB CONGRESS.

B. *Observations, dated London, July 24th, 1928, of the British Government.*

C.P.M.767.

London, July 24th, 1928.

I am directed by Secretary Sir Austen Chamberlain to transmit to you the accompanying copy of telegram, which has been addressed, in identical terms, to the Secretary of State for the Colonies and to the Permanent Mandates Commission of the League of Nations by the President of the Arab Congress which was recently in session at Jerusalem.

2. The Secretary of State will be grateful if you will be good enough to inform the Mandates Commission that, having regard to the full statements on the question of the development of self-governing institutions in Palestine made to the Mandates Commission when annual reports on Palestine have been under examination, His Majesty's Government do not desire to offer any observations on the telegram addressed to the Commission by the Arab Congress.

(Signed) MONTEAGLE.

C. *Report by M. Rappard.*

C.P.M.789.

On June 20th, 1928, the Palestine Arab-Moslem-Christian Congress sent the Permanent Mandates Commission, through the High Commissioner for Palestine at Jerusalem, a telegram protesting against the system of government in force in Palestine and requesting the establishment of democratic and parliamentary institutions.

After examining this petition, the Commission will, I think, feel bound to state that, as trustee of the principles of the Covenant and of the Mandates, it is not called upon to recommend any particular form of government in the mandated territories. It is for the mandatory Power alone to determine the regime applicable. So long as this regime does not appear to be inconsistent with the Covenant and the Mandates, it is not for the Commission to criticise it. In the present instance, it seems obvious that a form of democratic and parliamentary government is not provided for either by the Covenant or by the Mandates, and that it is not even compatible with the obligations devolving upon the mandatory Power under those engagements.

ANNEX 10.

IRAQ.

C.P.M.795 (1).

EXTENSION OF THE CONCESSION OF THE ANGLO-PERSIAN OIL COMPANY.

Report by Dr. Kastl.

I. During the examination of the report by the British Government on the administration of Iraq, at the twelfth session, a discussion arose out of the fact that, under Article 6 of the Agreement of May 1926 between the Iraq Government and the Anglo-Persian Oil Company, the period of the D'Arcy Concession was extended by thirty-five years and would not expire until 1996 (Minutes of the Twelfth Session, pages 38 and 39).

II. In view of the fact that the exploitation of oil-wells is the principal industry of Iraq and therefore most important for the development of this territory, it was decided to give the matter further consideration and to ask the undersigned to report upon it.

III. The report was made at the twenty-fourth meeting of the twelfth session (cf. Minutes, page 156, No. 809) and, in agreement with this report, a decision was postponed pending the receipt of a copy of the D'Arcy Concession of 1901, the Protocol of 1913 and the Agreements of 1925 and 1926.

IV. According to the above-mentioned report, two questions had to be considered :

(a) Whether the extension of the D'Arcy Concession of 1901 by thirty-five years up to 1996 is compatible with Article 11 of the Treaty of October 10th, 1922, between Great Britain and the Iraq Government, concerning economic equality ; and

(b) Whether, in addition to maintaining economic equality, it would have been more favourable to the mandated territory to allow the D'Arcy Concession of 1901 to expire in order to have an opportunity of securing better conditions for the territory by offering a new concession to public tender.

V. Article 11 of the Anglo-Iraq Treaty of 1922 and Article 9 of the Anglo-Iraq Treaty of 1927 lay down the principle of economic equality in respect of nationals of any State Member of the League of Nations. Therefore the Iraq Government, in receiving an application for a concession by nationals other than British, must consider this application on equal terms and may not reject such application on the ground of the nationality of the applicant. Nor is the Iraq Government allowed to determine that concessions of any kind should be granted only to nationals of the mandatory Power. But Article 11 of the Anglo-Iraq Treaty of 1922 does not go so far as to prescribe that the Iraq Government can grant no concession or extension of a concession without calling for public tenders, in such a way that the nationals of any State Member of the League of Nations can apply or compete. On the other hand, it must be clearly understood that this does not in any way restrict the duty of the Iraq Government to maintain absolute equality of competitive conditions on the open market.

VI. (1) The D'Arcy Concession of May 28th, 1901, between the Shah of Persia and the Anglo-Persian Oil Company grants to the Company, *inter alia*, the following rights :

(a) " A special and exclusive privilege to search for, obtain, exploit, develop, render suitable for trade, carry away and sell natural gas, petroleum, etc., throughout the whole extent of the Persian Empire for a term of sixty years " (Article 1).

(b) To request from the Persian Government gratuitously all uncultivated lands belonging to the State which the concessionnaire's engineers may deem necessary for the purpose of the Company (Article 3).

(c) All lands granted, all products exported and all material imported shall be free of all taxes and import duties, etc. (Article 7).

(d) The authorisation to found one or several companies for the working of the Concession (Article 8).

The Company, on the other hand, accepted the following obligations :

(a) Immediately to send out to Persia at its own cost experts, etc., and, in the event of the report of the experts being, in the opinion of the concessionaire, of a satisfactory nature, to send to Persia at its own cost the necessary technical staff with the working plant and machinery required for boring and sinking wells and ascertaining the value of the property (Article 8).

(b) To pay to the Persian Government within one month as from the date of the formation of the first exploitation company the sum of £20,000 in cash and an additional sum of £20,000 in paid-up shares ; to pay also annually a sum equal to 16 per cent of the annual net profits of any company, etc. (Article 10).

(c) To pay an annual sum of £1,000 from the date of the formation of the first company for the Imperial Commissioner appointed by the Persian Government (Article 11).

(d) To supply the inhabitants gratuitously with petroleum under certain conditions (Article 13).

(e) On the expiration of the Concession, all materials, buildings and apparatus shall become the property of the Persian Government without indemnity (Article 15).

(2) In the Protocol of November 1913, the Ottoman Government and the Company recognised that the concession should be maintained in full force and validity in the transferred territories.

(3) The creation of Iraq as a mandated territory led to a new agreement between the Iraq Government and the Anglo-Persian Oil Company dated August 13th, 1925. This agreement imposed the following obligations upon the Company :

(a) (Within three months) The formation of a subsidiary company for the purpose of the exploitation of the Concession in the transferred territories (Article 1).

(b) (Without undue delay) The erection of a refinery (Article 2).

(c) The payment of a royalty to the Iraq Government, as a share of the profits of the Company, under certain conditions, as, for instance, the assessment of net profits with certain restrictions for deductions, the payment of interest if the royalty is paid later than due, a decision by the nominee of the Government if the statement of the Company in his opinion is not sufficient, etc. (Article 3).

(d) The payment of £1,000 per annum to the Government for the representative appointed by it.

The Company shall have the right to construct its own pipe-line system from the frontier of Persia through Iraq, and to transport crude oil won in Persia through this line on payment of a consolidated charge and on condition that priority of transport in the pipe-line shall be given to crude oil won in the transferred territories to the extent of 50 per cent of the capacity of any pipe-line constructed by the Company.

(4) Under the Law for the Concession of the Anglo-Persian Oil Company, No. 58 of 1926, an agreement dated May 24th, 1926, concluded between the Minister of Communications and Works of the Iraq Government and the Company was approved. This agreement provides for the following, among other conditions :

(a) In consideration of an extension of the period of the concession, the Iraq Government and the Company agreed to modify the terms of the Concession so that the Company is obliged to pay to the Government instead of a share of profits a royalty dependent on the quantity of substances produced (Article 1).

(b) The Company shall measure in a method approved by the Government all substances produced and the representative of the Government has the right to examine such measurement (Article 2).

(c) The Company shall keep full and correct accounts of all substances measured, etc., and the representative of the Government shall have access to the books of the Company containing such accounts (Article 3).

(d) If the Royalty is unpaid for the space of three calendar months after the date due, the Government shall have the right to prohibit all export of the petroleum and other products until payment is made. And if the payment is not made within three months after the expiration of the aforesaid three months, the Government shall have the right to terminate the agreement and to take without payment all the property of the Company in Iraq (Article 4).

(e) The Company undertakes that it will sell its products in Iraq at certain prices (Article 5).

(f) The period of the Concession is extended by thirty-five years (Article 6).

VII. According to these conditions, the obligations of the Company have obviously been increased within certain limits and the arrangement is in so far more favourable to the mandated territory than it was before. On the other hand, there is no doubt that the extension of the Concession implies a very great advantage for the Company. By the expiration of the Concession

in the year 1961, all the property of the Company would have become without payment the property of the Iraq Government. It is possible that the Persian Government might have refused to extend the Concession of the Anglo-Persian Oil Company after its expiration in the year 1961, or have been prepared only to extend the Concession under much harder conditions. The fact that the Concession has been extended in Iraq territory places the Company in a much better position for its negotiations with the Persian Government and for its exploitation of the Persian area, since the Company can at all events exploit the Concession in Iraq territory until 1996. If the Anglo-Persian Oil Company works in Persian territory until 1961, the greater part of the oil deposits in this section of the Concession may be exhausted and the oil deposit in the Iraq territory will become all the more valuable for it. Therefore the Concession concerning the Iraq territory will certainly have in 1961 a much greater value than it has now or than it had when the extension was granted. The longer the Iraq Government waited to extend the Concession, the higher would be the price asked for the extension.

VIII. Recognising the foregoing facts and considerations, I have come to the conclusion :

That the Iraq Government has not violated Article 11 of the Treaty of October 10th, 1922, between Great Britain and the Iraq Government concerning economic equality by granting an extension of the Concession for thirty-five years to the Anglo-Persian Oil Company.

It is very difficult to decide whether it would have been more favourable to the Iraq Government to wait until 1961 before granting the extension of the Concession. The fact that the Iraq Government will receive from the Company a yearly payment on account of a certain royalty per ton of crude oil produced can be taken as important for the development of the territory if the receipts due yearly are in some measure adequate to meet the current financial needs of the territory. In this case, the arrangement may perhaps be more in favour of the territory than a high price to be paid in the year 1961, or a higher royalty to be paid after that date. The Commission should fully rely upon the Iraq Government to make use of its rights of the Concession in favour of the best interests of the territory.

ANNEX 11.

PALESTINE.

C.P.M.796.

INCIDENTS AT THE WAILING WALL IN JERUSALEM ON SEPTEMBER 24TH, 1928.

A. *Petition from the Zionist Organisation, Jerusalem, dated October 12th, 1928.*

His Excellency the Officer administering the Government of Palestine, Jerusalem.

On behalf of the Executive of the Zionist Organisation, which is recognised as the Jewish Agency for Palestine in Article 4 of the Palestine Mandate, I have the honour to request that this petition may be transmitted through the proper channels to the Secretary-General of the League of Nations for the information of the Permanent Mandates Commission.

2. The petition relates to a deplorable incident which recently occurred in Jerusalem on the Jewish Day of Atonement, which has caused the most painful impression throughout the Jewish world.

About 9 a.m. on the Jewish Day of Atonement, falling on September 24th, 1928, British police, acting on orders received from the Deputy District Commissioner of Jerusalem, broke through the crowded worshippers at the *Kothel-Maaravi*, generally known as the Wailing Wall, and effected the removal of a portable screen which had been set up the previous evening. The screen separated men and women at worship, in accordance with the traditional Jewish religious rite, but did not interfere with the right of way. The entreaties of the worshippers that the removal of the screen be postponed until the conclusion of the services and the Fast of the Day of Atonement were ignored. In carrying out the order to remove the screen, the police thrust aside and, as was perhaps inevitable for the execution of the order, knocked down several aged worshippers, men and women. One worshipper holding on to the screen was dragged along the ground.

The identical screen had been in use in the same position ten days previously on the Feast of the Jewish New Year without any complaint or protest having been communicated to any Jewish authority.

3. The Government of Palestine, in an official *communiqué*, have justified the action taken on the grounds that the screen and its attachment to the pavement constituted an infraction of the *status quo* which the Government was unable to permit, and that the beadle in charge of the arrangements for the conduct of the services at the Wall had been instructed, on the eve of the Day of Atonement, that the screen would have to be removed before the services on the following day.

The Executive regrets that it cannot be satisfied with this explanation, and maintains that no formal departure from previous custom as regards ceremonial arrangements for religious services at the Wall could justify the use of police for aggressive action at such a place and on such a day. Nor can the Zionist Organisation admit that any error on the part of a mere caretaker, referred to above as the beadle, could justify the action taken by the district authorities without giving previous notification to any responsible Jewish authority.

4. The Executive reminds the Permanent Mandates Commission that this is not the first occasion upon which the Palestine Government has found it necessary to make aggressive use of the police at the *Kothel-Maaravi*. The previous incident also occurred on the Day of Atonement when, in 1925, police were sent by the district authorities to remove seats and benches placed at the *Kothel-Maaravi* for the use of aged and infirm worshippers during the Fast, as reported in paragraph 9 of the letter dated May 3rd, 1926, addressed by Dr. Weizmann, on behalf of the Zionist Organisation, to the High Commissioner for Palestine for transmission to the Secretary-General of the League of Nations. On that as on the present occasion, the order for police action was given by the Administrative Office concerned as a result of representations received from the Moslem authorities in regard to arrangements made for the conduct of Jewish religious services.

5. The Executive feels confident that it was the desire both of the Permanent Mandates Commission and of the mandatory Government to prevent any repetition of such an incident as occurred on the Day of Atonement in 1925. The fact that a recurrence has not been prevented is evidence of the impossibility of prolonging the present state of affairs.

6. In order that the Permanent Mandates Commission may appreciate what such an incident means to the Jewish people, it is necessary to explain that the Day of Atonement is the most sacred day of the Jewish calendar. The *Shmoneh Esrei* prayer, during which the incident occurred and the police broke in among the worshippers, is the most important prayer of the whole day of worship. The *Kothel-Maaravi* has ever been the most holy spot for the Jewish nation since the destruction of the Temple.

7. On the other hand, the Jewish place of prayer at the Wall is not holy to any other nation or community and, while the Jews have for generations past undertaken the most arduous journeys in order to be able to pray at the Wall if only for a few moments, the Moslem neighbours have never used the site for prayer, and have not hesitated to desecrate it in the most offensive manner.

The Executive wishes emphatically to repudiate as false and libellous the rumours which have been circulated that it is the intention of the Jewish people to menace the inviolability of the Moslem Holy Place which encloses the Mosque of Aqsa and the Mosque of Omar.

8. The demand of the Jewish people is that they shall be given freedom to pray according to their religious rites without external interference. The land in front of the Wall is a place of prayer for Jews, and an end must be put to a situation under which an institution belonging to another community — in this case, the Moslem Supreme Council — can interfere with the manner in which the Jews arrange their religious services at their most holy place.

9. Similarly, the Jewish people believe that the Permanent Mandates Commission will recognise that it is inconsistent with the spirit and the letter of the mandate that Jewish worshippers before the Wall should be confined to a narrow alley-way (28 meters long by 3.6 meters wide) through the fact that on the adjacent land there are a few hutments the property of the *Waqf* (Moslem Ecclesiastical Foundation), but having no religious significance. These dwellings are occupied by members of the Moroccan community, who pass to and fro through the praying place of the Jews, often carrying loads and sometimes driving laden donkeys before them.

10. The situation thus explained is painful and humiliating to the whole Jewish world, and the Executive ventures to think that it is unworthy both of the League of Nations and of the mandatory Power, under whose joint auspices the administration of Palestine is conducted.

11. The Jewish people have always been anxious to secure for themselves proper conditions for free and undisturbed worship at the *Kothel-Maaravi* by direct arrangement with the Moslem authorities, with fair compensation for any proprietary rights affected. The Executive submits that the provision of such conditions for Jewish worship at the most sacred place of prayer for all Jewry is an essential condition of civilised government in Palestine. That real freedom of worship is impossible under existing conditions is demonstrated by reason and confirmed by experience. The Executive therefore earnestly trusts that the mandatory Government will use its good offices to promote an arrangement eliminating the present obstacles to the free exercise of worship at this Holy Place.

The Jewish Agency appeals to the Permanent Mandates Commission and to the mandatory Power to secure this end.

For the President of the Zionist Organisation :

(Signed) F. H. KISCH.

B. *Observations of the British Government, forwarded to the Secretary-General of the League.*

C.P.M.796.

London, October 29th, 1928.

I am directed by Lord Cushendun to transmit to you the accompanying two copies of a memorial addressed by the Zionist Organisation to the Officer administering the Government of

Palestine concerning certain incidents which occurred at the Wailing or Western Wall at Jerusalem on the Jewish Day of Atonement in September last. Two copies of a memorandum¹ containing the comments of His Majesty's Government on this memorial are also enclosed.

2. I am to add that the Zionist Organisation has expressed the wish that the memorial (which has only just been received in London) should, if possible, be considered by the Permanent Mandates Commission during its present session.

(Signed) MONTEAGLE.

Appendix I.

COMMENTS OF HIS MAJESTY'S GOVERNMENT ON THE MEMORIAL FROM THE ZIONIST ORGANISATION, DATED OCTOBER 12TH, 1928.

It may assist the Permanent Mandates Commission if, before commenting on the memorial, His Majesty's Government give a brief account of the position as it existed before the British Administration was set up in Palestine.

The Western or Wailing Wall formed part of the western exterior of the Temples of Solomon, Zerubbabel and Herod ; as such, it is a holy place to the Jewish community and their custom of praying there extends back to the Middle Ages and possibly further. The Wall is also a part of the Haram-al-Sharif ; as such, it is holy to Moslems. Moreover, it is legally the absolute property of the Moslem community, and the strip of pavement facing it is Waqf property, as is shown by documents preserved by the Guardian of the Waqf. The Jewish community have established a right of access to the pavement for the purposes of their devotions, but the Turkish authorities repeatedly ruled, whenever protests were made by the Moslem authorities, that they would not permit such departures from the existing practice as the bringing of chairs and benches to the pavement. It is understood that a ruling prohibiting the bringing of screens to the pavement was given in 1912.

The Palestine Government and His Majesty's Government have taken the view that, having in mind the terms of Article 13 of the Mandate for Palestine, the matter is one in which they are bound to maintain the *status quo*, which they have interpreted as being that the Jewish community have a right of access to the pavement for the purposes of their devotions, but may bring to the Wall only those appurtenances of worship which were permitted under the Turkish regime.

Whenever the Moslem authorities have proffered complaints that innovations have been made in the established practice and the Palestine Government, on enquiry, have satisfied themselves that the complaints were well founded, they have accordingly felt it their duty to insist that the departures from practice which gave rise to the complaints should be stopped.

It will be within the recollection of the Permanent Mandates Commission that incidents at the Wall engaged their attention and the attention of the Council of the League in 1926. In a letter of May 3rd, 1926 (which is reproduced on pages 198-201 of the Minutes of the Ninth Session of the Commission), Dr. Weizmann, referring to an incident which occurred at the Wall on the Jewish Day of Atonement in 1925, expressed the hope that, through the good offices of the mandatory Power and the League of Nations, means might be found of putting an end by *common consent* to the state of affairs then existing. The report of the Rapporteur which was adopted by the Mandates Commission and the Council of the League states that :

“ . . . The mandatory Power shares the Zionist Organisation's opinion that a solution can only be found by agreement. I am sure that the Commission will be unanimous in hoping that such an agreement will shortly be reached. ”

The Palestine Government, though prepared, if approached by both parties, to act as intermediaries, felt that the matter was one which could best be settled by consent between the communities concerned. Neither party, in fact, approached the Palestine Government and that Government is not aware of any negotiations having been initiated between the parties.

The incidents giving rise to the Zionist memorial are described in an official *communiqué* issued by the Palestine Government, of which a copy is enclosed.² It will be seen—and the fact is not contested in the memorial—that on the Jewish Day of Atonement in September last innovations were made in the existing practice. Complaints about these innovations were made to an officer of the Palestine Government by the Mutawali of the Waqf in which the pavement is vested, and when, on investigation, he found that these complaints were well founded, he was confronted with a choice between ignoring the mandatory obligation of his Government to preserve the *status quo* and the removal of an appurtenance of Jewish worship. He obtained from the responsible Jewish official an undertaking that the screen which had been introduced in contravention of established practice would be removed before the service on the Day of Atonement. Unfortunately, this undertaking was not fulfilled ; and, accordingly, there was, having in mind the obligation to preserve the *status quo*, no alternative to its removal.

Though some of the worshippers at the Wall endeavoured by force to prevent the removal of the screen, this was in fact effected without casualties of any but a light nature, but several

¹ See Appendix I.
² See Appendix II.

persons were bruised, including the officer charged with the removal of the screen. The police who undertook this duty did not include any Jews. At one time it was the practice to post a Jewish police inspector near the Wailing Wall on Jewish holy days; but, at the urgent request of the Chief Rabbinate, all Jewish police officers had been excused duty on the Day of Atonement. In future, steps will be taken to ensure that a Jewish officer is present at the Wall on all such occasions.

The memorial was presented to the Palestine Government on October 12th for transmission to the League through His Majesty's Government. As it was understood to be the wish of the Zionist Organisation that the memorial should reach Geneva in time to be considered during the fourteenth session of the Mandates Commission, the Officer administering the Government of Palestine did not delay it for a detailed examination but forwarded it to His Majesty's Government on October 22nd. They, too, are reluctant to incur the delay that would be necessary in order to frame exhaustive comments. They will therefore confine their remarks to two major points raised in the memorial; but they wish it to be understood, had time permitted, they would have preferred to comment upon the memorial in greater detail. The points upon which His Majesty's Government desire to comment are:

(1) The implication in paragraph 3 that the Palestine Government should have exercised greater judgment and, in particular, should have consulted representative Jewish authorities before action was taken; and

(2) The request in paragraph 11 that "the mandatory Government should use its good offices to promote an arrangement eliminating the present obstacles to the free exercise of worship at this Holy Place".

As regards the former point, His Majesty's Government feel that the delicacy of the question of procedure at the Wall and the need for extreme discretion with regard to anything that might be regarded by watchful neighbours as a breach of the *status quo* should have been obvious to the responsible Jewish authorities. In the absence of any mutual agreement between the Moslem and Jewish authorities regulating the conduct of services at the Wall, it is open to the Moslem authorities to take exception to any innovations of practice and it is the duty of the Palestine Government to ensure that there is no infraction of the *status quo*. If the innovations introduced on the Jewish Day of Atonement were made with the assent of the responsible Jewish authorities, that assent must be assumed to have been given in the full knowledge that, since the permission of the Government and of the Moslem owners of the pavement had not been obtained, the departure from the *status quo* would have to be stopped by Government if complaints were made. If, on the other hand, the responsible Jewish authorities were not aware of the innovations, they cannot reasonably expect the mandatory Administration to countenance the unauthorised act of a subordinate. In any case, the responsible officer of the Palestine Government was faced with a position calling for an immediate decision and the principles on which he acted cannot, in the view of His Majesty's Government, be called in question.

As regards the concluding paragraphs of the memorial, His Majesty's Government feel it necessary to point out that public opinion in Palestine has definitely removed the matter from the purely religious orbit and has made of it a political and racial question. Even if the dispute had not assumed this complexion, it would have been difficult to find a solution satisfactory to all the parties concerned. In the present state of feeling the difficulty has been greatly enhanced. Nevertheless, in the hope that more sober counsels will eventually prevail, the Palestine Government have suggested both to the Palestine Zionist Executive and to the Supreme Moslem Council that it would be a convenience to all the parties concerned if a Protocol could be mutually agreed upon between the Moslem and Jewish authorities regulating the conduct of the services at the Wall without prejudice to the legal rights of the Moslem owners, and in such a way as to satisfy normal liturgical requirements and decencies in matters of public worship. The Government have also instructed a senior officer to sound both parties in a tentative manner in order to ascertain whether some such agreement can be achieved. If satisfactory assurances should be received on this point, the Palestine Government will be most ready and anxious to use their good offices to facilitate such an arrangement.

Appendix II.

OFFICIAL COMMUNIQUÉ ISSUED BY THE PALESTINE GOVERNMENT.

On the evening of September 23rd, the eve of the Day of Atonement, a complaint was made to the Deputy District Commissioner, Jerusalem, by the Mutawali of the Abu Madian Waqf, in which the pavement and the whole area around the Western or Wailing Wall is vested, to the effect that a dividing screen had been affixed to the pavement adjoining the Wall, and that other innovations had been made in the established practice, such as the introduction of additional petrol lamps, a number of mats and a tabernacle or ark much larger than was customary. The Deputy District Commissioner visited the Wall during the evening service, and, acting in accordance with the practice established by Government, decided that the screen would have to be removed before the service on the following day. He gave instructions accordingly to the beadle in charge of the arrangements for the conduct of the services at the Wall, reserving his decision in the matter of the lamps, the mats and the ark. The beadle undertook to remove the

screen, and the Deputy District Commissioner gave him until early the following morning to do so. The Deputy District Commissioner accepted the beadle's assurance that his instructions would be carried out, at the same time informing the British police officer on duty that, in the event of the beadle not complying with his undertaking, the screen was to be removed.

On the following morning, the police officer visited the Wall, and, finding that the screen had not been removed, asked members of the congregation present to take it away; they replied that they were unable to move it because of the holiness of the day. The police therefore removed the screen themselves. The worshippers in general, unaware of the circumstances that had gone before and seeing only the police in the act of removing the screen which had been used to separate the men and the women, became excited and some of them endeavoured by force to prevent the screen being taken away. Ultimately the screen was removed.

The importation of the screen and its attachment to the pavement constituted an infraction of the *status quo*, which the Government was unable to permit. At the same time, the Government deeply deplore the shock that was caused to large numbers of religious people on a day so holy to Jews. Government understand that the beadle responsible for the innovation which caused the incident has been dealt with by the Jewish authorities, and on their side have impressed on the Jewish authorities the need, manifested in connection with the incidents at the Wall in 1922 and 1925 and again on this occasion, for prior consultation with the proper officers of Government as to the arrangements for the services at the Wall on the principal Jewish holy days.

No Jewish police officer was present at the Wall on the occasion in question owing to all Jewish officers in Jerusalem having been excused duty for the Day of Atonement. Government will, however, consider the desirability of a responsible Jewish officer being included in future among the officers detailed for duty at the Wall on solemn Jewish holy days.

In conclusion, Government consider that the removal of the screen was necessary, but regret all the circumstances attending that removal.

C. Report by M. Rappard.

C.P.M.813 (1).

The Permanent Mandates Commission has received a petition dated October 12th, 1928, relating to the incidents which occurred at the Wailing Wall at Jerusalem on September 24th, 1928, from the Zionist Organisation, as well as the comments of His Majesty's Government on the memorial from the Zionist Organisation dated October 12th, 1928, and an undated *communiqué* issued by the Palestine Government.

These documents were transmitted to the Commission by the mandatory Power by a letter dated London, October 27th, 1928, in accordance with the provisions governing the procedure on petitions addressed to the League of Nations by inhabitants of mandated territories.

I have carefully considered the various points of fact and of law raised in these documents. I am glad to note that there are no essential discrepancies between the statements made by the petitioners on the one hand and by the authorities responsible for the administration of Palestine on the other. Although differently presented and variously stressed, the incidents which occurred before the Wailing Wall on September 23rd and 24th, 1928, are in these documents related in a manner so clear and so complete that no uncertainty is left in the mind of the careful reader as to what actually took place. There is what would seem to be full agreement also between the petitioners and the authorities as to the only possible method of remedying the present situation — a situation as painful for those who feel offended and mortified in their most sacred sentiments as it is trying and unsatisfactory for those who are responsible for the maintenance of order and for the observance of strict and impartial justice between the conflicting claims of rival religious and racial communities in Palestine. This remedy, as already recognised by the Zionist Organisation in similar though not so critical circumstances in 1926, as again implied in the concluding paragraph of the present petition, and as repeatedly emphasised by the representatives of the mandatory Power, can be found only by common agreement between the Jewish and Moslem communities.

Anything that may facilitate and hasten the conclusion of such an agreement will, I feel sure, be warmly welcomed by the Mandates Commission, who, on the other hand, will undoubtedly deprecate unanimously anything that might prevent or retard it.

For this reason, the Commission, while profoundly deploring not only the most regrettable incidents above referred to, but also the circumstances, both distant and immediate, which led to and surround them, and the serious repercussions to which they have given rise, will, I assume, deliberately refrain from passing censure on any of those whose acts or omissions may have contributed to provoke or to embitter them.

Such incidents cannot but imperil the peace and prosperity of Palestine as a whole and aggrieve all those the world over to whom Palestine is dear and sacred. I think, therefore, that the confident hope should be expressed that no effort will be spared for the promotion of a fair and friendly agreement, which alone can prevent the recurrence of such incidents.

For that purpose it is not sufficient that the Palestine Government allow it to be known that they are "prepared, if approached by both parties, to act as intermediaries", as they did on the previous occasion alluded to in their present comments. It would seem expedient, and indeed imperative, that they take active steps to induce the two conflicting parties to reach a voluntary

agreement and that both Jews and Moslems respond with a sincere desire for a settlement based on a full and equal regard for all the moral and material interests concerned.

I have no doubt that the Mandates Commission notes with great satisfaction that the Palestine Government have already approached both parties with a view to facilitating an agreement 'regulating the conduct of the services at the Wall without prejudice to the legal rights of the Moslem owners, and in such a way as to satisfy normal liturgical requirements and decencies in matters of public worship'. I think that the Mandates Commission should fully concur in the views expressed in the closing paragraph of the comments of the mandatory Power and express the hope that neither party will, through unreasonable demands or intolerant refusals, assume the responsibility of rendering impossible the achievement of a just settlement. If in the present state of affairs such a settlement cannot be soon achieved, it is to be hoped that some temporary arrangement may promptly be made and that in the meanwhile no disturbance will be either attempted or tolerated.

D. List of Communications received regarding the Incidents which occurred at the Wailing Wall at Jerusalem on September 24th, 1928.

1. Letter from the Zionist Committee in Austria transmitting a resolution adopted at a Zionist meeting, Vienna, October 16th, 1928.
2. Letter from Senator Rubinstein, Chief Rabbi of the Vilna district, Vilna, October 17th, 1928.
3. Letter from the Regional Committee of the Zionist Organisation of Bessarabia, transmitting a resolution adopted by that body, Chisinau, October 17th, 1928.
4. Letter from the Italian Zionist Federation, Milan, October 18th, 1928.
5. Telegram from the Association of Israelite Communities, Rome, October 18th, 1928.
6. Letter from Dr. Niemirower, Chief Rabbi of the Union of Roumanian Jewish Communities, Bucharest, October 18th, 1928.
7. Letter from the Roumanian Zionist Organisation, Bucharest, October 18th, 1928.
8. Telegram from Montesinas Kadima Nidrisrael, Mexico City, October 19th, 1928.
9. Telegram from the Jewish Community of Stanislawow, Stanislawow, October 19th, 1928.
10. Letter from M. Tirelson, Chief Rabbi of Bessarabia, Chisinau, October 19th, 1928.
11. Letter from Chief Rabbi Tirelson, President of the Central Committee of "Agudas Israel", Chisinau, October 19th, 1928.
12. Letter from the Belgian Zionist Federation transmitting copy of a letter to the British Ambassador at Brussels and a resolution adopted by its General Committee, Antwerp, October 19th, 1928.
13. Letter from the Greek Zionist Federation transmitting a resolution adopted by its organisations, Salonika, October 21st, 1928.
14. Telegram from the Chief Rabbi of the Italian Rabbinate, Rome, October 22nd, 1928.
15. Telegram from the Association of the French Religious Jews, "Misrachi", Paris, October 23rd, 1928.
16. Letter from the Central Committee of the "Organizacja Sionistyczna Mizrachi w. Polsce" transmitting a resolution adopted by that body, Warsaw, October 23rd, 1928.
17. Letter from the Central Committee of the Swiss Zionist Union transmitting a resolution adopted by that body, Basle, October 23rd, 1928.
18. Letter from the French Zionist Federation transmitting copies of protests from the French Zionist Federation, from the Chief Rabbi of France to the British Ambassador in France, and from the World Israelite Alliance, Paris, October 23rd, 1928.
19. Letter from the Union of Lithuanian Rabbis, Kovno, October 23rd, 1928.
20. Letter from the Chief Rabbi of Czernovitz transmitting a resolution adopted by the Central Bureau of the "Misrachi" of Bukowina, Czernovitz, October 23rd, 1928.
21. Protest from the Chief Rabbi of Cracow, Cracow, October 24th, 1928.
22. Letter from the Zionist Organisation of Lithuania, Kovno, October 24th, 1928.
23. Resolution adopted at a meeting held at the Synagogue "Ohel Jacob", Kovno, October 25th, 1928.
24. Telegram from the Zionist Central Committee of Bulgaria, Plovdiv, October 25th, 1928.
25. Telegram from the Canadian Zionist Organisation, Montreal, October 26th, 1928.
26. Telegram from the Council of Orthodox Rabbis of Canada, Montreal, October 26th, 1928.
27. Telegram from the Council of the Jewish Community of Montreal, Montreal, October 26th, 1928.
28. Letter from the World Union of Jewish Youth, Paris, October 26th, 1928.
29. Letter from Senator Rubinstein transmitting a resolution adopted at a meeting of the Jewish inhabitants of Vilna, Vilna, October 26th, 1928.

30. Letter from the Zionist Federation of Poland, Warsaw, October 26th, 1928.
31. Letter from the Chief Rabbi of Salonika transmitting a resolution adopted by the Chief Rabbinate of Salonika, Salonika, October 26th, 1928.
32. Telegram from M. Lewin, President of the Zionist Party of Latvia, Ludza, October 26th, 1928.
33. Telegram from the Chief Rabbi of Belgium, Brussels, October 26th, 1928.
34. Telegram from the Chief Rabbis, Kook and Meir, transmitted by the Officer administering the Palestine Government, Jerusalem, October 27th, 1928.
35. Letter from the Czechoslovak Zionist Organisation transmitting copy of a letter addressed to the Colonial Office, London, Mor. Ostrava, October 29th, 1928.
36. Letter from the Zionist Organisation of Danzig transmitting a resolution adopted at its general assembly, Danzig, October 30th, 1928.
37. Telegram from the Jewish Commune of Pobjanice, Pobjanice, October 31st, 1928.
38. Letter from the Dutch Zionist Federation transmitting a resolution adopted by its Committee, Amsterdam, October 31st, 1928.
39. Letters from the Rabbinate of the Israelite Community of Antwerp, Antwerp, November 1st, 1928.
40. Letter from the Council of the Jewish community of Czestochowa transmitting a resolution adopted by the Council and Committee of that community, Czestochowa, November 1st, 1928.
41. Telegram from M. Chekib Arslan, Lausanne, November 2nd, 1928.
42. Letter from the Central Consistory of Israelites in Bulgaria, Sofia, November 6th, 1928.
43. Letter from the Committee of the Dutch Zionist Federation and the Dutch Council of the "Misrachi" transmitting a resolution adopted by them, Amsterdam, November 8th, 1928.
44. Letter from the Chairman of the Meeting of Protest of the Jewish inhabitants of Prague transmitting a resolution adopted by the meeting, Prague, November 8th, 1928.
45. Letter from the Zionist Federation of France, Paris, November 9th, 1928.

ANNEX 12.

SOUTH-WEST AFRICA.

PETITION DATED MARCH 5TH, 1926, FROM THE KAOKO LAND- UND MINENGESELLSCHAFT.

A. *Text of the Petition.*¹

C.P.M.769.

Kaoko Land- und Minengesellschaft,

Berlin, March 5th, 1926.

[*Translation.*]

Re: The rights of our Company situated in the former German Schutzgebiet of South-West Africa, now called the "Protectorate of South-West Africa" of the Government at Pretoria, cancelled or repudiated by the Proclamation of the Administrator, No. 59, dated November 17th, 1920, published in the *Official Gazette of the Protectorate of South-West Africa in Military Occupation of the Union Forces*, No. 42, d.d. Windhoek, November 24th, 1920.

By that Proclamation, in the Schedule, p. 3, the rights of our Company were annulled by the words: "The whole are cancelled".

By Proclamation No. 60 of same date and published as before was proclaimed and made known the following:

" I. During a period of two years from the date hereof and no longer, the Kaoko Land- und Minengesellschaft shall have the sole right to prospect for and win precious stones and minerals and base metals in the four areas defined in the Company's Notice of September 9th, 1913, published in the *Deutsches Kolonialblatt* of September 15th, 1913. This right is transferable.

" II. This Proclamation may be cited for all purposes as the Kaoko Land- und Minengesellschaft Temporary Mining Reserve Proclamation, 1920".

The rights therefore guaranteed to us until November 17th, 1922, next were extended for two further years by the Kaoko Land- und Minengesellschaft Temporary Mining Reserve Amendment Proclamation, 1921, and finally by Proclamation 8 of 1925 for another period of two years. Thus they are now expiring on November 17th, 1926.

By Proclamation 59, the Company lost general rights, which consisted of the following single rights.

1. A territory legally acquired by the firm L. Hirsch & Co., London, under date of August 12th, 1893, with additional contract dated December 4th, 1893, from the Deutsche Kolonialgesellschaft for South-West Africa to an approximate extent of 100,000 square kilometers legally

¹ *Note by the Secretariat:* The original of the petition is in the German language. The translation into English which was annexed to the letter of the South African Government has been slightly revised. It had been supplied to it, together with the original German text, by the petitioners themselves.

ceded to the Kaoko Company. (See Annex 3, Memorandum, dated March 1905, concerning the transactions of the Kaoko Land and Mining Company, page 1 : Land Properties, and Article 3 of the Company's Statute.) (Annex 1.)

2. Full mining rights for the whole of the territory. By contract between the German Government — Colonial Office and the Company — shortly before the outbreak of the great war, those mining rights were modified in the sense that a "general public right" to prospect and discover mines (except diamond-mines), with the sole exception of four delimited reserve blocks, was proclaimed. On the other hand, the Company was reserved the right to demand 10 per cent of the net profit from all mining enterprises throughout the total territory. (See publication, September 9th, 1913, paragraph 4.) The details of those rights may be seen from the Annexes to this document¹, viz. :

Annex 1. Contract between the Deutsche Kolonialgesellschaft for South-West Africa in Berlin and the firm L. Hirsch & Co., London, dated August 12th, 1893, and Supplement dated December 4th, 1893.

Annex 2. Copy of the Statutes of the Company granted by Law of the German Empire *d.d.* March 15th, 1888, altered by a general meeting of the Company, held after the Treaty of Versailles, and since the Company was registered as "Foreign Company" in the Board of Trade Register at Windhoek by order from the Administrator of the Protectorate.

Annex 3. Memorandum concerning the Company's transactions, dated March 1905.

In order to examine the entire rights, which had been legalised in every direction by the Imperial Government and by the German Parliament, the Administrator of South-West Africa proclaimed the establishment of a Concession Commission of three members, which was authorised to examine the "concessions" of our Company and those of all the concessions companies residing in the Protectorate. (See *Cape Times*, No. 13743, of November 10th, 1920, page 7, annex to this petition.² We, however, are not a Concessions Company. Positively it must be noted that, neither in the Proclamation 19 nor in any publication of the Concession Commission can be found a single word that recalls "property, land rights nor landed property," but only "concessions". The newspapers in the Union themselves published the fact that this Commission voted, by two votes to one, that the rights of the Kaoko Company were to be recognised in its essential points. The text of the Commission's proposal has never been divulged. Nevertheless, and contrary to all prognostics, Proclamation 59 decided otherwise. In that Proclamation, the Kaoko Company, of all companies concerned, suffered the most serious injury. Without regard to the temporary annulment of the mining rights within the four reserve blocks, its "private property", the land ownership was cancelled, in other words, confiscated. This was proclaimed without any form of compensation, such as international law and the Treaty of Versailles expressly stipulate.

The value of the territory, of which nothing else was sold (only a small part of it was declared Native Reserve, without the Company's consent, of course), has never been credited to the German Government on account of reparations. Thus the latter is not compelled to indemnify our Company. Since the publication of Proclamation 59, which in its consequences has ruined a Company founded with a capital of 10 million Reichsmark in cash, this Company has incurred the following expenses for the mining development of its territory :

I. £2,000 sterling. — By order of the Administrator, charged for surveying and in order to mark the borders of the above-mentioned four mining reserve blocks in the Kaokofield in the year 1921. (See Annex 4, Map of the Territory, edited by I. Kuntz².) A petition to indemnify the Company was refused.

II. £5,000 sterling. — Expenses of an exploration expedition of Bergassessor Dr. Stahl into the Kaokofield in 1922-23.

In this way the resources of the Company were nearly exhausted. For the last prolongation of the mining rights within the four reserve blocks the Company was compelled to guarantee an outlay of £1,500 sterling for prospecting work in the reserve blocks for each year of the proclaimed prolongation.

When this guarantee was declared in the year 1924, the Company was still in possession of German securities which at the current price allowed the guarantee to be constituted. But when the German Empire suddenly suspended payment of interest on its loans, then all these securities depreciated to such an extent that the Company's guarantee became illusory. Therefore the Company held a general meeting in September 1925, which voted a capital increase of 50,000 preference shares at 10 Reichsmark (= 500,000 Reichsmark) in order to keep the promised guarantee. Having regard to the disastrous state of the money market, the result of the subscription, which is not yet closed, has been unsatisfactory until now.

It may be noted that the Company, in order to prove how many sacrifices were made in former times and how anxious its Directors are, notwithstanding the small means of the Company, to open the territory and especially the reserve blocks, has succeeded through the successful efforts

¹ Note by the Secretariat: These documents were submitted by the petitioners in German and forwarded by the South African Government together with the petition. They are kept in the archives of the League and are at the disposal of the members of the Permanent Mandates Commission.

² Note by the Secretariat: Not reproduced.

of our Director, Mr. G. Ohlenschlager, attorney and notary at Omaruru, South-West Africa, in raising a loan pledging one of the Company's mortgages registered upon a farm sold by the Company before the war. This money is to be invested entirely in order to peg the extensive Khoabendus Goldfield fixed by the before-mentioned expedition of Dr. Stahl.

By this measure, very possibly the Company will secure for itself substantial profits.

As for the general position of our Company and the measures to save it, we would venture to offer the following observations :

Like all other companies in the Protectorate injured by Proclamation 59, we have suffered in silence, though refusing to recognise the validity of this Proclamation at law.

We would quote the words of Mr. Edmund Davis, London, the well-known Chairman of the South-West Africa Company, Ltd. He said, at the first general meeting of that Company, held on December 6th, 1921, after the injury caused to his Company by Proclamation 59 :

“ We mention these facts so that you should realise how impossible it is for us to understand how the Union Government of South Africa, which holds a mandate over South-West Africa, can justify its action in confiscating the mineral rights covered by our concessions as they have done. ”

“ We do not know what powers may be vested in Governments which receive mandates, but it is strange to us that any such powers should be so vast as to cover the rights to confiscate property legally acquired without compensation. What is still stranger to us is that they should have the right, by Proclamation, to debar us from seeking legal redress. Nevertheless, the Company can have nothing to gain from quarrelling with the Government of the territory in which it is so largely interested. The prosperity of the Company is in a way bound up with the prosperity of the territory and your Board intends in every way to work in the most harmonious co-operation possible with the Government authorities. ”

The proceedings at the session of the before-mentioned Concession Commission and the decision of the Government, against the majority vote of that Commission, are to be found among the documents and papers of the Administrator or in the Acts and original protocols of the Concession Commission. The mandatory Government, of course, will not fail to submit to you on demand everything you require. The Secretary of the Concession Commission was a certain Richardson.

On November 16th, 1924, our Company, for the first time, submitted to the Administrator a mild protest regarding the injury inflicted upon us. We beg you to consider our complaints as soon as you have received that letter from the Government.

We received no answer until the present Prime Minister came into office. His decision was as follows : The Prime Minister sees no motive to annul the decision of the Concession Commission. (This is strange to us, because, as before mentioned, the vote of the Concession Commission in its majority was favourable to the Company.) However, the Minister was inclined to extend the concessions of our mining right in the reserve blocks for a period of five years, beginning with November 17th, 1926, under similar conditions as before, but with the reservation that he wished to consult the Government Council to be elected under the new Constitution in May 1926.

Our Company has not yet given an answer to this unsatisfactory proposal.

We were extremely glad to learn from articles in the Press that the Mandates Commission in the League of Nations took an interest in the titles of private property seized by the Government of the Mandatory. We do hope, therefore, that the Commission for Mandates will be disposed in cases of abuses, and in such a notorious act of violence as that committed against our Company, to recommend the Council of the League of Nations to take action on our behalf.

Already we have read in the No. 118/25 of the *Windhoek General Gazette* as follows :

“ The Mandates Commission of the League of Nations has stated that the Government of the Union is to be considered only as ‘ Trustee ’ and that it had not the power to confiscate railways, which very likely was notified with regard to the confiscation of the Otavi Railway rights. ”

There cannot be any doubt, we think, after the opinion given by the Mandates Commission, that neither the Union Government nor the Administrator has so extensive a power as to be able to confiscate landed property legally acquired, or rights, without compensation. Nos. 129/25 and 133/25 of the *General Gazette* now state that the Mandates Commission has determined to ratify the motion of Sir Frederick Lugard and to ask the Governments of the mandatory States to submit reports concerning the present position with regard to ex-enemies' private property.

It is our opinion that this must also cover the case of our private property. Our Director, Dr. jur. Ohlenschlager, Omaruru, South-West Africa, is instructed to see that the mandatory Government in Pretoria will forward all the documents without exception which refer to our case to the Mandates Commission in order to accelerate the decision.

Therefore we have resolved, in accordance with a suggestion received here, to submit direct to the President of the League of Nations our complaints against the injury caused to us by Proclamation 59, 1920.

We hope that the Mandates Commission, forming a just estimate of the position and of the increasing financial difficulties of our crippled Company, caused solely by the unfair action taken against us, will condescend to see that our grievances are considered as soon as possible.

Our Chairman is ready to appear before you should you so desire.

(Signed) HEINWILLER.

(Signed) JESSEN.

B. *Comments of the Government of the Union of South Africa,
forwarded to the Secretary-General of the League.*

C.P.M.769.

Pretoria, July 4th, 1928.

I have the honour to forward to you herewith a petition by the Kaoko Land- und Minengesellschaft, addressed to the Permanent Mandates Commission, in connection with a Proclamation issued by the Administrator of South-West Africa on November 24th, 1920, by which the rights and claims of the said Company to certain property in the territory of South-West Africa were cancelled.

2. In connection therewith, I beg to submit, on behalf of the Government of the Union of South Africa, the following comments :

1. The Proclamation in question was issued on November 24th, 1920, by the Administrator of South-West Africa, in his capacity as Head of the Administration of South-West Africa, and as representative of the Power which had by force of arms fully and effectively occupied the said territory, and therefore at a time when the Union Government had not yet entered upon the administration of the territory as Mandatory.

2. That, even if the Act be considered to be one committed by the Government of the Union in its capacity as mandatory Power, the attention of the Permanent Mandates Commission is drawn to the provisions of Article 297, sub-sections (d) and (i) of the Peace Treaty of Versailles, from which it would appear that the German Government, and not the Union Government, is the party to pay compensation, if any were due.

3. The Union Government cannot, therefore, recognise the *locus standi* of the petitioner.

(Signed) B. M. HERTZOG,
Minister of External Affairs.

C. *Report by M. Palacios.*

C.P.M.809 (1).

I.

The petition from the Kaoko Land- und Minengesellschaft was first addressed to the Permanent Mandates Commission on February 4th, 1926, an amended version being sent on March 5th of the same year. The amendments consist in the deletion of the paragraphs concerning the possibility of submitting the case to the courts for judgment.

The mandatory Power transmitted the petition, together with its observations, in accordance with the regulations, in a communication from the Department of External Affairs signed at Pretoria on July 4th, 1928. The difference of more than two years in the respective dates is due, according to the statement of the accredited representative of the Union of South Africa made to the Permanent Mandates Commission (meeting on the afternoon of November 1st, 1928), to the fact that negotiations with regard to the object of the petition were proceeding between the Company in question and the Union Government.

The mandatory Power sent the Permanent Mandates Commission, in addition to the petition, three annexes submitted by the petitioners, namely, copies : (a) of the contract between the above-mentioned Company in Berlin and L. Hirsch & Co., of London ; (b) the Statute of the Kaoko Land- und Minengesellschaft, dated September 12th, 1925, with the amendments introduced by the first general meeting held after the war and after the Company had been registered in Windhoek, as required by the new regime ; and (c) of a *Denkschrift*, or memorandum, dated March 1905, on the activities of the Company in German South-West Africa up to that date.

One annex (4), concerning the defining of the boundaries of the land in 1921, has not reached the Commission.

The observations of the mandatory Power are also accompanied by an appendix reproducing paragraphs (d), (e) and (i) of Article 297 of the Treaty of Versailles and paragraphs 1 and 3 of the Annex to that article of the Treaty.

II.

In accordance with a contract drawn up in Berlin on August 12th, 1894, between the "Deutsche Kolonialgesellschaft für Südwestafrika", domiciled in that city, and the firm of L. Hirsch & Co., of London, the former sold the latter a considerable quantity of land in the Kaoko field, amounting to approximately 100,000 square kilometers, the place of Zesfontain and the surrounding fields belonging to the Chief Jan Uiximab and his tribe being, however, excluded. In addition to the rights of ownership over the land, the firm of Hirsch & Co. acquired all prospecting rights and all rights to extract for their own account or to transfer to others the minerals of all kinds contained in the land which they had purchased, in accordance with paragraph 55 of the "Kaiserverordnung" of August 15th, 1889, concerning the mines in the "Südwestafrikanisches Schutzgebiet". Naturally, the purchasers also took over the corresponding duties and obligations, such as the payment of £5 sterling per month to the chiefs of the Zwartboj-Namaqua and Gomez-Topnars tribes, etc. The purchase price was 900,000 marks, 400,000 being paid in cash and 500,000 in shares of the Company mentioned in clause 3 of the contract, in accordance with Articles 8-10 of the Kolonialgesetz of March 15th, 1888, the purchaser's object being to exploit the property. The period allowed for the formation of this Company, which was henceforward to take over all the rights and obligations of the enterprise, was extended, by a supplementary contract signed in London on December 4th, 1893, until December 31st, 1894.

According to the *Denkschrift über die Tätigkeit*, however, the Kaoko Land- und Minengesellschaft came into existence on April 11th, 1895. This document (Annex C), which deals with the Company's activities, states that the firm of Hirsch contributed to the undertaking the whole of the property acquired under the above-mentioned contract. This was estimated at the time as representing 32,500 fully-paid shares of a nominal value of 6,500,000 marks. The prospecting operations carried out on the land and the attempts to divide it into lots which were subsequently made were costly and produced no result. On December 31st, 1904, the Company's capital was 10 million marks, of which 1,200,000 had been paid up, while there was a loss of 270,782.33 marks. This *Denkschrift*, which, with remarkable foresight, anticipated as long ago as 1905 what was going to happen in 1920, concludes with the following observation :

"It must not be forgotten that the Company has not acquired its territorial and mining possessions from the Government as a free gift, for which reason it is not a concessionaire, but it acquired them by purchase at a cost of 7,200,000 marks."

No information is given concerning the period from 1905 to 1920. We learn only that, in 1913, a contract was concluded between the Company and the German Government, in favour of the former, concerning the "general public right" to the mines. The right, however, was denied to the Company in respect of diamonds and four restricted and delimited blocks were also reserved. Further, the Company was entitled to 10 per cent of the net profits from all the mining enterprises throughout the territory.¹ The mandatory Power transmitted copies of these documents to the Permanent Mandates Commission without any comments or observations.

III.

The subject of the petition is the cancellation of these rights of ownership and mining rights by the Union of South Africa under the Concessions Modifications and Mining Law Amendment Proclamation issued by the Administrator, Hofmeyr, at Windhoek, on November 17th, 1920. The schedule accompanying this Proclamation contains a list of the companies whose rights are cancelled. In nearly all cases, however, certain rights of ownership are maintained. In the case of the Kaoko Land- und Minengesellschaft, no exception of any kind is made. The latter alleges that this Proclamation by the mandatory Power was the outcome of the labours of a Concessions Commission appointed on December 8th, 1919, and that only the Chairman of that Commission voted in favour of what was subsequently converted into a Government Order. This latter point does not appear to have been proved. The copy of an extract from the *Cape Times* for November 10th, 1920, sent by the Company, is not conclusive.

The Company states that it suffered in silence under the Proclamation, without recognising its validity in law.

Notwithstanding the above-mentioned Proclamation, the mandatory Power granted to the Company in question for a period of two years, by means of a new Order signed on the same day, the exclusive right of prospecting and extracting precious stones and minerals with a metallic base in the four areas defined in the Company's Notice of September 9th, 1913.¹ In the exercise of this right, the Company carried out certain operations and incurred certain expenditure. The concession was extended to November 16th, 1931, by the "Kaoko Land- und Minengesellschaft Temporary Minen Reserve Proclamations" of 1921, 1925 and 1926. The Company made certain polite protests to the Administrator for the first time on November 16th, 1924. On September 12th, 1925, it held a general meeting and revised its Statute. It does not consider that the Company is a concessionaire, but a proprietor, and, although it continued to negotiate with the Union of South Africa, it still refused to agree to its property being, as it alleges, confiscated without compensation. It also asserts that the liquidation of the Company was not included in the Reparations account. Finally, it forwarded a petition to the League of Nations, which, as already stated, bears the date of February 4th, 1926.

The mandatory Power does not state whether the Company in question is a proprietor or concessionaire, or why compensation was not given and does not mention whether or not the value of the property has been credited to the Reparations Account. Its observations are very

¹ *Deutsches Kolonialblatt*, September 15th, 1913.

brief and merely: (1) justify the 1920 Proclamation by the Authorities resulting from the total and effective occupation by armed forces of the territory in question, over which the Union Government did not at that time exercise a mandate; (2) invoke in any case Article 297, sub-sections (d) and (i) of the Treaty of Versailles, from which it would appear that the German Government and not the South African Government is the party to pay compensation to the persons concerned; and (3) refuse for the same reason to recognise the *locus standi* of the petitioner. The accredited representative of the Union of South Africa did not furnish any additional information of any importance or any new argument when he appeared before the Mandates Commission.

In these circumstances, the Company, which states that it is denied every possibility of asserting what it believes to be its rights, addressed a petition to the Permanent Mandates Commission, on learning through the Press that, on Lord Lugard's initiative, the Commission dealt with "ex-enemy property".

IV.

The Permanent Mandates Commission has thus had submitted to it in proper form a question which appears to me to be a complicated one. It has two aspects at least: one which, in my opinion, comes within our powers, and the other which exceeds our competence and our means.

As regards the first aspect, I would remind you that, in a communication dated Cape Town, February 19th, 1926, the Union of South Africa informed us that:

"In South-West Africa, no exceptional war measures were applied to landed estates belonging to enemy subjects, who were allowed to retain their property, and their title was recognised." (Document C.196.1926.VI.)

This declaration called forth from Lord Lugard the following observation, which was approved by the Commission at its twelfth session (page 180):

"Satisfactory information is given *re* South-West Africa. Landed property has been retained by the owners; other property sold and credited to the custodian."

Naturally, the claim of the Kaoko Land- und Minengesellschaft, which, as regards the facts, is confirmed by the mandatory Power, could not fail to cause the Commission some astonishment, and this feeling was not dispelled by the statements of the accredited representative. How, if it is true that all landed estates were respected, can the mandatory Power now tell us that the rights to the property in question have been cancelled by virtue of the right of armed occupation and in accordance with the provisions of the Treaty of Versailles?

Even if it is considered, since the mandatory Power invokes a specific article, that the action taken under the 1920 Proclamation was not an "exceptional war measure" but a "measure of transfer" as provided in paragraph 3 of the Annex to Articles 297 and 298 of the Treaty of Versailles, how is this to be reconciled with the statement that ex-enemy subjects were allowed to retain their property and that their title was recognised? Why was the Commission not informed, in reply to the questions authorised by the Council of the League, of what has been done with the enormous property in dispute and of its present condition? In this connection, the petitioner states that a small part has been used for native reserves, the remainder still being apparently unsold.

The other aspect of the question presents a number of problems affecting the substance of the petition and the observations of the mandatory Power. These are grave questions of a legal and economic nature and of procedure, and all are extremely important and of great interest from the point of view of justice, but obviously exceed our powers and our mission.

In my opinion, the Permanent Mandates Commission is not competent to deal with this aspect of the petition, for the three following reasons:

1. Because, however ample our powers to deal with petitions may be, we are hardly competent to admit petitions which do not refer more or less directly to the inhabitants of the mandated territories, are not inspired by the protective aims of our institution or do not come strictly within the limits of the Covenant or the Mandates. The meaning of those provisions would have to be strained considerably to allow a company domiciled in Berlin — whose petition refers to the liquidation of "ex-enemy property", which petition, though legally correct, is merely made in the interests of the alleged rights of its shareholders — to enjoy this prerogative.

The fact that the petitioner in 1926 protests against an act committed before the Mandates Commission existed, and even before the mandate was legalised by the League of Nations, confirms my opinion on this point.

2. Because, in discussing the question of "ex-enemy property" in mandated territories, the various members of the Commission, and also the Commission as a whole, have made this same distinction. If we refer to the opinions expressed by M. Theodoli, M. Van Rees, M. Orts, Lord Lugard and M. Rappard as long ago as the third session, and to the resolutions adopted at the eleventh and twelfth sessions, we shall find that in every case the interpretation is the same. On page 159 of the Minutes of the seventh session, it is clearly stated that:

"The Mandates Commission has nothing to do with their sale or the disposal of the proceeds. If, however (as in some cases), the properties still remain unsold, the Mandates Commission is concerned with the conditions of maintenance."

3. Because, as regards the substance of such questions, the Treaty of Versailles established a right, a regime, a Reparation Commission, a procedure and even a Mixed Arbitral Tribunal (Articles 304, 305 and the corresponding Annex), and if an irregularity is committed under the system established therein in connection with matters of vital interest, it is for the States concerned to take up the claims made by their respective nationals. Infringements of this kind can always be made a diplomatic question, and it is the State concerned and not the Permanent Mandates Commission which is called upon to find a solution.

* * *

In view of the foregoing, I accordingly propose :

(1) That the existence in South-West Africa of landed estates constituting ex-enemy property should be communicated to the Council, with the request that it should be good enough to ask the mandatory Power for the necessary explanation in connection with its statement of March 19th, 1926, concerning the condition and disposal of the said estates ;

(2) That, in reply, the petitioner should be informed that, whatever view may be taken of the Company's title and rights and of the mandatory Power's alleged justification, the substance of the claim exceeds the Commission's competence in the matter of petitions.

ANNEX 13.

IRAQ.

C.P.M.817 (1).

PETITION FROM THE BAHAI SPIRITUAL ASSEMBLY AT BAGDAD, DATED SEPTEMBER 11TH, 1928.

Report by M. Orts.

The British Government forwarded the following documents to the Secretary-General of the League of Nations under cover of letter dated October 17th, 1928 (document C.P.M.784).

I. Petition (with three annexes) to the Permanent Mandates Commission of the League of Nations from the National Spiritual Assembly of the Bahais of Iraq, dated Bagdad, September 11th, 1928.

II. Copy of letter from the Prime Minister of Iraq to Sir Henry Dobbs, High Commissioner for Iraq, dated Bagdad, September 19th-20th, 1928.

III. Memorandum to the Permanent Mandates Commission containing the comments of His Britannic Majesty's Government on the petition.

The despatch of document No. II is in reply to representations made by the British Government to the Government of Iraq, which was invited to submit its own comments on the subject of the Bahai petition, so that the Permanent Mandates Commission is in possession of two memoranda with reference to the case under consideration — one from the mandatory Power, the other from the Government of the mandated territory. The British Government, in its letter dated October 17th, explained this departure from the usual procedure in regard to petitions as follows :

“ Since, however, this petition is presented by inhabitants of, and relates to events which have occurred in, territory in which an independent national Government has been established, they (the British Government) consider it desirable that the comments of both the Iraq Government and His Majesty's Government themselves should be placed before the Permanent Mandates Commission at the same time as the petition. ”

Your Rapporteur is of opinion that the Commission will have no objection to this procedure. If the Commission, in deciding the merits of a petition, desires to rely in the main on the comments of the mandatory Power, there can be no objection to the mandatory Power attaching to this essential document, which is required by the procedure in regard to petitions, information derived from such other sources as may appear likely to enlighten the Commission.

* * *

We shall analyse the contents of the above three documents in turn.

I. The *petition* is signed by the President of the “ National Spiritual Assembly of the Bahais of Iraq ”. This document is well drafted, clear in its argument and moderate in tone.

According to the information at our disposal, the sect of the Bahais constitutes a small minority in Iraq, where the population is about equally divided between the Sunnis and the Shiah. The Bahais in Iraq are generally drawn from a lower social grade ; this sect, which is of a relatively recent origin, has been the object of constant hostility on the part of the Sunnis and Shiah — particularly of the latter — and a prey to persecution. It has at the present time neither political nor social influence.

The petitioners state at great length the facts which have led them to appeal to the League of Nations. These facts can be summarised as follows :

The founder of the sect, Baha'u'llah, in whom the Bahais recognise the inspired messenger of God, settled at Bagdad in 1852 after being exiled from Persia. He established himself and his family in certain dwelling-houses belonging to one of his disciples. This property — which is the subject of the present litigation — was subsequently acquired by Baha'u'llah and on his death passed into the possession of his son Abd'ul-Baha. Baha'u'llah resided eleven years in these houses, upon which his long residence conferred in the eyes of his disciples a sacred character.

In view of the lack of security which prevailed under the former system of government and the constant hostility of the Shiah, Baha'u'llah decided never to reveal his ownership of the dwelling-houses in question, which to all appearance remained the property of one of his disciples, and for the same reasons the sect abstained from using these dwellings for the exercise of their religion, thus refraining from drawing attention to the sacred character which they attached to this property.

Matters remained in this condition until, with the establishment of the British mandate, the liberty of conscience and religion proclaimed in the Covenant of the League of Nations was confirmed in Iraq by the Treaty of 1922 with Great Britain and later by the Organic Law of Iraq. Taking advantage of a security they had never known before, the Bahais, under the direction of Abd'ul-Baha, henceforth the leader of their movement, set about putting into repair the dwellings sanctified by the residence of Baha'u'llah with a view to the open exercise of their religion.

Then began the tribulations which they ascribe to the fanaticism of the Shiah. The era of persecution and violence had passed, but the Shiah resorted to intrigue in order to relegate into the background a sect whose development they feared.

A first attempt on the part of the Qadhi of the Shiah Courts at Bagdad to obtain possession of the property in question was frustrated by the intervention of the Iraq authorities. A fresh application was subsequently made by the same Qadhi to the Peace Court at Bagdad for the eviction of the occupants.

The decision of the Court was still pending when the Government intervened afresh, moved by the state of public opinion caused by the Shiah : the Government ordered the Bahais to be evicted and the keys of the houses in dispute to be given into the custody of the Governor of Bagdad. After a judgment dismissing the application, the Peace Court made fruitless efforts to reinstate the defendants in possession of the property. Its decision remained a dead-letter, as the Government maintained its refusal.

The case passed from Court to Court and was finally brought before the Court of Appeal at Bagdad, which, by a majority of four (the native members) to one (the British Presiding Justice), decided in favour of the plaintiffs (the Shiah).

According to the petitioners, the property which was the subject of litigation was at once converted into Waqf property, the effect of which was to render redress from the injustice of which they complain even more difficult. The accuracy of this fact was disputed by the accredited representative of the mandatory Power during his last hearing before the Commission.

Finally, the petition contains extracts from correspondence exchanged between the British Secretary of State and the representative of the petitioners, from which it will be gathered that the mandatory Government has taken active steps through its High Commissioner in Iraq with a view to inducing the Government of Iraq to adopt a compromise which would give satisfaction to the complainants. This intervention remained without success.

The Bahai community maintains that, on account of a series of intrigues inspired by religious fanaticism in which the administrative authorities and finally also the judicial authorities of Iraq were associated, it has been seriously disturbed in the exercise of its religion and deprived of property belonging to its religious head, to which the community attaches a sacred character, to the advantage of a rival sect.

In support of its claims, this community appeals to the principle of the liberty of conscience and religion contained in the Treaty of 1922 between Iraq and Great Britain (Article III) and in the Organic Law of Iraq (Article XIII), as also to Article 22 (1) of the League Covenant, which states that the well-being and development of the peoples (of the mandated territories) formed a sacred trust of civilisation.

II. *The letter from the Prime Minister of Iraq* does not meet any of the allegations of the petitioners.

The Prime Minister merely stated that :

“ The Iraq Government had no comments to offer on this petition other than to say that the judgment given by the Court of Appeal regarding the case under discussion was in accordance with the laws in force in Iraq ”,

and he added that the members of the Court which gave the final decision belonged to diverse religious communities, which proved that there was no truth in the contention that the judgment given by the members was biased by religious prejudice.

III. *The memorandum of the mandatory Power* and the *petition* are parallel documents, and a comparison will show that, on the whole, they present the essential facts in the same light, while on certain subsidiary points the British note supplements the petition.

It is desirable to refer to certain passages in the comments of the British Government which bring out the origin of the affair and explain the heated atmosphere in which it developed. The property under dispute is situated on the right bank of the River Tigris "in a quarter (see Comments) the majority of the inhabitants of which are fanatical Shiah". As already mentioned in the petition, the Bahais did as little as possible to advertise their use of this property, but with the change of regime they acquired confidence and ventured to spend considerable sums on the property with a view to using it openly for religious purposes.

"This drew attention to the existence of property belonging to Bahais in the middle of a Shiah quarter and incensed the Shiahs, who started a campaign to get rid of those whom they regarded as enemies of their religion."

The memorandum accordingly shows that the affair was due to religious fanaticism. This is also what the petitioners have affirmed.

We shall now give the mandatory Power's views on the various judgments and interventions of the authorities which mark the stages of the dispute.

1. The first decision of the Qadhi of the Shiahs, stating that the last owner had died without heirs, was "*wrong*".

2. The second decision of this Qadhi, based on the opposite argument, *i.e.*, that a third person, not joined as a party to the case, was the heir of the last owner, and therefore that the Bahai occupants had no claim, was "*unjust and undoubtedly actuated by religious prejudice*".

3. The ejection of the Bahais while the case was still undecided and the transfer of the property to the Governor of Bagdad were the result of a personal order given by King Feisal. According to the Memorandum, "His Majesty's action was illegal." The reason for his action was the fear of a riot among the Shiahs if the case went against them.

"He therefore deemed his action, though illegal, necessary in the interest of public security. . . . Danger undoubtedly existed, but it cannot be denied that His Majesty's action made things more difficult for the Bahais."

4. The instructions to the Governor of Bagdad given by the Council of Ministers, with the approval of His Majesty, not to give up the keys to the Bahai claimants after the judgment of the Peace Court had recognised their right to occupy the property were inspired by the same fears.

"But their [the Council of Ministers'] action, to which the High Commissioner took strong exception at the time by means of a written request to His Majesty the King, was *highly irregular*, and it is doubtful whether the emergency was grave enough to warrant it."

5. The final judgment of the Court of Appeal, taken against the formally expressed dissenting judgment of the British President of the Court, is pronounced by the mandatory Power to be *unsustainable and contrary to law*. The mandatory Power adds that *a strong suspicion must, however, remain that the majority judgment was not uninfluenced by political considerations*. The comments of the mandatory Power describe and examine the procedure followed, weigh the legal arguments submitted on both sides, and conclude as follows :

"That there has been injustice the British Government is compelled to recognise, in that property which has been for years in the possession of the Bahais, without its ownership being legally established, has passed into the ownership of persons who have no conceivable claim to it whatever."

The Commission will note this conclusion as evidence, while reserving its right, such being its mission, to give its opinion, in accordance with the letter and spirit of the Covenant, on a dispute the scope of which (as is already apparent) goes beyond that of an ordinary civil case.

What value should be assigned to the comments and conclusions of the mandatory Power reproduced above? Your Rapporteur is of opinion that their value is decisive.

It would appear to be obvious that, if the Mandatory, notwithstanding the possibility of undesirable repercussions, decides so unambiguously in favour of a minority which have no influence and against all the political, social and religious forces of the country, its action must be dictated by strong considerations in presence of which, no matter what may be the result, the conscience of a civilised Government cannot possibly compromise.

* * *

Two prior questions remain to be settled :

1. Does any lawful remedy lie open to the petitioners after the decree of the Bagdad Court of Appeal? No ; it is proved that this Court gave a final judgment and that this judgment cannot be quashed or revised by any higher Court.

2. The rule of the Permanent Mandates Commission has been to regard any petition the author of which appeals to the Commission from a decision given by a Court of Law as not being in order. This rule is based on the assumption that any duly constituted Court functioning in a mandated territory is free from suspicion of partiality, servility and sectarianism.

As this assumption is shown to be erroneous by the evidence of the mandatory Power itself, the general rule referred to above does not apply in the particular case before us. The petition is therefore receivable.

* * *

The three documents submitted to the Commission and the additional information furnished by the accredited representative of the mandatory Power allow of a first conclusion being drawn, *i.e.*, that the petitioners were dispossessed, in favour of third parties without rights, of property which had been in their possession for a number of years.

It is clear that the decisive cause of the wrong done to the petitioners is not to be found in a judicial error or an inaccurate interpretation of the facts or of local laws, but in the religious passions which rage in these parts and which have exerted their influence on the Bagdad Court of Appeal.

Do the facts constitute a clear violation of the freedom of worship and liberty of conscience? I would not go so far as to affirm this, seeing that the property which is the subject of the dispute was not consecrated for worship and that the petitioners were not molested in the exercise of their religion.

At the same time, I consider that the petitioners rightly invoked Article 22 of the Covenant for the purpose of submitting their case to the League of Nations as the "protector [to use their own expression] of the peoples in mandated territories". Of all the various moral and material interests placed by the Covenant under the protection of the League of Nations, none is more precious than the impartial administration of justice.

The revelations made in connection with this petition show the present position in Iraq in an unfavourable light. In a country where the conduct of the highest authorities has led the mandatory Power to pass such severe criticisms, where the supreme Court of Justice is under legitimate suspicion, and where religious fanaticism pursues minorities and controls power, a state of affairs prevails which is not calculated to ensure the development and well-being of the inhabitants.

The petitioners have suffered a serious denial of justice the direct responsibility for which rests on the authorities of Iraq.

The fact that this denial of justice could not be prevented or immediately made good was due to the weakening of the mandatory Power's control in Iraq. The Mandatory attempted, but in vain, to redress the injury done to the petitioners by using the means of influence at its disposal under the regime set up by the 1922 Treaty *vis-à-vis* King Feisal and the Iraq Government.

These efforts would not appear to correspond fully to the engagements resulting from the British Government's declaration, which was approved by the Council on September 27th, 1924, and renewed by the British Government in 1926, whereby the Treaty of Alliance between the British Government and Iraq "was to ensure the complete observance and execution in Iraq of the principles which the acceptance of the mandate was intended to secure".

* * *

I propose :

That the Commission should draw the Council's attention to the considerations and conclusions which were suggested to it by the examination of the petition from the National Spiritual Assembly of the Bahais of Iraq and the documents accompanying it ;

That the Commission should recommend that the Council request the British Government to call upon the Iraq Government to redress without delay the denial of justice which the petitioners have suffered.

ANNEX 14.

WESTERN SAMOA.

PETITION OF THE ANTI-SLAVERY AND ABORIGINES PROTECTION
SOCIETY, DATED LONDON JUNE 8TH, 1928.

Report by Dr. Kastl.

C.P.M.822.

The petition draws the attention of the Permanent Mandates Commission, with regard to the administration of the mandated territory of Western Samoa, to the fact that an official circular has been issued to the natives of Samoa by the Administration of the territory and that, in the opinion of the Committee of the Anti-Slavery and Aborigines Protection Society, the terms of this circular, if the text is authentic, more particularly those of Article 21, are inaccurate and misleading, and, if upheld by the Council of the League of Nations, would deprive the natives in the mandated territories of a recognised right.

The petitioners ask the Commission to endeavour to see that steps are taken to make it clear, in a form which may be understood by the people of Samoa, that the right to petition the

League of Nations exists, but that it should always be exercised through the Government of the mandated territory. An English translation of the circular was enclosed with the petition.

At the last session of the Mandates Commission, the accredited representatives of the mandatory Power, Sir James Parr, High Commissioner of New Zealand in London, and Major-General Sir George Richardson, late Administrator of Western Samoa, were informed of the complaints set forth in the petition, and General Richardson stated that the so-called catechism referred to was not an official circular but was sent out by a schoolmaster for the information of his pupils. The schoolmaster had informally consulted him on this matter, but he did not approach him again before the circular was issued.

By a letter dated June 15th, 1928, the Secretary-General of the League of Nations referred the petition, together with its annex, to the New Zealand Government, asking for the observations of the mandatory Power thereon. In reply to this letter, the Prime Minister of New Zealand, in a letter dated September 27th, 1928 (document C.P.M.819), stated that the circular referred to was issued by the Superintendent of Schools of Western Samoa, after an informal consultation with His Excellency the late Administrator, but without previous reference to the New Zealand Government. The purpose of the circular was to enlighten the Samoan natives as to the status of the League of Nations, more especially in its relations with the territory. The New Zealand Government regretted that the circular as issued was not in all respects drafted in such a manner as to express without ambiguity the actual position or the point of view taken by the New Zealand Government, and it further stated that in some respects the exact meaning of the Samoan document has been altered in its translation into English and the actual sense conveyed by the Samoan words has been to some extent changed. The New Zealand Government further wished to inform the Mandates Commission that they clearly understand themselves as administering the territory under the supervision of the League of Nations, and they regard themselves as bound to forward to the League any petition that may be received concerning this administration. In this connection, it may be only necessary to refer to the fact that several such petitions have recently been received and have been forwarded to the League as a matter of course.

The New Zealand Government confirmed that it is their intention to take a suitable opportunity of making the position plain in the territory itself.

I therefore come to the conclusion that the New Zealand Government will take the necessary steps to make the position in the territory itself as clear as possible to the native population, and I propose that the petitioner should be informed accordingly.

ANNEX 15.

PUBLIC HEALTH IN THE MANDATED TERRITORIES.

C.P.M.760.

A. NOTE BY DR. KASTL.

Professor Rappard, during the present session, has raised the question that it would be advisable for the Permanent Mandates Commission to consider the situation of public health in the mandated territories from a general point of view. I may therefore be allowed to propose that the Permanent Mandates Commission should make the following report to the Council of the League of Nations.

On several occasions the Permanent Mandates Commission has discussed the question of public health and the medical services in the mandated territories. The very interesting reports under consideration during the thirteenth session of the Permanent Mandates Commission showed that the situation of public health, especially in tropical Africa — in spite of very considerable efforts by the mandatory Powers — cannot be called satisfactory. Sleeping-sickness is spreading; yellow fever is growing on the West Coast; measures against leprosy seem to be futile, as in nearly every territory a considerable increase of this disease has been reported.

The care for the improvement of the health conditions in every territory in Africa and in the Pacific under European administration being one of the most important tasks of the League of Nations, the Commission wishes to draw the attention of the mandatory Powers to this very serious state of affairs. In every possible way, measures should be examined to see how the sanitary conditions of the natives, particularly in the mandated territories, can be improved. Although fully appreciating the efforts made by the mandatory Powers, the Commission examined the question whether there is any possibility to improve this work still further. Many of the reports examined by the Permanent Mandates Commission have given the impression of a certain lack of well-trained physicians. On the other hand, it is well known that, apart from the mandatory Powers, there is available a fair supply of physicians for medical service in tropical countries.

In these circumstances, the Permanent Mandates Commission believes that the mandatory Power should most carefully consider the advisability of increasing its medical staff by well-trained physicians of any country belonging to the League of Nations. The mandatory Power should further take into consideration the advisability of subsidising the medical work of the missions and of enabling them to increase their medical staff.

The state of health in all tropical countries requires combined efforts on the part of the League of Nations, and therefore the Permanent Mandates Commission believes that its proposal should be considered very closely.

C.P.M.790.

B. REPORT BY M. RAPPARD.

It gives me much pleasure to accede to the request by the Chairman of the Commission to submit a report on the note by Dr. Kastl on public health, because this is a question in which I have been particularly interested for a long time past.

As Dr. Kastl points out, the Mandates Commission, when examining reports from the mandatory Powers, has often had occasion to note that the condition of public health in certain mandated territories was far from satisfactory. It has also been struck by the small number of doctors available to assist the mandatory administrations in combating existing diseases, and in improving public health by the dissemination of sound principles of preventive medicine. On the other hand, it is recognised that, in many countries which are Members of the League, there is a surplus of doctors. On several occasions, therefore, the Commission has been led to ask whether it would not be advisable to make it possible for mandated territories in which there is a shortage of doctors to benefit by the services of trained specialists of whom there is a surplus in various countries which are Members of the League.

The question can be considered from two different standpoints.

1. It can hardly be denied that the public health situation in many mandated territories could be improved if the number of public health specialists and doctors available for the native population were increased. It is also undeniable that regard for the physical welfare of the mandated peoples should be and, in fact, is one of the main considerations of the mandatory Powers and of the Permanent Mandates Commission, which are the trustees of the principles laid down in Article 22 of the Covenant.

2. As regards territories under A and B mandates, we might also invoke in favour of the recruitment of doctors for the mandated territories, in all countries which are Members of the League, the principle of economic equality which governs the relations between the mandatory Powers and the other Members of the League with regard to those territories. In the case of doctors who are assimilated to other officials of the mandatory administration, it is obvious that this principle could not compel the mandatory Powers to appoint foreigners, but, where circumstances enable doctors to practise their profession in the mandated territories otherwise than as public officials, the principle undoubtedly applies as far as public policy permits. Thus in various mandated territories there are religious missions employing the services of doctors who are not necessarily nationals of the mandatory Power.

The only public consideration which could be legitimately invoked in order to exclude foreign doctors from a territory under A or B mandate would be that they lack the necessary professional training. It is, of course, not only the right but the obvious duty of the mandatory Powers to refuse to allow any person to practise medicine in the mandated territories unless he holds the recognised diplomas.

The object of the foregoing remarks was to show : (1) that it would be in the general interest of the mandated territories if the number of doctors could be increased, if necessary by the inclusion of practitioners who are not nationals of mandatory Powers ; and (2) that, while the principle of economic equality applicable in the territories under A and B mandates could not be legitimately invoked in order to compel the mandatory Powers to employ foreign doctors as public officials, it should nevertheless guarantee to all duly-qualified nationals of countries which are Members of the League the right to exercise the medical profession in those territories.

Can the Mandates Commission usefully intervene in this matter? Before making a recommendation to the Council, I think it would be advisable, and likewise in accordance with precedent, to ascertain the views of the mandatory Powers on the present situation and with regard to the possibility and expediency of improving it. Acting on the suggestion made by our colleague Dr. Kastl, I therefore venture to propose that the Commission should ask the Council to be good enough to request the mandatory Powers to communicate their views on the following points :

1. Do you consider that the condition of public health in the territories under your administration as mandatory Power is entirely satisfactory?

2. If not, do you consider that it could be improved by increasing the number of doctors and public health specialists in the territory?

3. Have you any difficulty in obtaining duly qualified health officers for the territories under your mandate?

4. If so, could these difficulties be overcome by improving the material conditions offered to your own nationals who might be candidates for these posts?

5. Do you employ as officials in your mandated territories doctors of foreign nationality when they possess the necessary qualifications? If not, would you be prepared to do so?

6. If the difficulties in the way of obtaining a sufficient number of your own nationals as doctors should prove to be insurmountable and the principles of your Administration should make it absolutely impossible for you to employ foreign medical practitioners as public officials, would you be prepared to encourage by larger subsidies the development of the medical work of the missions established in the territories under your mandate?

C.P.M.814.

C. NOTE BY LORD LUGARD.

I do not find myself in accord with M. Rappard's report, for the following reasons :

(a) He contends that the mandatory principle obviously could not be invoked to compel the Mandatory to appoint foreign doctors as Government officials, but that Mandatories should be urged to allow such doctors to practise privately, including medical missionaries. I am not aware that there is any obstacle whatever to private practice by foreigners in any mandated territory — certainly not, I think, in any British mandate. The only question which arises is whether the doctor is fully qualified. The determination of this point must be left to the Mandatory. On the other hand, it would not, in my opinion, be without good effect to call the attention of Mandatories to the possibility of employing foreign doctors and specialists as officials if they found it difficult to recruit sufficient doctors. M. Orts has however, told us of the failure of the Congo Government to obtain applicants from foreign countries.

(b) I think that A and B mandates cannot be treated as occupying identical positions in this question. The A mandates have qualified doctors of their own, who can best avail themselves of opportunities of private practice. They have also wealthy inhabitants who can undertake charitable work for the poor. The B mandates and also the C mandates include large coloured populations with regions in which reclamation and sanitary work is greatly needed.

(c) With regard to the questions which M. Rappard proposes :

1. I think No. 1 is superfluous. No Mandatory could reply that it had attained perfection. Public health in every country, mandated or not, is susceptible of further effort.

2. That being so, it goes without saying that it would be improved by increasing the number of doctors.

3. " Have you any difficulty in obtaining doctors ? " I presume that doctors for the Government service are meant. This, as I have said, I concur in — followed by a suggestion as to foreigners (see 5).

4. It seems to me superfluous to ask whether the Mandatory offers adequate salaries. They will naturally reply that they do.

5. Could be combined with (3) as suggested.

6. This, I think, might be put in a different form, viz. :

" The Permanent Mandates Commission notes that mandatory Powers praise the work done by medical missions and hopes that they will encourage such work by the most liberal subsidies possible."

If it is thought desirable to allude to private practitioners of foreign origin, I suggest the following :

" Would medical practitioners of foreign nationality be welcomed and receive facilities to practise as private individuals in the territory under mandate? "

I propose, therefore, that the Commission should record, in its observations to the Council, the following :

" The Permanent Mandates Commission, in the course of its examination of the annual reports during the past years, has noted with concern that the provision of medical and sanitary services for the native population in the B and C mandated territories is far from adequate. It suggests that the Council should draw the attention of the mandatory Powers to the desirability of :

" (a) Devoting a larger proportion of the revenue to this essential service ;

" (b) Giving a special subsidy to medical missions ;

" (c) Encouraging private practitioners and scientific research workers of all nationalities to practise in the mandated territory ;

" (d) Training natives as medical and sanitary subordinates, and women as midwives and infant-welfare workers ;

" (e) Supplementing their medical and sanitary staff, if difficulty is experienced in obtaining sufficient applicants for official posts, by engaging foreign doctors, provided they are fully qualified in every way — including women doctors, nurses and hospital assistants."

ANNEX 16.

C.579.1928.VI.

I

REPORT TO THE COUNCIL OF THE LEAGUE OF NATIONS ON THE WORK OF THE
FOURTEENTH SESSION OF THE COMMISSION.

The Permanent Mandates Commission met at Geneva from October 26th to November 13th, 1928, for its fourteenth session, during which it held twenty-seven meetings, one of which was public. All its members — except M. Freire d'Andrade — and the representative of the International Labour Organisation were present.

The Commission examined the annual reports on the administration of seven mandated territories, as well as several petitions and questions of a general nature. The annual reports were considered in the following order, with the assistance of the accredited representatives of the mandatory Powers, whose names are given below :

1. *Togoland under British Mandate, 1927.*
Accredited representatives : Sir A. RANSFORD SLATER, K.C.M.G., C.B.E., Governor of the Gold Coast.
Mr. T. I. K. LLOYD of the Colonial Office.
2. *Western Samoa, 1927-28.*
Accredited representatives : Sir James PARR, K.C.M.G., High Commissioner for New Zealand in London, and Major-General Sir George S. RICHARDSON, K.B.E., C.B., former Administrator of Western Samoa.
3. *South-West Africa, 1927.*
Accredited representative : Mr. A. J. WERTH, Administrator of South-West Africa.
4. *Ruanda-Urundi, 1927.*
Accredited representative : M. Halewyck DE HEUSCH, Director-General at the Belgian Ministry for the Colonies.
5. *Cameroons under British Mandate, 1927.*
Accredited representatives : Mr. E. J. ARNETT, C.M.G., Resident in the Cameroons.
Mr. T. I. K. LLOYD of the Colonial Office.
6. *Iraq, 1927.*
Accredited representatives : Mr. B. H. BOURDILLON, C.M.G., Counsellor to the High Commissioner for Iraq.
Mr. T. I. K. LLOYD of the Colonial Office.
7. *Islands under Japanese Mandate, 1927.*
Accredited representative : His Excellency M. N. SATO, Director of the Imperial Japanese Office for the League of Nations.

GENERAL QUESTIONS

LIQUOR TRAFFIC.

I. In pursuance of a Resolution of the Assembly dated September 23rd, 1927, the Council on December 6th, 1927, passed a Resolution in the following terms :

“ The Council requests the Permanent Mandates Commission in collaboration with the mandatory Powers, to continue to give serious consideration to the causes of the increased importation of spirituous liquors into those territories under B Mandate where such an increase is taking place, and to the steps to remedy this situation. ”

The Permanent Mandates Commission has accordingly devoted special attention to this subject when examining the annual reports of the Mandatories with the Accredited Representatives. ¹

¹ See also the full memoranda on this subject prepared by the Secretariat, documents C.P.M. 711 and 723.

With regard to the *cause* of the increase of the import of spirits into South-West Africa ; this is attributed chiefly to the growing wealth and purchasing power of the natives, and secondly to the opening up of the country by railways and motor transport.

As to the "steps to remedy the situation", the Permanent Mandates Commission has discussed various methods of restriction, in the hope that each mandatory Power may adopt such of these as it may consider suitable in its mandated territory.

(a) *Increase and Equalisation of Duties.*—The duties have been increased in both French and British mandated territories, but apparently a much greater increase is necessary in order to be effective.

So long ago as August 1923 the Permanent Mandates Commission at its third session made the following recommendation to the Council :

" Recognising that dissimilarity in the import duties imposed on spirituous liquors imported into mandated territories gives rise to smuggling from contiguous territories and may be a cause of friction :

" Recommends that the Governments of France and Great Britain be invited to agree that the duties on all spirituous liquors imported into the territories placed under their respective mandates in Africa should not be less than the duties in the adjoining territories on similar spirits of equal strength ;

" And further that, in order to maintain this uniformity of duties, it is desirable that the two Powers should consult with each other from time to time with a view to assimilating their laws and regulations applying to the duties on the import of spirituous liquors. " ¹

The Council accepting this suggestion invited the two Powers to discuss the question with a view to the equalisation of the duties.

The Permanent Mandates Commission would be glad to know whether any agreement has been reached. The stabilisation of the French franc would appear to have removed the chief difficulty.

(b) *The Prohibition of the Sale of Spirits except under Licence.*— It is suggested that these licences should be more sparingly issued ; that the licence fees may be increased ; and that the hours during which sale is allowed may be curtailed.

Mandatories may perhaps consider whether this system should not be extended to the sale (not to the manufacture or possession) of intoxicating beverages made by natives.

(c) The strict observance of the absolute prohibition of the manufacture, sale or possession of spirits by natives of the zones of prohibition, laid down by the Convention of September 10th, 1919. The limit of this zone should be indicated on a map of the territory.

(d) The imposition of railway rates on the carriage of spirits on a sharply ascending scale, and the extension of this system, as far as may be practicable, to conveyance of spirits by motor transport.

II. The Liquor Traffic Convention of September 10th, 1919, Article 3, pledges the High Contracting Parties to endeavour to arrive at identical terms of nomenclature. In this connection at its tenth session the Permanent Mandates Commission at the request of the Council submitted definitions of the terms used in the Mandates and in the Convention. These were referred to the Mandatories by the Council. They involve a decision as to the minimum amount of alcohol which constitutes a spirituous liquor. Replies have now been received from all the mandatory Governments (documents C. 234 and 234 (a) 1928. VI). All approve the definitions unconditionally except France and Belgium, which desire that any beverage containing less than 22° of pure alcohol shall not be considered to be spirits. The inclusion of wines fortified by the addition of spirits up to an alcoholic content of 22° appears high. The Permanent Mandates Commission's original proposal was fixed at 20° as a minimum at the suggestion of the British Government.

The Permanent Mandates Commission holds that without the final decision of the Council there can be no common basis for comparison in regard to the importation of spirits.

III. In order to give effect to the decisions of the Signatories of the Convention, in the matter of common nomenclature, the Permanent Mandates Commission recommends the Council :

(a) To request the Mandatories to use only those terms which have been specially defined ;

(b) In the tables furnished to the Brussels Bureau in accordance with Article 7 of the Convention, and in their annual reports to the League, to state the alcoholic content of the spirits imported, in terms of the amount of pure alcohol by weight (and not by volume) as proposed by the British Government ; and also of any wines or other beverage fortified by the addition of spirits.

¹ Document C.519.1923.VI, page 309.

OBSERVATIONS CONCERNING CERTAIN TERRITORIES UNDER MANDATE.

The following observations have been formulated by the Permanent Mandates Commission after consideration of the situation in each territory, in the presence of the accredited representative of the mandatory Power concerned. In order to appreciate the full significance of these observations, reference should be made to the Minutes of the meetings at which the questions concerning the different territories were discussed.¹

TERRITORY UNDER A MANDATE.

Iraq.

1. *Relations between Great Britain and Iraq.*

The Treaty between the United Kingdom and Iraq signed at London on December 14th, 1927, has been communicated by the mandatory Power to the Secretary-General of the League of Nations with the report on Iraq for 1927, with covering letter from the Foreign Office dated August 28th, 1928.

The Commission noted that this Treaty would not be put in force before the Council of the League had approved it, and that this approval had not yet been sought. As, however, the Treaty had been communicated to it, so to say, as an annex to the annual report, the Commission has taken cognisance of it. Nevertheless the Commission refrained from formulating any observation or recommendation on the subject until it is expressly invited to do so by the Council (pages 166-170, 173-175, 191-196, 222-225, 226-227).

2. *Political Development.*

The Commission noted with satisfaction the progress made with regard to the settlement of the nomadic tribes. It recognised that the recommendation made in 1925 by the Mosul Commission in favour of the Assyrian communities has become inoperative so far as Iraq is concerned. Indeed the information contained in the annual report and the statement made by the Accredited Representative show that the district in which the homelands of the Assyrians were situated was allotted to Turkey by the Council resolution of December 16th, 1925, and that the Assyrians who have taken refuge in Iraq are not prepared to return to Turkey. It also noted with interest the measures taken with a view to the final establishment of these refugees on lands which the Government of Iraq will put at their disposal (pages 172, 173, 176).

3. *Foreign Relations: Frontiers.*

The Commission noted the discussion in the Sixth Committee of the ninth session of the Assembly regarding the relations between Iraq and Persia, and also certain supplementary details furnished by the Accredited Representative with regard to this matter. The Commission renewed the expression of regret contained in its Report to the Council on its Twelfth Session, concerning the continuance of the difficulties which still appear to exist in the relations between Iraq and Persia. It once again expresses the hope that satisfactory relations will be established between these two countries in the near future (pages 176-181).

The Commission was informed by the Accredited Representative that the defining of the boundary between Iraq and Syria would in all probability be postponed until an agreement had been reached between the French and Turkish Governments with regard to the Turco-Syrian frontier. It also noted the intention of the mandatory Power, indicated by the Accredited Representative, to insert in the next annual report a complete statement with regard to the trouble in 1928 on the Nejd frontier and the relations of Iraq with that country (pages 181-182).

4. *Public Health.*

The Commission hopes that measures to improve the health services of the territory, which are still inadequate, will be actively pursued (page 182).

5. *Education.*

Referring to the concluding remarks on education of the report for 1927, p. 159, the Commission trusts that every effort will be made in schools and training colleges to promote religious and political toleration (pages 185-186, 190).

6. *Public Finance.*

The Commission would be glad to find, in future annual reports, a statement of the financial position of the Government at the end of the year (assets and liabilities). It also desires to be kept informed of the progress towards the establishment of Iraq currency (pages 182-183).

7. *Economic Development.*

The Commission has considered the documents which the mandatory Power forwarded to it as regards the extension in 1926 of the Anglo-Persian Oil Company's concession for a period of thirty-five years. While expressing no opinion as to whether the balance of advantage lay on the side of an immediate or a deferred renewal it is satisfied that the Iraq Government acted within the terms of Article 11 of the Treaty of October 10th, 1922, concerning economic

¹ The pages indicated after each observation are those of the Minutes of the session (document C.568.M.179.1928.VI).

equality, in adopting the course it selected. The Commission fully relies upon the Iraq Government to make use of its rights under the concession in favour of the territory in the way it may consider the best possible (pages 188 and 213-214).

8. *Labour.*

The Commission noted that the regulation of labour conditions was not included in the functions of any particular Ministry in Iraq, and that according to the Accredited Representative no person on the High Commissioner's staff had a special experience in this matter. In view of the industrial development which is taking place, and which in all probability will advance rapidly in the future, it seems to the Commission that much advantage might be gained if the experience of the mandatory Power in regard to the regulation of conditions of labour might be made more fully available to the Iraq Government (page 187).

9. *Auqaf Property.*

The Commission hopes that it will be possible to improve the administration of Auqaf property and the conditions relating to the disposal of the revenue from this property (page 188).

TERRITORIES UNDER B MANDATE.

Cameroons under British Mandate.

1. *Public Finance.*

The Commission was glad to find that in accordance with its request, statistical tables had been included in the annex attached to the Report (page 143).

2. *Trade Statistics.*

The Commission would be glad if statistical tables were included in the next annual report showing the origin and destination of the imports and exports (page 149).

3. *Social Condition of the Natives.*

The Commission notes the opinion expressed by the Mandatory Power that the scarcity of foodstuffs which occurs periodically in certain parts of the territory will disappear when the communications at present being organised are improved (pages 149-150).

4. *Labour.*

The Commission noted with interest the detailed information contained in the Report on labour conditions in the territory. It hopes to find precise information in the next Report concerning the procedure followed with regard to compensation for accidents occurring in the course of employment (pages 150-151).

5. *Liquor Traffic.*

The Commission noted that the situation in regard to the liquor traffic is not so disquieting as in Togoland under British mandate. It invites the attention of the Council to the discussion which took place with the Accredited Representative regarding the liquor traffic (pages 153-154).

6. *Public Health.*

The Commission would be glad to find more complete information in the next annual report concerning the auxiliary medical staff and particularly the professional training of young natives recruited for this staff (pages 154-155).

7. *Population.*

The Commission trusts that the next report will contain as precise information as possible concerning the increase or decrease of the population in the various districts of the territory (pages 156-157).

Ruanda-Urundi.

GENERAL OBSERVATIONS.

The Commission desires to congratulate the Mandatory Power on the arrangement and drafting of its highly lucid and instructive report.

SPECIAL OBSERVATIONS.

1. *General Administration.*

The attention of the Commission was specially drawn to a passage in the Annual Report which describes a proposal for the transfer to neighbouring areas in the Belgian Congo of inhabitants of the territory under mandate. From the additional explanations on this matter given by the Accredited Representative, and the discussions to which it gave rise, it did not appear to be clearly demonstrated that the realisation of this proposal would bring about the result aimed at by the mandatory Power. Without pronouncing upon the merits of a measure which is brought to its attention only as a proposal, the Commission was inclined to doubt whether a better solution of the economic and social problems arising from the fact that the

territory under mandate is over-peopled would not be found in another direction. The Commission will attach a special interest to information concerning the results of the examination of this proposal which is now being undertaken (pages 127-130).

2. *Public Finance.*

The Commission notes the Accredited Representative's statement that it was being considered what percentage of the profits derived from the circulation of notes of the Belgian Congo Bank should be assigned to the Treasury of Ruanda-Urundi (page 119).

3. *Public Health.*

The Commission notes with satisfaction that the mandatory Power intends to continue its efforts to develop the medical service of the territory (page 134).

4. *Land Tenure.*

The Commission notes with satisfaction the declarations of the Accredited Representative, according to which demands for concessions of lands on the part of European enterprises will always be the object of attentive examination. It expresses anxiety in this connection as to the unfortunate consequences to the prosperity and development of the natives which must inevitably follow upon the attribution to Europeans of vast areas of land in an over-populated country, the cultivable surface of which seems hardly to suffice for the present needs of the population. This anxiety would be removed if, as the Commission hopes, future reports are able to state that concessions for long periods or cessions of land in full ownership to Europeans are only granted as an exceptional measure when special circumstances justify it in the interest of the natives (pages 134-135).

5. *Labour.*

The Commission notes that the recruiting of workers for the mines of Katanga has been again authorised in Ruanda-Urundi after having been temporarily suspended because of the excessively high death-rate in the first contingent of these workers. The Commission appreciates the measures taken by the mandatory Administration to facilitate the adaptation of the workers to the circumstances in which they will be called upon to live and to improve the conditions of their transport. It is confident that the mandatory Power will continue to exercise over this recruiting the same vigilant supervision as in the past (pages 130-131).

The Commission will be glad to know the amount expended in 1927 for construction of both secondary and main roads, the average cost of construction per kilometer, and the proportion of this cost expended on the wages of native workers. It desires further to know how workers are recruited for this work and the daily wages paid to them (pages 124 and 131).

Togoland under British Mandate.

1. *Frontiers.*

The Commission notes with satisfaction the fact that in defining the boundary between Togoland under British mandate and Togoland under French mandate, the tribal frontiers had been taken into account; it hopes that it will be possible for the mandatory Power to attach the report of the Mixed Franco-British Boundary Commission to the next annual report (page 20).

2. *Public Finance.*

The Commission noted with interest the full statistical tables concerning public finance in the territory which were contained in the report. It was gratified to note that Togoland had been relieved of that portion of the Gold Coast loans which had been charged to the mandated territory. It noted also that a due proportion of the profits made by the West African Currency Board is being credited to Togoland with retrospective effect (page 22).

The Commission would be glad to receive further information as to the results of the establishment of native treasuries which have been recently introduced.

It noted the Accredited Representative's intention of giving if possible, in the next annual report, detailed information regarding the tribute levied by the native chiefs (page 22).

3. *Labour.*

The Commission would be glad to receive a clear explanation of the difference which exists, in the view of the Administration, between "forced" and "compulsory" labour (page 25).

It also desires to point out the drawbacks inherent in the system of remunerating native labour through the chiefs (pages 26-27).

4. *Education.*

The Commission would like the next report to give full information with regard to the effect of the introduction of the Education Ordinance of 1926, more especially in regard to the subsidies granted to the missions for training teachers. It would also be glad to have definite details regarding the extent to which teachers for Togoland are trained in the college at Achimota (pages 30-32).

5. *Liquor Traffic.*

The Commission regrets to note the considerable increase, notwithstanding the efforts made by the Administration, in the quantities of spirits imported. It takes this opportunity of once again urging the mandatory Power to consider the advisability of introducing preventive measures which will prove more effective (pages 32-35).

TERRITORIES UNDER C MANDATE.

Islands under Japanese Mandate.

GENERAL OBSERVATIONS.

The Commission desires to thank the mandatory Power for its full and interesting report and for the replies which it has endeavoured to give to the observations made by the Commission at its twelfth session.

In future, it would prefer the replies to its observations to be given in a separate chapter or an index to these replies to be added to the report (pages 201-202).

The Commission thanks the mandatory Power for its interesting and detailed memoranda on the Angaur mines and on the Saipan Island sugar industry.

SPECIAL OBSERVATIONS.

1. *Public Finance.*

The Commission, having noted the very considerable surplus obtained in recent financial years although the budget estimates suggested no such probability, would be glad to receive information as to the use which the mandatory Power proposes to make of the capital reserve represented by this surpluses (pages 198-200).

2. *Economic Regime and Trade Movement.*

The Commission hopes to find in the next report detailed information as to the reasons which have led the mandatory Power to make a considerable reduction in the grants allotted to the natives to encourage economic development (page 201).

3. *Judicial Organisation.*

The Commission would be glad to receive supplementary information regarding the statistics of offences and crimes included in the annual report (page 202).

4. *Instruction and Education.*

The Commission much appreciated the part of the report dealing with measures taken by the Administration to improve school hygiene. It noted that the proportion of native children attending school during the school age (8 to 11 years) is not altogether satisfactory and it hopes that the mandatory Power will endeavour by every possible means to increase school attendance (pages 203).

5. *Liquor Traffic.*

The Commission noted with satisfaction the importance attached by the mandatory Power to the strict observance of the prohibition of the consumption of alcohol by natives, and it appreciated the information furnished with regard to the quantity and alcoholic strength of the beverages imported (pages 203-204).

6. *Population.*

The Commission was concerned at the considerable decrease in the population of the island of Yap and noted the statement of the Accredited Representative, who said that this concern was shared by the Japanese Government. The Commission will be glad to receive any information with reference to this phenomenon and to the excessive mortality, principally among women and in general from 15 to 30 years of age (page 204).

Western Samoa.

GENERAL OBSERVATIONS.

In the observations concerning Western Samoa inserted in the report on its thirteenth session, the Commission expressed itself as follows :

“ The Commission is assured that adequate means for that essential purpose (*i.e.*, maintaining law and order in accordance with the mandate) are now at the disposal of General Richardson's successor, and it trusts that the Samoans, when they realise that they have been misled, will resume their former attitude of confidence in the Administration, and that the mandatory Power will soon be able to re-establish peace and prosperity in Western Samoa by a policy both firm and liberal.”

At the present session the mandatory Power was good enough to present to the Commission, together with the annual report of the Administrator for the year ending March 31st, 1928, a “ Statement by the New Zealand Government on Political Agitation ”.

The Commission noted from this statement, as well as from the body of the annual report, that the passive resistance organised by the "Mau" acts as an obstacle to the Administration and has gone so far as to paralyse its action in some departments. On the other hand, the continuation of this unrest will result in a very serious check to the prosperity of the country. The Commission hopes that when examining the next annual report it will find that the Administration has regained complete control of the situation and that a normal condition of affairs will have been re-established.

SPECIAL OBSERVATIONS.

1. *Ex-Enemy Property.*

The Commission notes from page 31 of the Report that no decision regarding the valuations connected with ex-enemy properties has yet been taken. It hopes that a final settlement of this matter will soon be made (pages 46-47).

2. *Public Finance.*

The Commission, while appreciating the statement which the mandatory Power has been good enough to furnish regarding the loan accounts, was unable to get a clear idea of all details of the present situation. It notes the promise of the Accredited Representative that the necessary explanations will be furnished later (pages 49-50).

3. *Arms and Ammunition.*

The Commission will be glad to have statistics concerning the issue of licences for carrying arms (page 53).

South-West Africa.

1. *Status of the Inhabitants.*

In view of the uncertainty concerning the exact meaning of certain clauses of the :

- (a) "British Nationality in the Union and Naturalisation and Status of Aliens Act 1926"; and the
- (b) "Act to define South African Nationality and to provide for a National Flag for the Union of South Africa 1927",

and the great importance which attaches to the general question of the national status of all the inhabitants of mandated territories, the Permanent Mandates Commission would be glad to receive from the mandatory Power full information about the national status of all the inhabitants.

In particular, the Commission would like to know, according to the provisions of the above-mentioned Acts :

- (a) Whether all persons born within the mandated territory of South-West Africa are assumed to be naturally-born British subjects.
- (b) Whether any distinction is made between persons born before the law of 1926 came into force in South-West Africa, *i.e.*, July 1st, 1926, and after this date.
- (c) Under what conditions a person, born in South-West Africa or a person domiciled in South-West Africa, who has become a naturalised British subject becomes a Union national ; and
- (d) Under what conditions can a person in South-West Africa having become a Union national and wanting to renounce his status as a Union national make a declaration renouncing his status as a Union national. Is it correct to say that he can only effectively renounce that status by such a declaration on coming of full age if he is not domiciled in South-West Africa, *i.e.*, if he leaves the territory (pages 80-83, 208-211).

2. *International Relations.*

The Commission hopes that if the boundary line fixed by the agreement for the delimitation of the frontier between South-West Africa and Angola should leave, on one side of the boundary line, lands which have been used for grazing or cultivation by natives domiciled on the other side of the line, the customary usages of the natives of such lands will be taken into consideration (page 79).

3. *Public Finance.*

The Commission hopes that future reports will contain a complete statement as regards the financial assets and liabilities of the mandated territory, and also fuller explanations as regards the "Loan Account".

The Commission notes that the actual receipts from the diamond taxation has considerably decreased. As the revenues of the mandated territory are largely based on the receipts from the diamond taxation, the Commission hopes that the administration of the mandated territory will succeed in obtaining a more satisfactory arrangement to improve the situation (pages 88-89, 92).

4. *Labour.*

The Commission notes with regret that the measures taken by the Administration and by the mining companies to safeguard the health of natives from tropical areas employed in the mines do not appear to have been completely successful, that a high mortality amongst these workers is again recorded, and that the most careful precautions appear to provide no guarantee against a recurrence of epidemics and high rates of mortality. Under these circumstances the Commission asks how the Administration intends to deal with this situation (page 106).

The Commission notes the statement of the Administrator that the Colour-Bar Act of the Union of South Africa is applied in South-West Africa in so far as employment under the Administration and in the railways is concerned. The Commission considers that this Act, the effect of which is to limit the occupations open to native and coloured workers and thus place them at a disadvantage with white workers in the area under mandate, is based upon considerations which are not compatible with the principles laid down in the mandate (page 106).

5. *Liberty of Conscience.*

In the report on its ninth session the Commission expressed some doubt as to whether the practice of requiring the mission operating in Ovamboland to give a written undertaking; (a) to assist and support the policy of the Administration, and (b) to encourage all natives under their influence to seek employment in South-West Africa, was in conformity with the spirit and letter of Article 5 of the Mandate. The Commission was glad to note from the statements of the Accredited Representative that these conditions are no longer in force (pages 107-108).

6. *Education.*

The Commission hopes that the Administration will continue to increase its efforts to develop the system of native education and that it will consider the question whether a larger financial support could not be given to the educational work of the missions (pages 108-109).

7. *Public Health.*

The Commission appreciates greatly the full information given in the report concerning the health conditions and medical work of the Administration. It hopes that the mandatory Power will continue to give its attention to possible improvements in this respect, especially by way of larger grants in support of the medical work of the missions, in the territories outside the police zone (page 110).

8. *Land Tenure.*

The Commission hopes to find in the next report a more complete account of the measures taken in regard to the settlement of the "Angola Boers" in the territory. It will follow with interest the results of this experiment (pages 93-95).

9. *Railways and Harbours.*

The Commission heard with considerable interest the detailed information given by the Accredited Representative as regards the legal and financial status of the railways and harbours of the territory — a question to which the Commission has had occasion to refer repeatedly in previous years — and also concerning their working and economic importance.

The Commission hopes that the mandatory Power will now find it possible to amend the South-West Africa Railways and Harbours Act (No. 20) of 1922, in order to bring the legal regime of the railways and harbours into conformity with the principles of the mandate and the Treaty of Versailles and the decision adopted by the Council of the League of Nations on June 9th, 1926. On the other hand, it trusts that future annual reports will always contain a special statement concerning the working of the railways in South-West Africa and its financial results (pages 71-79, 115).

OBSERVATIONS ON PETITIONS.

The Commission, in the course of its fourteenth session, considered the petitions mentioned below, together with such relevant observations or information as were furnished in writing by the mandatory Powers or, orally, by their Accredited Representatives. The petitions were reported on in writing, or orally, by a member of the Commission. After discussion, the conclusions of the reports, which are reproduced as annexes to the Minutes, were adopted by the Commission. ¹

1. *Iraq.*

(a) *Letter, dated January 3rd, 1928, from Mr. B. S. Nicolas* (document C.P.M. 689).

Observations from the British Government, dated July 26th, 1928 (document C.P.M. 768).
Report (see Minutes, Annex 7).

CONCLUSIONS.

The documents in the possession of the Permanent Mandates Commission show that Mr. B. S. Nicolas was not born in Iraq and that, on August 6th, 1924, he did not have his habitual residence there.

¹ As regards those petitions and observations of the mandatory Powers relating thereto, which the Commission has not considered necessary to annex to its Minutes, it recommends that copies should be kept in the League Library at the disposal of persons who may wish to consult them.

In these circumstances, the mandatory Power and the Government of Iraq did not consider that the provisions of Article 30 of the Treaty of Lausanne and Article 3 of the Nationality Law of Iraq were applicable to his case.

In taking this view the mandatory Power and the Government of Iraq did not infringe any of the provisions of the mandate, and the claim of Mr. B. S. Nicolas against the mandatory Power appears to be unfounded.

The Permanent Mandates Commission, not being responsible for settling individual questions of nationality, considers that it is not its duty to ascertain whether, in view of the fact that Mr. B. S. Nicolas was born at Jelu, he has or has not remained a Turkish subject, or whether he can or cannot acquire Iraq nationality by applying to the Government of Iraq for naturalisation.

(b) *Petition, dated September 11th, 1928, of the Bahai Spiritual Assembly of Bagdad* (document C.P.M.784).

Observations of the British Government, transmitted on October 17th, 1928 (document C.P.M.784).

Report (see Minutes, Annex 13).

CONCLUSIONS.

The Commission draws the Council's attention to the considerations and conclusions suggested to it by an examination of the petition of the Bahai Spiritual Assembly of Bagdad and of the documents accompanying it.

It recommends that the Council should ask the British Government to make representations to the Iraq Government with a view to the immediate redress of the denial of justice from which the petitioners have suffered.

Moreover, the Commission proposes to the Council that the petitioners be answered in the following terms :

“ The Permanent Mandates Commission, recognising the justice of the complaint made by the Bahai Spiritual Assembly of Bagdad, has recommended to the Council of the League such action as it thinks proper to redress the wrong suffered by the petitioners. ”

2. Palestine.

(a) *Telegram from the Arab Congress of Palestine dated June 20th, 1928* (see Minutes, Annex 9A).

Observations from the British Government, dated July 24th, 1928 (see Minutes, Annex 9B).

Report (see Minutes, Annex 9C).

CONCLUSIONS.

The Commission feel bound to state that, as responsible for supervising the enforcement of the principles and rules of the Covenant and the mandates, it is not called upon to recommend any particular form of government in the mandated territories. It is for the mandatory Power alone to determine the regime applicable within the terms of Article 22 of the Covenant.

(b) *Petitions relating to the incident which occurred at Jerusalem, on September 24th, 1928, at the Wailing Wall; from the Zionist Organisation and from the Chief Rabbis Kook and Meir* (see Minutes, Annex 11 A).

Observations from the British Government, dated October 29th, 1928 (see Minutes, Annex 11B).

Report (see Minutes, Annex 11C).

CONCLUSIONS.

The Commission, having heard the Rapporteur's statement, adopts the following conclusions :

The Permanent Mandates Commission, while regretting the incidents that have taken place, has noted with great satisfaction that the Palestine Government has already approached both parties with a view to facilitating an agreement. It hopes that the mandatory Power will thus succeed in allaying public feeling and that neither party will, through unreasonable demands or intolerant refusals, assume the responsibility of provoking public disturbances.

3. Syria and the Lebanon.

Petitions, dated March 8th and June 4th, 1928, from the Emir, Chékib Arslan and M. Riad El Souh (documents C.P.M. 702 and 748).

Observations from the French Government, dated October 19th, 1928 (document C.P.M. 794)

Report (see Minutes, Annex 8).

CONCLUSIONS.

The Permanent Mandates Commission considers that these petitions call for no observation and is of opinion that the petitioners should be informed accordingly.

4. Togoland under French Mandate.

Petitions, dated November 4th, 1926, December 1st, 1927, June 18th and September 6th, 1928, from Mr. Casely Hayford (documents C.P.M. 709, 743, 780 and 800).

Observations from the French Government, dated June 13th, March 31st, October 4th and November 2nd, 1928 (documents C.P.M. 709, 743, 780 and 800).

Rapporteur's observations (see Minutes of the twenty-second meeting).

CONCLUSIONS.

Having regard to the Rapporteur's statement, the Commission is of opinion that these petitions call for no action.

5. Western Samoa.

Petition, dated June 8th, 1928, from [the Anti-Slavery and Aborigines Protection Society (document C.P.M. 739).

Observations from the New Zealand Government, dated September 27th, 1928 (document C.P.M. 819).

Report (see Minutes, Annex 14).

CONCLUSIONS.

The Commission notes that the New Zealand Government proposes to take steps to make the relations between the League and the natives as clear as possible in the territory. It considers that the petitioners should be so informed.

6. South-West Africa.

(a) *Petition from certain members of the Rehoboth Community, dated November 26th, 1926 (document C.P.M. 546).*

Observations from the Government of the Union of South Africa, dated December 21st, 1926, February 17th, 1928, March 19th, 1928 (documents C.P.M. 546, 700 and 705, and Report of the Rehoboth Commission ; see also the documents C.P.M. 710, 746 and 773).

Report (see Minutes, Annex 6).

CONCLUSIONS.

The Commission is of opinion that the petitioners should be informed that the Permanent Mandates Commission understands that their grievances have been fully investigated, and considers that they have now lost their relevance.

(b) *Petition, dated March 5th, 1926, from the Kaoko Land- und Minengesellschaft (see Minutes, Annex 12 A).*

Observations from the Government of the Union of South Africa, dated July 4th, 1928 (see Minutes, Annex 12 B).

Report (see Minutes, Annex 12 C).

CONCLUSIONS.

The Commission considers that a reply should be sent to the Company petitioning to the effect that its claim, whatever view may be taken of its title and rights, or of the arguments advanced by the mandatory Power, does not come within the competence of the Commission.

Nevertheless, the Commission is of opinion that the attention of the Council of the League should be drawn to the existence of considerable landed estates in South-West Africa, which had constituted ex-enemy property. It hopes that the Council will request the mandatory Power to explain its declaration of February 19th, 1926, which appears to the Commission to be clearly inconsistent with the statements made, with reference to the status of the said properties and their disposal, by the Accredited Representative at the Commission's meeting, November 2nd, 1928, and by the mandatory Power itself in its observations of July 4th, 1928.

II

COMMENTS OF CERTAIN ACCREDITED REPRESENTATIVES SUBMITTED IN ACCORDANCE WITH SECTION (c) OF THE CONSTITUTION OF THE PERMANENT MANDATES COMMISSION¹.

(Council Resolutions of December 1st, 1920, January 10th, 1922, and September 8th, 1927).

LETTER FROM THE ACCREDITED REPRESENTATIVE FOR SOUTH-WEST AFRICA, DATED NOVEMBER 19TH, 1928.

I should like to thank you for kindly submitting to me, for any comments I may wish to make, an advance copy of the observations of the Permanent Mandates Commission. Availing myself of the privilege thus graciously accorded me, I wish to draw attention to the Commission's observations on the Colour Bar Act (page 8) and to make the following comments :

When the question about the application of a colour bar in South-West Africa was put to me by a member of the Commission, the Chairman indicated to me in no mistakable way that the Commission was sorely pressed for time and that a full statement was not wanted. I concluded from this that no important principle was involved and therefore briefly replied that a colour bar was being observed, but only with regard to work done by the Administration and the Railway Department. I now find that this brevity has led to a misunderstanding which I feel it my duty to correct.

The true position is as follows :

The Colour Bar Act of the Union is not in force in South-West Africa. There is therefore no statutory colour bar. Owing, however, to the present low state of civilisation among the natives, no native is at present employed either by the Administration or by the Railway Department on work involving the risk of human life, such as driving a motor-car or working an engine. A certain colour bar is therefore being observed in practice, but it is certainly not a statutory enactment and is purely temporary, that is, until such time as the native is sufficiently advanced to be able to undertake this responsible work.

I hope that this explanation will satisfy the Commission and remove all ground for the observation which it has made on page 8.

(Signed) A. J. WERTH,
Administrator.

LETTER FROM THE ACCREDITED REPRESENTATIVE FOR THE ISLANDS UNDER JAPANESE MANDATE, DATED NOVEMBER 27TH, 1928.

[Translation.]

... I have no comments to offer except on paragraph 4, dealing with instruction and education. On this point I attach my comments, and would ask you to take steps to bring them to the notice of the Council simultaneously with the Commission's report.

(Signed) N. SATO,
Representative of the Japanese
Government accredited to the Permanent
Mandates Commission.

Comments.

The South Seas Bureau has always attached the highest importance to encouraging the education and instruction of the natives. Hitherto the results achieved in this direction have never failed to gain the approval of the Permanent Mandates Commission. At the Commission's tenth session, one of its members, the late Madame Bugge-Wicksell, referring to the school attendance statistics, which she regarded as satisfactory, was kind enough to observe that this was an extremely remarkable result if account were taken of the rapidity with which it had been achieved, the number of the Islands and the large distances between them. She would like to congratulate the Japanese Government publicly on this achievement (Minutes of the Tenth Session, page 41). I would point out that the Japanese Government's Annual Report for 1927 gives very full statistics of the school attendance percentage among natives, which averages 43.61 per cent.

In comparison with the populations of civilised countries, the number of native children attending school is not yet, of course, very large, though the South Seas Bureau has already increased the number of state schools to twenty for a population of about 49,000 natives. Having regard to the low civilisation, and more particularly to the fact that the Islands are scattered, which necessarily makes it very difficult to bring children living in the remote Islands to school, we must realise that only time can produce better results. In order to meet the special situation in the Islands, the South Seas Bureau has introduced the boarding-school system in certain State

¹ The accredited representatives for Iraq, the Cameroons under British mandate and Western Samoa (New Zealand mandate) have stated that they have no comments to make on the observations contained in the report of the Permanent Mandates Commission to the Council.

schools, so that native children coming from the distant Islands can be more easily received. As in the past, the Bureau will continue to devote its particular attention to the problem of native education, and will constantly endeavour to bring about every possible improvement which the peculiar circumstances of the Islands under mandate allow.

LETTER FROM THE ACCREDITED REPRESENTATIVE FOR RUANDA-URUNDI,
DATED DECEMBER 3RD, 1928.

[*Translation.*]

. . . I have the honour to forward you my comments on the observations of the Permanent Mandates Commission regarding the administration of Ruanda-Urundi in 1927, and would ask you to append them to the observations when the latter are submitted to the Council of the League.

(Signed) HALEWYCK DE HEUSCH,
*Director-General in the Belgian
Ministry of the Colonies.*

Comments.

In its report, the Permanent Mandates Commission "expresses anxiety as to the unfortunate consequences to the prosperity and development of the natives which must inevitably follow upon the attribution to Europeans of vast areas of land in an over-populated country, the cultivable surface of which seems already too small to suffice for the present needs of the population".

In order to forestall any inaccurate and false impressions or conclusions, the accredited representative of the Belgian Government thinks it desirable to point out that the situation described by the Commission is not general, and does not occur in all parts of the mandated territory. In the tropical region along the shores of Lake Tanganyika and the River Ruzizi, there are large areas in which native occupation is rare and the population sparse. The original inhabitants of the high plateaux in the centre of the country fear the climatic conditions of this district, which are very different from those of their own mountains. They do not come down, or if they do it is only for very short periods. Consequently, the apprehensions expressed in regard to the results of the establishment of European plantations cannot apply to this area.

Similar remarks would apply in respect of certain districts in the eastern part of the territory.

(Signed) HALEWYCK DE HEUSCH.

LETTER FROM THE ACCREDITED REPRESENTATIVE FOR TOGOLAND UNDER BRITISH MANDATE,
DATED DECEMBER 24TH, 1928.

I have the honour to acknowledge the receipt of your letter No. A/7009/5381 of November 23rd, forwarding an advance copy of the observations of the Permanent Mandates Commission drawn up as a result of the examination, at its recent session, of the administration of Togoland under British mandate.

I offer the following comments on the observations:

Frontiers.

Since returning to the Gold Coast, I have seen the members of the Mixed Franco-British Boundary Commission. They have practically finished their work in the field, but the production of the final maps will take time, and it is unlikely that the approval of the respective Governments to such minor modifications of the frontier line as the Commissioners may recommend (*vide* Article 1 (1) of the Franco-British Declaration of July 10th, 1919) will have been secured by the end of March 1929.

I doubt, therefore, whether it will be possible to attach the report of the Commissioners to the *next* Annual Report (which will cover the year 1928), but, if the British and French Governments have no objection, it will be attached to the report for 1929.

Public Finance.

The system of native treasuries recently established in Ashanti is developing in an encouraging manner. I have just approved of such a treasury being established in the important Kumasi State, of which ex-King Prempeh is Paramount Chief, and there are now some grounds for hope that some of the important Chiefs in the Gold Coast Colony will before long agree to the introduction of the system in their States. I am enquiring whether there is any real likelihood of such treasuries being successfully established in Togoland at present, but, as I informed the Commission in October, most of the Togoland Chiefs' Divisions are at present very small and the Chiefs there are very "lowly" persons.

Labour.

I desire to reserve the desired explanation under this head for the next report.

Education.

I note the desire of the Commission for full information with regard to the effect of the introduction of the Education Ordinance, 1926, more especially in regard to the subsidies

granted to the Missions for training teachers. This request will be complied with in the next report, and I will only record here that I have just approved of a grant of some £1,150 being made to the Roman Catholic Mission to enable it to convert certain buildings at Bla into a training college for teachers. Other Missions have been notified that I am ready to consider sympathetically any similar definite proposals from them.

As to the extent to which teachers from Togoland are being trained in the Prince of Wales's College at Achimota, I have ascertained from the Principal (Mr. A. G. Fraser) :

- (a) That eight teachers or prospective teachers for Togoland have just completed their course at Achimota ;
- (b) That twenty-two such teachers are in training there ; and
- (c) That thirteen more such teachers are about to enter the training classes at Achimota.

Liquor Traffic.

The Commission will be interested to learn that, at a meeting of the Legislative Council of the Gold Coast held at Accra on December 17th (when the fees for liquor store licences were at the instance of Government drastically increased and the hours of sale materially curtailed), I announced my intention to appoint a Commission of Enquiry to take evidence and advise as to whether, and if so what, further steps should be taken to control the consumption of spirits in the Gold Coast. The measure to which reference is made above will apply to Togoland, and the Commissioners will be empowered to include conditions in the mandated areas within their purview.

(Signed) A. R. SLATER,
Governor of the Gold Coast.

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

Official No. : **C. 259. M. 108.** 1934. VI.

Geneva, June 12th, 1934.

LEAGUE OF NATIONS

PERMANENT MANDATES COMMISSION

MINUTES

OF THE

TWENTY-FIFTH SESSION

Held at Geneva from May 30th to June 12th, 1934,

including the

REPORT OF THE COMMISSION TO THE COUNCIL

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PERMANENT MANDATES COMMISSION

MINUTES OF THE TWENTY-FIFTH SESSION

Held at Geneva from May 30th to June 12th, 1934.

The following members of the Commission took part in the work of the twenty-fifth session :

Marquis THEODOLI (*Chairman*) ;

M. VAN REES (*Vice-Chairman*) ;

Mlle. DANNEVIG ;

Lord LUGARD ;

M. MERLIN ;

M. ORTS ;

M. PALACIOS ;

Count DE PENHA GARCIA ;

M. RAPPARD ;

M. SAKENOBÉ.

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

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

The following members were unable to attend certain meetings : Mlle. Dannevig, the first six and the last two meetings ; M. Merlin the ninth and the last two meetings ; M. Orts, the sixteenth meeting ; M. Rappard, the sixteenth meeting.

The following accredited representatives attended certain meetings of the Commission :

Mr. J. H. HALL, D.S.O., O.B.E., M.C., Chief Secretary to the Government of Palestine ;

Mr. M. NUROCK, O.B.E., Assistant Secretary to the Government of Palestine ;

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

Mr. J. A. CALDER, Colonial Office ;

Mr. J. G. McLAREN, C.M.G., Acting High Commissioner of the Commonwealth of Australia in London ;

Mr. E. W. P. CHINNERY, Director of Native Affairs and District Services of New Guinea.

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

FIRST MEETING.

Held on Wednesday, May 30th, 1934, at 11 a.m.

Opening Speech by the Chairman.

The CHAIRMAN spoke as follows :

I have the honour to declare the twenty-fifth session of the Permanent Mandates Commission open.

I propose to give the customary brief survey of the decisions taken by the Council in connection with mandates since our last session.

On January 17th, 1934, the Council examined in my presence the report on the work of the Commission's twenty-fourth session. The Secretariat has sent you the Minutes of that meeting, which include the detailed report by the Rapporteur (the representative of Czechoslovakia) and the record of the very brief remarks made upon it by members of the Council.

The representative of Italy laid stress upon the fact that the Commission's report should be interpreted in the light of its Minutes.

The representative of the United Kingdom made a statement regarding the Cameroons under British mandate. You will remember that the Commission raised the question whether a certain regulation concerning tin ore was consistent with the principle of economic equality. Confirming an explanation given at the time by the accredited representative, the representative of the United Kingdom stated that there were no tin mines in the Cameroons under British mandate, and that the application of the regulation to that territory had consequently no practical effect. He added that his Government would nevertheless take steps to amend the legislation on that point.

Lastly, the representative of France stated that his Government would examine most carefully the Commission's observations relating to the territories under French mandate. Like the representative of Italy, he recognised that the Mandates Commission's report was inseparable from the Minutes, which must serve as a factor in its interpretation.

The Council adopted the draft resolution, submitted by the Rapporteur, to the effect that the Commission's observations on the annual reports should be communicated to the Governments of the mandatory Powers, and that they should be requested to take the action called for by the Commission.

The Council also transmitted to the United Kingdom Government, as ex-mandatory Power for Iraq, the passage in the Commission's report dealing with the administration of that territory during the period January 1st to October 3rd, 1932.

The Council further approved the Commission's conclusions regarding the petitions examined by the latter.

As you will remember, at its twenty-third session, the Commission expressed the desire to know what action had been taken on the declarations made by the representatives of France and the United Kingdom to the Council on January 30th, 1932, regarding the western section of the Syro-Palestinian frontier.

On February 15th, 1934, the two mandatory Powers concerned solicited the Council's approval for the Agreement they had concluded on March 7th, 1923, concerning the delimitation of that frontier. On May 14th, 1934, the Council invited the Mandates Commission to inform it as soon as possible of its opinion on the line fixed by that Agreement from the point of view of the execution of the mandates. The documents relating to this question were sent to each of us personally by the Secretariat a few days ago.

In consequence of the Council's request, I shall propose that we place this question on the agenda of the present session.

Statement by the Director of the Mandates Section.

M. CATASTINI made the following statement :

During the seven months that have elapsed since the Commission's last session, the work of the Mandates Section has pursued its normal course.

The Minutes of the twenty-fourth session, with index, and the Commission's report on the session, which closed on November 4th, 1933, were circulated to the Council on December 29th, 1933, and to the Members of the League on January 5th, 1934.

The Section continued to send regularly to members of the Commission any important information it obtained regarding political, social and economic conditions in mandated territories.

The Minutes of the Council's discussion on mandates on January 17th, 1934, have been sent to the members of the Commission individually.

The customary list of official documents sent in by the mandatory Powers has been drawn up for each of the territories the administration of which is to be considered at this session.

The list of Council and Assembly decisions and recommendations in connection with mandates, classified by subjects, has been brought up to date and circulated to the members

of the Commission (document C.P.M.1502). It covers the Council sessions from the fifty-sixth to the seventy-eighth, and the Assembly sessions from the tenth to the fourteenth, and supplements the lists circulated in October 1927 and June 1929 (documents C.P.M.635 and 857).

The annual reports of the mandatory Powers were received by the Secretariat in the following order :

Territory	Administrative period	Date of receipt
New Guinea	1932-33	May 12th, 1934
Palestine and Trans-Jordan	1933	May 17th, 1934
Tanganyika Territory	1933	May 17th, 1934
Syria and Lebanon	1933	May 18th, 1934
Nauru.. .. .	1933	May 24th, 1934

As the members were informed on December 22nd, 1933, the annual reports on Togoland and the Cameroons under French mandate, which should normally have been examined at this session, will not be dealt with until the autumn session, by arrangement between the French Government and the Chairman.

The Government of the Union of South Africa informed the Secretary-General, in a letter dated March 15th, 1934 (Annex 3), that it would be unable to submit the annual report on South West Africa within the statutory period—that is to say, before May 20th—and therefore asked that consideration of the report should be postponed. The South African Government's letter was circulated to the members of the Commission on April 5th, 1934, and the matter has been placed on the provisional agenda of the present session.

Election of the Chairman and Vice-Chairman.

Marquis THEODOLI and M. VAN REES were elected Chairman and Vice-Chairman of the Commission respectively.

Adoption of the Agenda and Programme of Work.

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

South West Africa : Transmission and Examination of the Report for 1933 : Communication, dated March 15th, 1934, from the Government of the Union of South Africa (Annex 3).

The CHAIRMAN mentioned a letter in which the Government of the Union of South Africa announced that, owing to floods, it had been impossible for it to send the annual report on South West Africa in time, and asked that permission be granted for the presentation of the report in time for examination at the October session or later. The Chairman said that, generally speaking, in such cases, the Governments concerned did not say that they were unable to submit the annual report, but asked the Commission in due course if it would be possible to alter the date for the submission of the report. The French Government had, for instance, done that some months previously in connection with the two reports on Togoland and the Cameroons under French mandate.

The Chairman asked his colleagues to give their opinion on the letter from the Government of the Union of South Africa.

M. RAPPARD said that the last words of the letter from that Government, " or later ", seemed to him to be somewhat disquieting. Nothing could justify the postponement of the examination of the report for more than six months.

M. PALACIOS agreed. Moreover, he was astonished at the unilateral decision taken by the mandatory Power without getting into touch at least with the Chairman of the Permanent Mandates Commission.

COUNT DE PENHA GARCIA was sorry to hear that the country had suffered from floods, but it was not very clear how floods could cause delay in sending the report. Nevertheless, the Commission could not but accede on that occasion to the request for postponement, but should reply courteously that it was very regrettable, from the point of view of the Commission's work, that reports should not be received by the date fixed. It should also point out, of course, that the Commission could not postpone the examination of the report to a session later than the autumn session, and that consequently the report should arrive by the normal date fixed by the Council for the receipt of reports for that session.

M. RAPPARD was also of the opinion that a letter should be drafted, the terms of which should be very carefully weighed and that the draft should be submitted to the Commission for its approval. Moreover, the Commission's report to the Council should mention this fact. The Commission should, of course, be courteous but very definite.

COUNT DE PENHA GARCIA said he entirely agreed with M. Rappard. Indeed, the Commission should state in the letter the exact date by which the report from the mandatory Power should be received for the autumn session.

M. CATASTINI pointed out that the date of the session was fixed by decision of the Commission, while that for the receipt of the reports was determined by a decision of the Council.

M. ORTS thought that, in the circumstances, the Commission should express in the letter its desire that the report should arrive by the date fixed by the Council for the receipt of reports for submission to the autumn session.

The Commission decided that draft observations to the Council should be prepared for examination at a later meeting.

Frontier between Syria and Palestine (Western Section).

M. CATASTINI recalled that, on May 14th, 1934, the Council had invited the Mandates Commission to inform it as soon as possible of its opinion on the line fixed by the Franco-British Agreement of March 7th, 1923, from the point of view of the execution of the mandates.

It was a fact that the frontier as at present delimited had already existed for several years; to be more precise, it had been fixed by Convention in 1920 and was actually delimited in 1922.

COUNT DE PENHA GARCIA said that, in point of fact, the agreement now under discussion had previously been concluded between the two mandatory Powers and subsequently submitted to the Council. It was not clear to him what there remained for the Mandates Commission to do in regard to a situation established eleven years ago, except to state that no complaints or petitions in respect of the boundary line had ever been received.

M. RAPPARD had no observations to make on the substance of the question as no complaint had been submitted to the Commission. As regarded the formal question, it should be noted that the present case would constitute a precedent and that it was therefore advisable for the Commission definitely to state its views. The text of the two letters, dated London and Paris, showed that some hesitation had been felt by the Governments concerned and that, in any case, an omission had occurred at the outset. The Council had not been informed at the proper time of the agreement reached between the two mandatory Powers with regard to the western section of the frontier between Syria and the Lebanon and Palestine. This omission had been pointed out at the Council meeting and the two Governments had jointly examined the matter and had agreed to state that, although "no necessary measures on their part had, in fact, been overlooked", they would be glad to communicate to the Council, for its approval, a copy of the 1923 Agreement. In both letters, the most important passage was that included in the last paragraph to the following effect :

" . . . without prejudice to their views on the somewhat difficult legal question involved, are glad in this case to take the formal step of communicating a copy of the Agreement concluded on March 7th, 1923, between the French Government and His Majesty's Government in the United Kingdom for the approval of the Council."

Did the mandatory Powers mean that they could delimit the frontiers on their own authority without being obliged to consult the Council? He could not answer that question, but must confess that he had been struck by the wording used.

M. VAN REES observed, with reference to this last point, that the frontier in question had been fixed by an Agreement dated December 23rd, 1920—that was to say, at a date when the mandate did not as yet exist, since the mandates for Syria and Palestine were not confirmed by the Council until July 1922. That confirmation should be regarded as involving the approval of the boundary line as fixed by the 1920 Agreement, so that, if the original line had been adhered to when that frontier was delimited in 1923, further approval by the Council would have been superfluous. However, the original line had been modified considerably in 1923, certain parts of Palestine having been ceded to Syria. Consequently, and in virtue of certain provisions in the mandates for those two territories, the Council would appear to be competent to pronounce upon the new boundary line.

M. PALACIOS pointed out that the question did not merely cover the mandatory Powers' right to delimit the frontier; account should also be taken of the country concerned. In the present case, the countries were under A mandates—that was to say, they were more or less recognised by the Covenant as independent or destined to become so one day or other in the near future, and any change in the existing situation might have important repercussions in the future. Hence, from the point of view of doctrine and principles, the question should come before the Mandates Commission, because the latter was the guardian of the rights of the population and of the territories. It was clear that access to the lake of Tiberias, or non-access, might have its value for the country in a favoured position and for the one which was the loser.

M. CATASTINI observed that the legal question had been brought before the Council by one of its members, who, in other similar circumstances, had insisted on the necessity of consulting the Mandates Commission.

M. RAPPARD, referring to Article 4 of the mandate, under which the mandatory Power was responsible for seeing that no part of the territory was ceded or leased in any way, thought that, in the present case, territory had been ceded contrary to the terms of the mandate. Moreover,

Article 18 stipulated that the consent of the Council was required for any modification of the terms of the mandate. In those circumstances, it appeared that the two mandatory Powers had no right to modify the frontier in any way by agreement between themselves without consulting the Council.

M. ORTS agreed with M. Palacios that the Commission had a certain responsibility in the matter. It would be well to have an assurance that the modification of the frontier had not given rise to any complaints and, in the first place, to ascertain whether the populations concerned were aware of the Agreement. It would be a significant fact if the Agreement had been published without the slightest protest having been made.

M. PALACIOS raised the same question. In his opinion, it was of the utmost importance that the populations of the two territories under mandate should know exactly what this modification of the frontier involved and what the practical effects would be. He repeated that it was the Commission's duty to consider the present and future interests of these territories.

M. RAPPARD pointed out that, if the Commission agreed with the interpretation of the mandate, which seemed to be that of the mandatory Powers, it would not be able to do anything in the matter. Hence the preliminary question arose: Did the Commission consider that the terms of the mandate allowed changes to be made without the Council's approval?

COUNT DE PENHA GARCIA did not see the necessity for discussing whether the matter should or should not be submitted to the Council, since it had finally been submitted to it. In his opinion, there was therefore no need to raise the question. It was an accomplished fact, even though reservations had been made.

In reply to M. Orts, he pointed out that the modification of the frontier must certainly be known, since it went back to 1923.

Lord LUGARD observed that, in the preamble to the mandate, it was stated that "the Principal Allied Powers have agreed that the territory . . . shall, within such boundaries as may be fixed by the said Powers, be entrusted to . . ." Strictly speaking, therefore, the Principal Allied Powers should be consulted, but, since they no longer existed as a consultative body, their powers had been transferred to the League as their agent. The mandatory Powers could not alter the frontiers by an agreement between themselves. It was necessary that they should submit their proposals to the Council for its assent. They had now done so, and the matter was in order. Unless the Mandates Commission saw any objection, the proposals would be approved.

M. RAPPARD took this interpretation to mean that the Council, enjoying in every sense the prerogatives of the Principal Allied Powers, was alone entitled to modify, if necessary, the frontiers of the territories under mandate. If that were so, he agreed with Lord Lugard.

M. MERLIN thought that, as regarded the first point—that was to say, the modification of the boundary line, which was the substantive question—there was no doubt that, as that modification had been effected eleven years ago and had been applied ever since, the population must by now be aware of the regime under which they had been placed and no protest had been made to the League. The second question was of a legal nature. Admitting that the Council's rights in the proper sense of the term had been infringed, the question of the frontier modification had finally been referred to the Council, so that amends had been made. There remained, of course, the question of the reservations made by the mandatory Powers in submitting the matter to the Council, but, on this point, it was for the Council itself to decide whether it should insist on its rights. Was it advisable for the Mandates Commission to go beyond the question submitted to it by the Council? He did not think so.

Lord LUGARD observed that an identical case had already occurred in connection with the delimitation of the frontier between Ruanda and Tanganyika and that the same procedure had been followed.

The CHAIRMAN added that there had also been the case of the frontier between Syria and Iraq.

M. ORTS suggested that, in its report to the Council, the Commission should state that, from the point of view of the execution of the mandate, the question had never given rise to any observation suggesting that the modification of the frontier had been in any way detrimental to the interests of either territory. The date of the conclusion of the frontier convention and of the agreement under which it was modified might be mentioned and it might be added that, in the documentary material at its disposal, the Commission had never found any evidence of the slightest protest having been raised against that modification.

The Commission decided to express the view suggested by M. Orts.

SECOND MEETING.

Held on Thursday, May 31st, 1934, at 10.30 a.m.

Palestine and Trans-Jordan : Examination of the Annual Report for 1933.

Mr. J. H. Hall, D.S.O., O.B.E., M.C., Chief Secretary to the Government of Palestine, and Mr. M. Nurock, O.B.E., Assistant Secretary to the Government of Palestine, accredited representatives of the mandatory Power, came to the table of the Commission.

WELCOME TO THE ACCREDITED REPRESENTATIVES : CATASTROPHE AT TIBERIAS : FORM OF ANNUAL REPORT.

The CHAIRMAN welcomed the accredited representatives.

He desired to convey to the accredited representatives, on behalf of the Commission, his sympathy in connection with the disaster that had recently overtaken the population of Tiberias.

The Chairman expressed the Commission's great appreciation of the form in which the annual report had been drawn up. He asked Mr. Hall whether he wished to make a general statement on the situation in Palestine and Trans-Jordan.

GENERAL STATEMENT BY THE ACCREDITED REPRESENTATIVE.

Mr. HALL.—I am most grateful to the Chairman for the terms in which he has been so kind as to extend a welcome to me and to my colleague, Mr. Nurock. This is Mr. Nurock's first appearance at Geneva, and he has yet to experience the happy manner in which the Commission combines a high sense of public duty with a generous appreciation of the difficulties of those who are called upon to appear before it. I myself, as the Chairman has said, am no stranger to Geneva or to the Mandates Commission, and it was with a keen sense of personal pleasure that I learned that I had been selected as accredited representative and would thus be privileged once more to be associated with the labours of a body whose members, both collectively and individually, have extended to me in the past so much consideration, sympathetic understanding and constructive advice.

The annual report on the Administration of Palestine and Trans-Jordan for 1933, which has been in the hands of the members of the Commission for some little time, contains, I hope, a full description of the activities of the Governments of Palestine and Trans-Jordan in their several departments during the year 1933, as well as a general appreciation of the development taking place in both territories, economically, socially and politically.

That report contains also all available information in reply to the general and special observations made by the Commission in the course of its examination of the report for the previous year. If there is any particular in which the Commission would like the report to contain fuller or more detailed information in future years, I shall do my utmost to see that the wishes of the Commission are met.

Before proceeding to the general examination of the report, I think it would be of advantage if I were to bring the picture there presented up to date, at least in so far as its main features are concerned. In particular, I would wish to indicate the extent to which the various forms of development and the various projects of Government, described in the statement made before you by the High Commissioner in November 1932,¹ have been realised.

The High Commissioner informed you that the economic condition of Palestine remained sound and that, in spite of large remissions of taxation, revenue has been maintained at its previous level, owing chiefly to a considerable increase in the receipts from import duty. That happy state of affairs, I am glad to say, has continued, and Palestine to-day can claim an enviable prosperity in a world of general economic depression.

At March 31st, 1934, the surplus balances of the Palestine Government had reached the figure of two and a-half million pounds, and, although no inconsiderable proportion of this must be regarded as hypothecated to the liquidation of anticipated commitments, nevertheless it can, I think, be regarded as reflecting a very satisfactory financial condition, and as justifying the increased programme of public expenditure which is contemplated this year.

One clear reflection of this prosperity is the amount of currency in circulation, which is nearly £P4,000,000, compared with £P2,540,000 in 1932, and the share of the Palestine Government in the profits from currency is now almost £P100,000 a year. The Trans-Jordan Government obtains its due proportion of these profits in respect of the Palestine currency in circulation in that territory.

¹ See Minutes of the Twenty-second Session, page 79.

In large measure, this favourable situation is attributable to Jewish capital and Jewish enterprise and to a general feeling of security of persons and property.

As the members of the Commission will be aware, His Majesty's Government in the United Kingdom has approved the issue of a guaranteed loan of £P2,000,000 for the purpose of financing important projects of development in Palestine. The objects of the loan were explained by His Majesty's Government in the recent announcement made in the House of Commons.

An important feature of the commercial life of Palestine is the Levant Fair, which is held at Tel Aviv every second year. This enterprise has grown from a modest local fair to the dimensions of an International Exhibition, and is the means of attracting much business to the country. In the 1934 fair, as many as sixteen foreign Governments took part, including the United Kingdom, and an astounding range of Palestinian products was displayed. The Government of Palestine displayed in a special pavilion exhibits of the work of its Departments of Health and Agriculture, Posts and Telegraphs and Public Works.

The success of the first Arab fair, which was held in Jerusalem in 1933, prompted a second and profitable venture this year; there were again large sales of the products of Arab arts and crafts in Syria, Trans-Jordan, Egypt and Iraq, as well as local workmanship, to the many visitors from Palestine and the adjoining countries.

Although the finances of Palestine are sound and the economic situation is generally good, the rural population is still suffering from the effects of a series of seasonal misfortunes—drought, crop failure and lack of grazing. Remissions of taxation which were necessary in 1933 are recorded in the report. While the prospects of a good season in 1934 are, I am happy to say, reasonably fair, the winter months and the early spring of the year found a large proportion of the fellahin in a state of destitution, approaching starvation in some cases, and their live-stock dying in large numbers.

The High Commissioner arranged, in the worst cases, for the free distribution by Government doctors of milk and soup. Where necessary, loans were given for seed and for fodder, and in the more seriously affected areas extensive relief works were set on foot to provide employment for the tribes and villagers. On these works, which for the most part take the form of village roads, constituting a useful addition to the communications of the country and enabling the villagers more rapidly and profitably to dispose of their produce, there are at present more than 8,000 villagers employed. The wages which they receive serve in one way or another to supply the needs of a very much larger number of persons. In addition, it was found necessary to remit three-quarters of the animal tax.

Side by side with these measures of relief, the Government has continued and expanded its activities in agricultural education and experiment.

The Agricultural School at Tulkarm is in full operation. The new Agricultural School at Mount Tabor, the inauguration of which has been postponed on account of constructional delays, will be opened for the reception of pupils on June 1st. A private donation by the High Commissioner will enable the school at Tulkarm to be enlarged to take seventy Arab pupils instead of forty. The school at Mount Tabor accommodates forty Jewish pupils. But Jewish boys and girls who wish to study agriculture can also enter a number of training-schools and farms already in existence and conducted by the Jewish Agency and its affiliated organisations and by the « Alliance israélite ».

The number of Government agricultural and horticultural stations is now nine compared with six in 1932, or an increase of 50 per cent, and at every station there is a section for poultry and bee-keeping. Demonstration plots are being extended, and the distribution of selected seed and fruit-trees, as well as of fruit-tree stocks, to farmers is being developed as rapidly as possible with a view, in particular, to the encouragement of the cultivation of fruit-trees, carobs and olives. Other means are being explored of adding to the fodder crops of the country, and the grading up of local cattle, sheep and goats is being fostered through the service of pedigree animals imported and bred on the Government farm of Acre. Bee-keepers who suffered from a lack of natural food for their bees at the beginning of this year were assisted by the Government, which distributed, at cost price and duty free, sugar imported for the purpose.

Co-operative organisations continue to take a prominent part in the economic life of the Jewish population, and the number of Jewish societies in existence as on December 31st, 1933, was 504. These societies embrace very wide activities, the most important of which are urban and rural credit and thrift, colonisation, marketing of produce in Palestine and abroad, industrial producers and the road transport of passengers and merchandise.

A promising beginning has been made with the organisation by Government of co-operative societies among the more backward Arab sections of the population, and it is hoped that it will be found possible, in the present and future years, to accelerate the rate of progress. There were, at the end of December 1933, twenty-six Arab societies in existence, of which fourteen were village societies, for the purpose of granting credits to members and the encouragement of thrift.

A new Co-operative Societies Ordinance was enacted in December 1933, which consolidated previous legislation, introducing such changes as experience had shown were necessary. It will also facilitate the establishment, on the initiative of Government, of societies among the Arab cultivators and provide for their supervision during the early stages of their existence.

The experimental scheme for settling fifty families of landless Arabs on Government estates near Beisan is now in progress, and it is hoped that it will be carried through with a success that will justify the Government in extending the experiment to others.

The High Commissioner referred in 1932¹ to the question of additional accommodation for elementary education in the principal towns and, as you will see from the report, 1,500 extra places are now available for urban pupils. Moreover, a sum of £P106,000 has been set aside in the new loan of £P2,000,000 for the construction of school buildings in the principal towns, which, by providing improved accommodation, will enable the Department of Education to admit a further number (between 8,000 and 9,000 eventually) of schoolchildren.

Complementary with that expansion of schoolrooms, the Government has provided funds for additional teaching staff and equipment.

The Palestine Government has embarked upon an extended programme of health services in the current financial year. The Ophthalmic Service, which is doing invaluable work in eradicating one of the worst scourges of Palestine, comprised two urban centres and six village clinics; to these have been added eight village clinics, so that this service now operates in Majdal, Hebron, Ramleh and Tulkarm districts. At Jaffa, where the rapidly increasing population provides a large number of such cases, a permanent additional hospital for infectious diseases is being established with fifty beds. The quarantine lazaret is being enlarged at Haifa to deal with the immigrant traffic, and an isolation block is being provided.

The improvement of rural health, which has attended the work of the Village Sanitary Service, had been very gratifying, and the Palestine Government is therefore increasing its operations. Provision has been made to instal between 5,000 and 6,000 standard-type bored-hole latrines in villages during the present year (compared with 2,000 in the previous year). Hygienic conditions thus ensured go far to check the spread of hookworm, typhoid and dysentery in the villages in which these latrines have been installed.

To the twenty infant welfare centres existing under Government control and with Government participation, three will now be added.

The High Commissioner has been concerned to institute a control over the purity of essential foodstuffs in Palestine, and His Majesty's Government has at present under consideration a draft Ordinance which deals effectively and on modern lines with the adulteration of butter and other foodstuffs in Palestine.

Some reference is made in the report itself to the measures taken by the High Commissioner for the permanent improvement of village water supplies. During the first five months of the present year, the Committee appointed by the High Commissioner to examine and report on this project has arranged for a survey of those village water supplies which are suitable for permanent improvement and has authorised the immediate undertaking of fifty-one schemes from which fifty-six villages, having an aggregate population of over 43,000, will benefit. The estimated expenditure is approximately £P11,000. It is difficult to overestimate the value of these works to the rural population in a country lacking perennial irrigation where rainfall and temperature determine agricultural success and failure.

The overcrowding at Jaffa, Tel Aviv and Haifa towards the end of 1933 forced upon the attention of the Government the necessity to vest local authorities with power to restrict rents. In February, a Committee was set up by the High Commissioner to enquire into the matter, composed of an official chairman and one Arab and one Jewish unofficial member, and this Committee presented a unanimous report, of which, I think, copies are already in the possession of the Commission. On the basis of this report, legislation was passed at the beginning of April empowering municipal councils to make bylaws for the protection of tenants and the reasonable limitation of rents on the basis of a maximum of £P2 500 millièmes per month per room. It is the custom in Palestine to assess rentals on the basis of the unit of a room. So far as can be judged in the short time since it was passed, this legislation has proved of benefit to a large section of the population in the towns concerned.

A comprehensive new Ordinance to regulate the sale of intoxicating liquors is on the verge of enactment. The members of the Commission will have observed that the advance promulgation in 1933 of a provision empowering licensing authorities to refuse to grant or renew licences without reason assigned has conduced already to a substantial reduction in the number of licensed premises compared with the returns for 1933. There has been a decrease of "on licences" in the Jerusalem and northern districts and an increase in the southern district, which is chiefly due to the expansion of Tel Aviv. There has been a general decrease in the number of "off licences" throughout the country.

At Haifa, in order to provide further facilities both for general cargo and for shipments of citrus fruit, the Government is spending an additional sum of £P20,000 on erecting a third transit shed, which it is hoped will be ready for use by the time the next export season opens in

¹ See Minutes of the Twenty-second Session, page 82.

November. Steps are being taken to secure the appointment as Port Manager at Haifa of a person experienced in the administration of modern commercial ports.

Work is already in hand in Jaffa upon the construction of a sea-wall and the reclamation of a further large area both to serve as a quay space and to provide a site for new accommodation for the storage of oranges and imported goods. Within the sea-wall there will be a small dredged basin in which lighters can load and discharge their cargo without interruption on account of the seasonal gales which have hitherto caused so much delay in the work of the roadstead.

The Government has felt justified in adding to the various contributions from public funds to Jewish educational, health and agricultural services, and the total amount of these grants in the current financial year is £P46,445. The arrangement whereby the Government co-operates in the research work carried out by the different institutions maintained by the Jewish Agency and the Jewish Community is of the utmost benefit to the country as a whole.

Negotiations of a non-official character have been in progress during the past year between the Vaad Leumi and the Central Agudath Israel in regard to the possibility of reaching an agreement on the basis of which these two bodies could co-operate in their communal affairs.

The discussions were concerned chiefly with the questions of the position and powers of the Rabbinate and Rabbinical courts of the Agudath Israel, and a tentative basis of agreement was reached in these matters. Official negotiations were then opened and accredited representatives of the Vaad Leumi and the Central Agudath Israel have recently met, and in a series of meetings under the chairmanship of a Government officer have formulated the heads of an agreement for reference to and ratification by their respective constituent bodies. The draft Agreement is designed to provide that the requirements of the Agudath Israel in respect of jurisdiction in matters of personal status shall be met within the framework of a reconstituted Rabbinical Council and that the Agudath Israel shall suspend for the time being its claim to recognition as a separate community.

The draft Agreement is still under consideration by the constituent bodies, and, in order that the further negotiations between the parties should not be prejudiced, the mandatory Power considers it advisable to defer the formulation of its views on the submissions and counter-submissions which have been put forward by the Central Agudath Israel, by the General Council (Vaad Leumi) of the Jewish Community and by the Chief Rabbinate of that Community, in connection with the claim of the Central Agudath Israel for recognition as a separate community in Palestine.

The Protection of Cultivators Ordinance, after being re-adapted in 1933 with a view to securing the proper attainment of the object in view, has been administered with effect. Commissions have been appointed, one for the northern and one for the southern district, to investigate disputes and claims arising under Section 19 of the Ordinance, and these Commissions have, in the short space of time up to the end of March of this year, disposed finally of not less than 356 cases, with only three appeals. The administration of this Ordinance is working smoothly, and the use which the general public are making of its provisions is sufficient to prove that it is serving a most useful purpose.

The Municipal Corporations Ordinance was enacted on January 4th, 1934, and steps were taken at once for the constitution of electoral committees in the various municipal centres and the preparation of rolls of townsmen for the election of new councils. These elections have already taken place in a number of the smaller municipalities, and it is expected that they will be completed throughout Palestine by the end of July. The elections so far have passed off without incident. The enactment of the Ordinance has been unexpectedly delayed owing to the necessity for consulting the wishes of all sections of the community and reconciling, so far as possible, conflicting views and divergent interests. The process has been long-drawn and difficult, but in a matter of such paramount importance to the country at large the end has, I feel sure, justified the means.

Much has been said about the inadequacy of the Municipal Corporations Ordinance as regards women's franchise; but, in a country like Palestine, where a large section of the population is still in a stage of comparative backwardness, so drastic an innovation as universal female suffrage would have been neither understood nor welcomed. For that reason, the Palestine Government thought itself justified in confining the suffrage of women to those municipal areas which have already had this concession under the previous legislation. Any other arrangements would only have led to indignant protests, not only from Moslems, but also from orthodox Jews.

After lengthy negotiations with all parties concerned, a draft Ordinance providing for the new election of an Orthodox Patriarch has been published prior to enactment. In the view of the Palestine Government, this Ordinance represents the best solution of the temporary problem caused by the changed circumstances in Palestine surrounding the election of a Patriarch.

The informal conferences which preceded the framing of this Ordinance were of great value to the Government, and it is hoped that the Conference will continue its deliberations and will resume meetings under the chairmanship of an officer of the Government after a Patriarch has been elected.

It is a matter of concern to the Government that certain grave defects have developed in the structure of the Church of the Holy Sepulchre and steps were taken for a survey of the edifice to be carried out by an expert in these matters. On the basis of his preliminary survey,

the Palestine Government arranged to carry out immediate repairs of a temporary character to prevent collapse, and a full report has now been made which indicates the steps which should be taken for complete and permanent restoration. So soon as that report is published, the Government will consult with the heads of the religious communities concerned as to the ways and means for raising the necessary funds and the carrying out of these essential works.

There is no need for me to dwell upon the disturbances of the autumn of 1933. You have before you, in the report of the Commission which investigated the facts, a full description of those events and of their immediate cause.

The Arab community of Palestine suffered a very severe loss in the death of Musa Kazem Pasha al Husseini at the age of 84 years. Musa Kazem Pasha had a long and distinguished career as a civil servant under the Turkish authorities, and, since the occupation, he was the leader of the Arab national movement in Palestine. He earned the esteem of all sections of the population by his personal integrity and disinterestedness.

I am most grateful to the Chairman for his kind and sympathetic reference to the tragic catastrophe which befell Tiberias on May 14th, 1934, causing serious loss of life and much damage to property. Effective measures to restore the situation and to relieve those rendered homeless and destitute were immediately undertaken by the Government, and generous gifts of clothing and blankets were despatched to the sufferers from the towns and villages of Palestine.

I have with me a full report on the nature and extent of the damage caused and shall be ready to answer any questions that the Commission may see fit to put to me. The Government is now considering what steps will be necessary for the reconstruction in that portion of the old town of Tiberias which was destroyed.

Turning now to Trans-Jordan : Reference has been made in the report to the ratification of the treaty between the Amir Abdullah and King Ibn Saud. A further stage in the improvement of relations between Trans-Jordan and Sa'udi Arabia was marked by the inauguration, in February, of direct wireless communication between the frontier officials of the two territories.

Cordial relations continue to be maintained between Trans-Jordan and Syria. The Officer Commanding, Desert Region, of the Trans-Jordan Arab Legion, accompanied by the Assistant British Resident, recently visited Beirut and, in conference with officers of the French High Commission, disposed of a number of outstanding matters relating to Bedouin affairs.

The new Trans-Jordan Government under the leadership of Ibrahim Pasha Hashem, himself a distinguished Arab jurist, is handling the problems of the country with energy and discretion.

There has been considerable distress among the nomad population of Trans-Jordan in recent months. Voluntary contributions have been collected by a Relief Committee and distributed in the form of rations ; of these contributions, sums aggregating £P1,000 have been received in cash, while rice and flour to the value of £P250 have been given. In addition, other foodstuffs and a considerable quantity of clothing have been distributed. In addition to these measures of voluntary relief, the Trans-Jordan Government has undertaken a number of relief works.

Seed loans were granted, as in Palestine, in the early part of 1934 for the summer sowing and a sum of £P14,000 was provided for the employment of indigent cultivators and tribesmen upon relief works, mainly on road construction. Arrangements are being made also to set aside funds for the purchase of goats with a view to replenishing the dwindling flocks of the tribes.

In September 1933, the High Commissioner authorised the formation of a Committee containing official members and representative cultivators and landowners to study the possibility of developing the resources of Trans-Jordan. The report of the Committee is expected to be received very shortly and will be carefully examined, with a view to determining whether it will be possible to put into effect any or all of its recommendations.

The services of the Chief Veterinary Officer and the Irrigation Officer of the Palestine Government have been made available to provide the Committee with technical advice on certain matters.

During the course of its deliberations, the Committee made recommendations for the issue of seed loans amounting to £P38,000 to impoverished cultivators in Trans-Jordan. After further investigation, loans totalling £P30,000 have been issued with the assistance of an advance of £P21,000 from the Palestine Government.

That, gentlemen, concludes my review of the principal events of the last five months in Palestine and Trans-Jordan. It is admittedly a sketch rather than a complete picture, but I did not feel justified in trespassing further on your time.

Palestine is a small country, but it has a large number of problems, and I am afraid that my nine months' residence in the country has not been sufficient to make me familiar with all its problems and complicated issues. There are, I fear, all too many gaps in my knowledge, and if I am unable to answer any of the questions that may be put to me on this occasion, I can only ask your indulgence and promise to be better equipped next time, if it should again be my privilege to appear before the Commission.

The CHAIRMAN asked the members of the Commission whether they had any comments to make on the accredited representative's statement.

ECONOMIC DEVELOPMENT OF THE TERRITORY : ORGANISATION OF AGRICULTURAL CREDITS.

M. ORTS observed that the accredited representative had referred to the economic situation of Palestine as being very satisfactory. A petition had, however, been received from an Arab source maintaining that the prosperity was in no sense general, and that the situation of the country as a whole, far from being satisfactory, was, on the contrary, deplorable. The prosperity referred to was confined to the Jewish colonies and was attributable to the influx of capital from abroad. The greater part of the population—that was to say, the Arabs—were said to be in a state bordering on destitution. Owing to the seasonal circumstances of which the accredited representative had spoken, the fellahin had exhausted their reserves, and hence the critical position in which they were now placed. He would be glad to know how much credit should be given to these allegations.

M. Orts further pointed out that Mr. Hall had included among the signs of prosperity the large increase in the currency circulation. But was not this, like the increase in bank deposits, merely the effect of the importation of Jewish capital ?

Mr. HALL replied that, generally speaking, the prosperity to which he had referred applied to the commercial classes of both Arabs and Jews, and to the citrus producers. He had pointed out in his statement that the prosperity of the country was not reflected in the rural population, and that applied to Jews and Arabs alike, both of whom were suffering as the result of four years of drought. The Arab was perhaps in a more difficult position, as he did not yet practise mixed farming.

The Government had done its best to assist the agricultural population by relief works, and by measures for the improvement of water supplies.

M. Orts had suggested that the Arab probably possessed no reserve of capital—that was true. During the last four years, the Arab had got more heavily into debt with moneylenders, hitherto his only source of credit. The Government was concentrating on providing him with an alternative system of credit. It had arranged with Barclays Bank for the granting of short-term credit in the form of crop loans, repayable when the crop was harvested. Secondly, the Government was taking steps with a view to the establishment of an agricultural mortgage bank for long-term loans ; it was hoped that private financial groups would supply the bank's capital, while the Government would provide its reserve. Lastly, a system of co-operative credit was in process of organisation, which should be of immense value to the Arab cultivator—Jewish cultivators were already extensively organised on those lines. The arrangements were in the hands of an official who had studied the co-operative system in Europe, India and Ceylon. Co-operation would provide for medium-term credit and, it was hoped, would inculcate in the Arab the principles of thrift and economy.

M. ORTS alluded to another sign of prosperity mentioned by the accredited representative—namely, the considerable profit from currency made by the Palestinian Government—and said he would like to have information on the subject.

Mr. HALL explained that, as the currency circulation increased, the Government's profits also increased automatically and had now reached the sum of about £100,000. He added that, owing to the effects of commercial prosperity, the Government obtained increased revenues, and was thus enabled to expend larger sums on the extension of agricultural stations and demonstration plots, and on the issue of selected seed, budded fruit-trees and similar measures for the benefit of the agricultural population. The general purpose was to "up-grade" the condition of the agricultural classes, in order that they might share in the prosperity now enjoyed by the more fortunate commercial classes.

M. RAPPARD stressed the reference to "immovable property" in paragraph 82 on page 24 of the annual report, which read :

"An arrangement has been made by the Government with Barclays Bank, for a period of three years in the first instance, for the issue of short-term (annual) crop loans by the bank to groups or individuals wherever there is adequate security in the form of immovable property, crops or joint personal surety, or credit is otherwise justified."

Mr. HALL said that, while the crop loans to groups or individuals might sometimes be on immovable property, generally speaking they were granted on the crop or on personal or collective surety. Such loans were granted on favourable terms as regarded interest.

M. RAPPARD pointed out that interest was at the rate of 8 per cent.

Mr. HALL, continuing, said that the legal rate of interest was 9 per cent, but various devices were used by moneylenders to extract a higher return. A draft Ordinance had now been prepared whereby any cultivator could apply to have his debt re-examined by the court, which could decide what he could and should pay. Even though he might have undertaken to pay a larger amount, the court would have power to say that he should not pay more than the legal 9 per cent.

Lord LUGARD suggested that banks might be unwilling to lend without better security than the crops.

Mr. HALL agreed as regards long-term loans, but said he had heard of no difficulty in the case of short-term loans.

INCIDENTS IN OCTOBER-NOVEMBER 1933.

M. ORTS had before him pages 4 *et seq.* of the annual report, which dealt with the circumstances preceding the disorders of October and November 1933, and the report of the Murison Commission, which was entrusted with the enquiry into those disturbances.

He quoted various passages from the annual report to the effect that there had been preliminary signs of these disorders since the beginning of 1933 and that those signs had recurred in different forms up to the eve of the Jaffa riot on October 27th.

It was clear that the Government had intervened on at least two occasions in order to show that its Jewish immigration policy had not changed and that demonstrations likely to cause a breach of the peace would not be tolerated. The report also said that the Intelligence Service of Police and Prisons was still functioning and was found very useful in preventing disorders. Nevertheless, M. Orts desired to ask certain questions with regard to those incidents.

First of all, had the Government taken all means to prevent the riot which was to be expected in view of the increasing excitement in Arab circles and in the Arab Press?

Had the Government endorsed the conclusions of the Murison report?

What penalties had been inflicted on the agitators and rioters?

Was there a likelihood of further agitation or fresh disorders?

Was the transfer of the chief of police at the time of the Jaffa disturbances, whose conduct had been favourably reported on by the Commission of Enquiry, connected with the riot?

Mr. HALL said he would endeavour to reply to M. Orts' questions.

(1) There was always strong Arab feeling in Palestine against Jewish immigration and that feeling had been intensified by Press articles for some weeks before the disturbances took place. The responsible editors had been warned and, on the publication of a statement by the Arab Executive that a demonstration was to be held in Jerusalem on October 13th, comprising a procession to the Government Offices, the speaker, in his capacity as Officer administering the Government, had sent for the President of the Arab Executive and informed him that no such demonstration would be permitted. He suggested that, in place of a demonstration, which would be illegal and might lead to bloodshed, the Arab Executive should send a deputation to lay before the Officer administering the Territory a statement of their grievance for transmission to the League of Nations. Musa Kazim Pasha undertook to consult his colleagues; but, in the result, less prudent counsels prevailed and the Arab Executive decided to adhere to their plan for holding an illegal demonstration. The public were clearly informed by official notice and otherwise that the demonstration would not be permitted. The demonstration was, nevertheless, held, and was in due course dispersed by the police without loss of life.

The High Commissioner, on his return, sent for the Arab leaders, who had announced their intention of holding a further demonstration at Jaffa, and solemnly warned them of the dangerous consequences that would follow, not only for themselves, but also for innocent members of the public if they persisted in this course. They rejected a suggestion, made by the High Commissioner with the object of providing a legitimate channel for the submission of their representations, that a certain number of their members should be allowed to proceed together to the District Offices and there lay their case before the District Commissioner, and reiterated their determination to proceed with their declared intention. The consequences of their attitude are described in the Murison report. Certain of the leaders were arrested and subsequently released on bail. Recently, they had been sentenced to terms of imprisonment varying from nine months. Appeals against these sentences were now pending.

(2) There had since, he thought, been some improvement in the political position. The relations of mutual confidence which the High Commissioner had established with influential Arabs had done much to ease the situation; there was also the increasing appreciation, on the part of the fellahin, of the measures taken by the High Commissioner to better their condition. Moreover, the High Commissioner had considered the possibility of providing both Arabs and Jews with some means of giving public expression to their views without danger to public security—(since the disturbances of 1929, no processions had been allowed)—and an amending ordinance had accordingly been passed early this year under the terms of which processions could take place on formal permission being granted by the District Commissioner, who was empowered to impose conditions as to the route to be followed, etc. Applications were duly submitted by the Arab leaders, in accordance with the terms of the new Ordinance, for permission to hold processions in various towns in Palestine on January 17th, and, the conditions laid down by the District Commissioners having been accepted, permission was granted. The processions duly took place in strict conformity with the Government's conditions, and passed off quite peacefully.

(3) The Government fully accepted the findings of the Commission of Enquiry.

(4) The accredited representative explained that the transfer of the police officer mentioned by M. Orts was the outcome of disciplinary action under the Colonial Regulations arising out of an incident connected with the Jaffa disorders. He stated further, in reply to M. Rappard, that this question was outside the terms of reference of the Murison Commission.

M. ORTS supposed that that was the incident which had led to a question being asked in March 1934 in the House of Commons. He observed that the suppression of disorders was an ungrateful task ; those responsible for such duties were invariably accused of being unduly energetic or not energetic enough.

M. VAN REES observed that several of the points on which he desired information had already been raised by M. Orts. He wished in addition to refer to a discrepancy between the figures for casualties in the 1933 disorders as shown in the annual report and in the report of the Commission of Enquiry : according to the former document there were one constable and twenty-four civilians killed or died of wounds, twenty-eight constables and 204 civilians wounded, while the totals given in the Murison report were : Killed—police 1, public 26 ; injured—police 56, public 187. He was concerned, nevertheless, not so much with the discrepancy between those two sets of figures as with the fact that the disorders had evidently been of a serious character, and that, according to the findings of the Committee of Enquiry, the responsibility for direct instigation lay with the Arab Executive. That body, which had been officially recognised, had, by that fact, shown itself to be little worthy of confidence. Had the Government considered it necessary and advisable to take action against the organisation, as distinct from the prosecution of certain of its members ?

Mr. HALL suggested that the number of casualties at Jaffa might perhaps give a wrong impression of the seriousness and extent of the disorders in that town. The number of casualties was to be explained in part by the difficulty of police action in a town such as Jaffa, with its narrow streets and topographical peculiarities.

Mr. Hall added that a reprimand had actually been administered by the High Commissioner, within a day or two of the disturbances, to those members of the Arab Executive who were available.

Lord LUGARD enquired what were the relations of the Arab Executive with the Istiqlal, which was, he believed, the most reactionary party.

Mr. HALL said that the Arab Executive included among its members certain persons who were prominent in the Istiqlal party.

JOINT CO-OPERATIVE SOCIETIES FOR ARABS AND JEWS.

M. VAN REES, reverting to the question of co-operative societies, to which reference had already been made, noted the reference in the annual report (page 14, paragraph 37) to Athlit, where Arabs and Jews had formed a co-operative society together. As the increase in the number of these co-operatives seemed to him to be a good sign, M. Van Rees asked the accredited representative whether he could give any information concerning another such society in Upper Galilee, of which details had appeared in the Press.

Mr. HALL said that the Assistant District Commissioner had, he understood, been assisting in the formation of an association of Arab and Jewish farmers in Upper Galilee. Arabs and Jews were also associated in the trade union of railway and postal workers.

THIRD MEETING.

Held on Thursday, May 31st, 1934, at 3.30 p.m.

Palestine and Trans-Jordan : Examination of the Annual Report for 1933 (continuation).

Mr. Hall and Mr. Nurock came to the table of the Commission.

RELATIONS BETWEEN ARABS AND JEWS, AND THEIR CO-OPERATION IN THE ADMINISTRATION OF THE TERRITORY : PETITIONS OF THE " ARAB INDEPENDENCE PARTY " AND OF " AGUDATH ISRAEL ".

Count DE PENHA GARCIA, while congratulating the mandatory Power on the material progress achieved in Palestine, noted that very little mention was made in the report of effective steps which would lead to eventual self-government. Yet that was the most serious problem—how to weld the different demographical elements in Palestine into a homogeneous whole.

Could the accredited representative state if any measures had been taken or were being considered to create a national Palestinian sentiment among the various ethnical groups? There seemed to be a certain tendency on the part of the Government—a tendency possibly imposed by present circumstances—to keep Jews and Arabs apart.

Mr. HALL said he could assure Count de Penha Garcia that, on the contrary, the constant aim of the High Commissioner was to bring Jews and Arabs together in every possible way.

His policy, as communicated to the Mandates Commission in 1932,¹ was, in the first place, to set up advisory committees, including Jewish and Arab members, who were encouraged to assist the Government with their advice in matters concerning roads, railways, harbours, agriculture and trade. He felt that the realm of economic co-operation offered the best initial prospects for the establishment of closer relations between the two races. This policy had been attended by a reasonable measure of success.

The second stage was co-operation of Arabs and Jews in municipal affairs. A Municipal Corporations Ordinance had now been enacted under which in mixed centres of population there would be Jewish and Arab councillors working together. When the new municipal arrangements were in full working order, the third stage would be reached and steps taken towards the formation of a legislative body. The Commission would understand that, in Palestine, nothing would be gained by attempting to move too rapidly.

COUNT DE PENHA GARCIA asked whether a beginning could not be made by bringing the upper intellectual classes of Jews and Arabs together.

Mr. HALL replied that political feeling found its strongest expression among the more educated classes. There were, however, encouraging instances of co-operation between cultivators of the two races. Similar instances of co-operation were to be found in the commercial community. There were, for example, a number of companies with mixed boards of directors.

COUNT DE PENHA GARCIA, noting that the proportion of Jews to Arabs was roughly one to four, asked whether the accredited representative did not think that, in future, it might be desirable slightly to increase the proportion of Jews to Arabs.

Mr. HALL said that the mandatory Power was mindful of its dual obligation under the mandate. The Government adhered strictly to the policy that immigration should be governed by the country's economic absorptive capacity. As a matter of fact, the present proportion of Jews to Arabs was nearer one to five.

COUNT DE PENHA GARCIA said he was not suggesting that Arab rights should in any way be endangered. The present Arab majority was large. He had said that possibly the situation might improve if the numeric disproportion between the two races were gradually reduced. It might perhaps become easier to establish equilibrium.

M. PALACIOS welcomed the note of optimism which so frequently occurred in the accredited representative's statements. It happened, however, that he was Rapporteur on a petition from the Arab Independence Party protesting against the statements made by the accredited representative of the mandatory Power at the twenty-second session of the Commission; the whole policy of the mandatory Power was reviewed and the authors of the petition gave details from which it would appear that a very unfortunate state of affairs existed in the country.

The impression left by the information derived from various sources, including official sources, was that very little progress had been made in peaceful relations between the different populations of Palestine. The opposition between the various elements might even have become accentuated. Collaboration between Jews and Arabs appeared to be difficult, if not impossible. Co-operation between the Arabs and the Administration was no less difficult. The Press was responsible for spreading the rumour—echoes of the complaint had even reached the Commission—that the Jews were not satisfied with the policy of the mandatory Power, which seemed to them weak and hesitating compared with the comprehensive nature of an undertaking such as the establishment of the Jewish national home.

That was probably why the forces of the United Kingdom Government were strengthened from day to day. The conflict between the two peoples, Arabs and Jews, had made it necessary to bring in considerable police and military forces in order to maintain peace, or re-establish it when it was disturbed from time to time. Those same conflicts stood in the way of local autonomy—for the new ordinance was on restrictive lines—and of the organs of self-government. There seemed now to be no more talk of the Legislative Council, the creation of which was to depend on the success of the new municipal organisation. Even the term of office of the members of the Moslem Supreme Council appointed by the Government as an interim measure was tending to be continuous.

M. Palacios thought that the difficulties of the situation arose from the difficulties of the mandate and that there was perhaps no other solution to that situation, which was bound to be very slow in evolving. He simply wished to know whether his views, based upon the data to which he had just referred, were correct, and to allow the accredited representative an opportunity of correcting him or giving some explanation in regard to the problems in question.

¹ See Minutes of the Twenty-second Session, pages 81 and 82.

Mr. HALL said that he could not accept the assertion that relations between Jews and Arabs had deteriorated. There might have been no sensible improvement politically, but in the economic and agricultural spheres some progress had been made, and there were grounds for hope. The aim of the Administration was to promote by every means the welfare of Palestine as a whole. If it had not yet succeeded in certain directions, that was not through any lack of endeavour. That there had been complaints on both sides regarding the Government's immigration policy did not necessarily prove that that policy was wrong. The Government's special concern was to help the poorer classes and raise their economic and intellectual level. This policy was making headway in spite of material difficulties.

He did not accept M. Palacios's suggestion that the rights conferred by the new Municipal Corporations Ordinance were more restricted than those which had existed under the Turkish regime. The Government thought it prudent, in the interests of the ratepayers, to retain a certain measure of control in the early stages. The High Commissioner, however, publicly announced his confident anticipation that, as the elected councils gained experience and public confidence, a progressive relaxation of Government control would prove possible.

The Government had no intention of interfering with the internal affairs of the various religious communities. With the exception of the President of the Supreme Moslem Council, Haj Amin Husseini, the remaining four members of the Council had all been nominated to their offices as vacancies occurred, owing to the difficulties which would have attended the holding of elections.

M. PALACIOS further explained his views, which, he repeated, were based on the allegations contained in a certain petition and on various documents and other sources of information, some of them official, which had reached the Commission. The petitioners referred explicitly to the failure of the scheme for the participation of Jews and Arabs in receptions and administrative and other committees. Some were mentioned by name. As the Arabs insisted that they did not want a Legislative Council, Sir Herbert Samuel's policy in the matter would seem to have failed so far. Similarly, their aspirations appeared to lie outside anything that might be done as regards the Moslem Supreme Council—which had to do with the Waqfs and the Sharia courts—as long as they were refused what they described as their natural rights to independence and liberty. At the same time, the mandatory Power could not neglect to follow a policy of progress in conformity with Article 2 of the mandate.

M. Palacios was also very much alive to the importance of a religious policy ensuring the protection and liberty laid down in Articles 13, 14, 15 and 16 of the mandate. A timely recommendation was the more urgent in view of the problems that had arisen in connection with the window in the Church of the Nativity at Bethlehem and the conservation of the Church of the Holy Sepulchre (page 74, paragraphs 2 and 3 of the annual report).

Mr. HALL pointed out that the offer of a Legislative Council made by Sir Herbert Samuel in 1922 had been uncompromisingly rejected by the Arabs, who had boycotted the elections. The nomination of the members of the Supreme Moslem Council was an exceptional measure.

The Church of the Holy Sepulchre had been in imminent danger of collapse and the Palestine Government, with the acquiescence of the religious authorities concerned, had advanced about £2,500 for temporary buttressing in order to enable the Easter ceremonies to be held in safety. Before any permanent repairs were undertaken, those authorities would again be consulted as to the manner in which the necessary works should be financed and executed.

M. RAPPARD said he had been placed in a difficult position because he was called upon to make a report regarding the claim of Agudath Israel to be recognised as a separate community. The accredited representative had stated that morning that the Government had submitted no observations on this point because negotiations were in progress and it would be inexpedient to make any statement at present. Could he take it that any expression of opinion by the Mandates Commission on this subject would also be inexpedient at the present juncture?

Mr. HALL said that, if the Commission or His Majesty's Government were to disclose its views at present, the delicate negotiations now in progress would be prejudiced. There was good reason to hope that these negotiations would be successful and that an arrangement would be reached which would meet the requirements of Agudath Israel without compromising the unity of the Jewish community.

M. ORTS desired to point out that, contrary to the reassuring impression conveyed by the accredited representative at the previous meeting, the most recent petitions seemed to indicate a growing exasperation among the Arabs. Was the Government fully in touch with the situation? Was the intelligence service, which had not been in existence at the time of the 1929 occurrences, as wide awake as was stated?

Mr. HALL replied that the Palestine Intelligence Service, which had been re-organised after the disturbance of 1929, was now highly efficient.

M. ORTS enquired whether, with the means at its disposal, the Government could undertake to maintain order in any contingency.

Mr. HALL replied in the affirmative.

MUNICIPAL CORPORATIONS ORDINANCE.

M. PALACIOS said that paragraph 17 on page 8 of the report showed that the new Municipal Corporations Ordinance had come into force in 1934, the aim being to give effect to Article 3 of the Palestine mandate. On page 30 of the report, it was said that the draft text had been communicated to the Arab and Jewish organisations and to other local authorities for comment and criticism. According to the report, the principal objection which was taken to the draft was that it provided for the limitation of independence of municipal corporations by official intervention. The text was therefore altered to meet the objection as far as practicable and the freedom of action of municipal councils would now be subject only to that measure of control which was at present regarded as essential for the due discharge of municipal responsibilities.

The report further stated that the mandatory Power hoped that in time, as the municipal councils gained experience and public confidence, this control would be relaxed and the Government be ready in due course to consider the suggestions of the Councils to that end.

As, according to the *Oriente Moderno* of March 1934, the Ordinance had not entirely satisfied either Arabs or Jews, could the accredited representative supply the following information :

1. In what directions did the Ordinance mark progress in establishing local autonomy ?
2. Had any provisions of the Ordinance already been applied and, if so, which ?
3. Were the provisions of the Ordinance similar to any other system in force in the British Empire or elsewhere, and, if so, which ?
4. On what principle had the country been divided into municipalities ? Was the division the same as previously and what were the reasons for changes, if any ?
5. Under Article 8, paragraph 4, of the Ordinance, the High Commissioner in Council was allowed to increase or decrease the number of councillors in every municipality. Why had the High Commissioner the right in the municipalities of Haifa and Jerusalem to appoint only two municipal councillors ?
6. It appeared that many of the decisions reached by the municipal councillors must, according to the Ordinance, be approved by the High Commissioner or the District Commissioner before they could come into force. In what respect had municipal councils any responsible powers not subject to the control of the representatives of the mandatory Power ?

Mr. HALL, with regard to 1, referred the Commission to his reply to Count de Penha Garcia and M. Palacios. He would be ready to support his previous statement by a detailed analysis of the provisions of the Ordinance, if the Commission could spare the time.

With regard to 2, the answer was in the affirmative. Elections had already been held in some of the smaller municipalities. The preliminary arrangements for the elections had been completed in the larger towns, such as the appointment of electoral committees and the preparation of registers of voters.

With regard to 3, the Ordinance was modelled partly on municipal practice in the United Kingdom, on colonial legislation and on the original Turkish law, subject to such modifications as the discussions with local interests had shown to be desirable.

With regard to 4, previously existing municipal divisions had been preserved, with the addition of Tel Aviv, hitherto a township.

With regard to 5, the object was to allow the High Commissioner, if advisable, to nominate councillors to represent foreign interests. Both at Jerusalem and at Haifa, there was a considerable foreign commercial community.

With regard to 6, the aim of the restrictions was to ensure that the money of the ratepayers would be wisely expended. As he had already explained, the Government contemplated the relaxation of these restrictions when the municipal councils were working satisfactorily and had gained the ratepayers' confidence.

LEGISLATION RELATING TO THE PRESS.

M. PALACIOS noted (paragraph 3, page 56, of the report) that a new Press Ordinance had been promulgated. Why had the Administration deemed it necessary to alter the law on this subject ? According to the report, the incidents of October 1933 were largely due to Press propaganda. Was that why the new law had been passed ?

Mr. HALL replied that the Shaw Commission had pointed out that the Government's powers of control over the vernacular Press were inadequate and needed strengthening. Consequently, power had been taken in the new Ordinance to suspend the publication of a paper if it contained any matter likely to endanger the public peace. There had only been two instances of such suspension.

Lord LUGARD thought that the Ordinance went further than was usual. For instance, a permit had to be obtained before a newspaper of any kind could be published. If the newspaper were of a seditious character, he could understand this clause, but otherwise it seemed to be rather drastic.

Mr. HALL believed that a similar provision had existed prior to the new Ordinance, and that similar regulations existed elsewhere. It was necessary for the Government to know when and where newspapers were published and who was the responsible editor. He was not aware of any case up to the present in which permission had been refused.

IMMIGRATION : DIVISION OF LABOUR BETWEEN ARABS AND JEWS.

M. RAPPARD noted a statement on page 16, paragraph 46, of the report that the Palestine Government was considering the formation of a statistical office and the taking of measures to establish a closer relation between immigration and the absorptive capacity of the country. He wished the Administration every success. In spite of existing prosperity, he understood its reluctance to conclude that the upward trend would continue indefinitely. He was relieved to know that reports concerning the heavy immigration from Trans-Jordan were said to be exaggerated. He supposed that the authorities did not base their calculations on a sort of cancelling out of claims made by both sides. M. Rappard would be grateful if the accredited representative could give an indication as to what method the authorities adopted in reducing, for instance, the figures of 12,000 and of 24,500 claimed by the Jewish Agency to the 5,000 finally allowed.

M. VAN REES said that he also would be grateful to the accredited representative if he would explain in some detail how the competent organs proceeded to fix the annual quota of immigrants coming under category C of the Immigration Ordinance.

It was stated on page 31, paragraph 2, of the report that the Jewish Agency had submitted proposals, for 1933, for labour schedules of 37,240 workers belonging to that category, and that, after due consultation with the representatives of the Agency, only 11,000 certificates of entry had been granted. Such a considerable discrepancy called for more comment than was given in the report. If the Agency submitted a detailed list guaranteeing that, during the next six months, a certain number of workers could be given employment in various urban and agricultural undertakings in process of execution or on the point of being executed, and if, during its negotiations with the competent authority, the Agency supplied all the supplementary data required to justify its application, on what was the Government's decision based whereby it admitted only one-third or one-fourth of the number proposed? There must surely be some concrete grounds for such a decision. Immigration must not exceed the country's power of economic absorption. That was understood; but was an appeal to that principle—a particularly elastic one—sufficient to justify the decision taken even in the case where it had been demonstrated that the labour suggested by the Agency was actually required?

Mr. HALL said that the authorities certainly did not adopt any haphazard system such as the cancelling out of rival claims. The Zionist Organisation submitted its estimates of the number of labour vacancies it believed to exist, giving full details. These claims were then closely examined by the Director of Immigration assisted by his Labour Officer, in consultation with the Directors of Trade, Public Works and Agriculture. In the course of this examination, each item was discussed with the Jewish representatives, who were informed by the Director of Immigration of the grounds upon which he differed from their estimates. The final recommendations of the Director of Immigration were then submitted to the Government for consideration by the High Commissioner in Executive Council. The Commission would realise that the High Commissioner, who was responsible for the present and future welfare of the country as a whole, was bound to take a longer and more cautious view than the Jewish Agency. Having reached his decision, the High Commissioner, in communicating it to the Jewish Agency, informed that body, in general terms, of the reasons for reducing their estimates.

The Commission should also remember that each year from 2,000 to 3,000 Jewish children, and about twice as many Arab children, entered the labour market; also that the present arrangements for the reception and accommodation of Jewish immigrants were inadequate for the numbers at present authorised to enter the country. There was some local and seasonal shortage of labour.

There was some local and seasonal shortage of labour, for instance, during the citrus-picking season. On these occasions, town workers could be, and were, brought in to help, like the hop-pickers who went to Kent from London. The Jewish Agency had applied for the immigration of permanent settlers to supply this purely seasonal requirement. The Government had rightly declined this request. There was also a shortage of labour for building owing to the "boom" conditions at present prevailing in that industry. But the Government felt that it would be unwise to regard this as a permanent feature of the economic life of the country, and some discrepancy between the supply of labour and the demand could not be avoided if a proper measure of caution were to be observed at a time of rapid development. Moreover, this discrepancy had been aggravated by the fact that the Jewish Agency had frequently nominated under the labour schedules professional men and non-manual immigrants instead of working men. A selection of immigrants more in conformity with the requirements of the labour market would have mitigated instead of accentuating the shortage of labour.

It would be realised by the Commission that it was impossible for the authorities to verify the occupation, trade or profession of immigrants, at the time of entry, or to ensure that they did in fact occupy the vacancies which they had been nominated to fill. In replying to M. Van Rees' question, Mr. Hall said that he could assure the Commission that

the Government would not be deterred from its avowed policy by any pressure or political considerations.

In reply to a further question by Lord Lugard, he said that the Jewish Agency gave a guarantee for one year's maintenance, but not for specific employment, of each Jewish immigrant.

M. RAPPARD understood that the authorities examined the figures suggested by the Jewish Agency in the light of the existing position. Did they not also bear in mind the possibility of leaner times in the future?

Mr. HALL said that the High Commissioner, in examining the Jewish Agency's figures, necessarily bore in mind both present and future possibilities.

M. VAN REES said that he had listened with great interest to the accredited representative's explanations. He fully realised the Government's difficulties in attempting to fix the quota of workers authorised to settle in Palestine during a given period, and readily admitted that the Jewish labour organisation's proposals in the matter frequently proved to be over-optimistic, as the accredited representative had stated. At the same time, one could not but wonder if the extreme caution that the Government had shown in allowing, for the year 1933, less than one-third of the number of workers mentioned in the Jewish proposal was really in keeping with the considerable increase in the demand for Jewish labour resulting directly from the country's state of prosperity, and thus to a large extent with the increasing activity of the Jewish element. It seemed perfectly clear that, in a country like Palestine, there was a danger that the shortage of Jewish labour might not only affect the normal extension of Jewish undertakings of every kind but might be detrimental to the regular economic development of the territory as a whole. Did not the mandatory Power's report itself refer, in several places, to the period of unprecedented prosperity which Palestine was now enjoying? Did not that same report, on pages 97 (paragraph 6) and 226 (paragraph 7), refer to some, at all events, of the regrettable consequences of the shortage of Jewish labour?

While directing attention to those passages, M. Van Rees would venture also to refer to the letter of February 13th, 1931, from the Prime Minister of the United Kingdom to Dr. Weizmann, paragraph 16, of which read as follows¹ :

"The practice of sanctioning a 'Labour Schedule' of wage-earning immigrants will continue. In each case consideration will be given to anticipated labour requirements for works which, being dependent on Jewish or mainly Jewish capital, would not be or would not have been undertaken unless Jewish labour was made available."

Could it be seriously maintained that that affirmation, which was perfectly clear, was adequately enforced, when the considered Jewish estimate of the labour requirements was reduced to one-third?

M. HALL said there was no general shortage of unskilled labour in the country if Arab, as well as Jewish, workers available were taken into account. There was, however, a certain shortage of "skilled labour"; but he understood that the Jewish Agency was experiencing great difficulty in finding members of skilled trades for nomination.

There was nothing to prevent the Jewish Agency, which was alone responsible for the selection of immigrants under the Labour Schedule, from nominating for vacancies doctors or traders in place of labourers or artisans, and, as he had already explained, this was, in fact, happening.

M. VAN REES asked why, if there had been only a shortage of specialised labour, it had been impossible to obtain the 30 per cent of Jewish labour required for public works, as mentioned in the report. Those works did not require only specialised workers.

Mr. HALL referred M. Van Rees to page 226 of the report, where he would find an answer to his question.

M. VAN REES wished to ask a final question: In fixing the number of workers who would be allowed to enter the country for settlement, was account taken of the position with regard to Arab labour?

Mr. HALL replied that there had been no necessity to do so up to the present. M. Van Rees would remember, however, that in the Prime Minister's letter to Dr. Weizmann, it was said that, in consequence of the policy of the exclusive employment of Jewish labour by Jewish organisations, Arab labour was displaced or existing unemployment became aggravated, that was a factor in the situation to which the Mandatory was bound to have regard.

M. VAN REES said that that passage had not escaped his notice. But was it fair to interpret it without reference to what went before—namely, "The principle of preferential and, indeed, exclusive employment of Jewish labour by Jewish organisations is a principle which the Jewish Agency is entitled to affirm"? The passage referred to by the accredited representative did not then lay down a general rule.

Mr. HALL said he did not wish to be drawn, or even appear to be drawn, into an interpretation of the meaning of the Prime Minister's words.

¹ Document C.173.1531.VI and CPM. 1139.

The CHAIRMAN wondered whether one cause of Arab dissatisfaction was lack of method in allocating the work as between Jews and Arabs. Had there not recently been at least one case in which there had been a shortage of Jewish labour for certain work which Arabs could have done and that Arabs were not employed, although a large number of them were in need of work and that in consequence it was said that oranges had rotted on the trees?

Mr. HALL said that a special enquiry had been made by the Government into this allegation and it had been established that no oranges had rotted on the trees in consequence of labour shortage or for any other reason. In certain Jewish groves, both Arabs and Jews were employed and worked side by side.

In reply to a further question by the Chairman, Mr. Hall said that Jews and Arabs were not paid at the same rates. The Federation of Jewish Labour insisted on standard rates of pay for Jewish labourers. Arab labourers were paid less.

The CHAIRMAN asked if it was then an admitted fact that Arabs were paid less for doing exactly the same work as Jews in the same establishment.

Mr. HALL replied that, in general, that was so. The Commission should, however, remember that the Arabs had not yet as high a standard of living as the Jews. The employment of Arabs and Jews on the same works had tended to raise the wages of Arabs rather than to depress the wages of Jews.

Lord LUGARD, referring to the "illegal immigration" mentioned on page 36 of the report, said it would seem that 22,600 persons had entered the country illegally in the last two years. The result of this was that, in November 1933, a new ordinance had been passed to allow the prosecution and deportation of these illegal settlers. Could the accredited representative inform him why no steps in this direction had been taken previous to November 1933? How could these people find occupation without becoming identified, and how could persons be prosecuted as illegal settlers if the offence had taken place before the promulgation of the law?

Mr. HALL said that the measures in question had not taken the form of a new enactment, but were of the nature of administrative instructions. The full extent of illicit settlement had been revealed by the census of November 1931. The illicit settlers mostly entered as travellers with a three months' permit. Once in the country, they concealed their identity and went into hiding. They were undoubtedly assisted in escaping detection by the connivance of Jews already established in the country. The number of illicit settlers was now accurately ascertainable by a system under which every person entering the country as a traveller had to sign a card on arriving and another on departure.

The CHAIRMAN thought it astonishing that not merely several hundreds but several thousands of persons should escape police control.

Lord LUGARD asked whether any persons had been prosecuted for connivance.

Mr. HALL said the police were seriously hampered because a large proportion of the Jewish population sympathised with the illicit settlers and withheld information and assistance from the police.

Lord LUGARD, referring to the new Immigration Ordinance and Regulations mentioned on page 38 of the report, asked whether, in future, entry of persons into Palestine "without legal permission" would be an indictable offence.

Mr. HALL replied that this had always been an indictable offence. The new Ordinance was merely a consolidation of previous ordinances.

Lord LUGARD said that, if that were so, the reference in the report to a "change" was misleading.

M. RAPPARD noted that, in awarding labour schedules, the authorities discounted a certain number of illegal immigrants. Did that not almost amount to official connivance at such immigration?

Mr. HALL did not think so. As he had explained, the Government had recently taken new measures to check illicit settlement. It could not be hoped that these measures would at once be fully effective. Consequently, the Government felt justified in deducting from the labour schedule a number representing its estimate of the probable extent of illicit settlement during the period of the schedule.

In reply to a further question by M. Orts, Mr. Hall stated that persons who entered the country as tourists and then endeavoured to settle there illegally were liable to a term of imprisonment not exceeding six months.

M. ORTS noted that steps were now taken to prevent illegal immigration of either Jews or Arabs over the Syrian frontier, but that there was a certain amount of seasonal Arab immigration, said to be unimportant, on the Trans-Jordan frontier. Persons travelling from Trans-Jordan to Palestine or *vice versa* did not require passports. What steps were taken, then, to prevent immigrants from settling permanently in Palestine?

Mr. HALL confirmed that persons entering Palestine from Trans-Jordan, or Trans-Jordan from Palestine, did not require to be in possession of passports. Transjordanians were not allowed to take up a permanent occupation or residence in Palestine without permission. If Transjordanians were to attempt to settle in Palestine without permission, they would be returned to their country. The estimated number of Transjordanians in Palestine did not exceed 1,000. There were certain seasonal movements of tribes in the Jordan Valley and in the south in connection with grazing, but these tribes always returned to their place of origin. Agricultural labourers from Trans-Jordan also came to work in Palestine for a month or two between seasons. Reports concerning immigration from Trans-Jordan were greatly exaggerated. The supervision exercised by the Government over frontier movements was effective.

M. ORTS said that, at a previous session,¹ it had been stated that certain Transjordanians had been allowed to settle in Palestine, but that no Palestinians had ever been allowed to settle in Trans-Jordan. The mandatory Power did not encourage the settlement of Jews in that country. The present discussion seemed to show that Jews were not only not encouraged but were actually prohibited from settling in Trans-Jordan. That meant then that nationals of countries Members of the League of Nations should not have access, if they were Jews, to Trans-Jordan, which was nevertheless part of the territory under mandate. Was that situation in harmony with Article 18 of the mandate ?

Mr. HALL said that Jews as well as all other persons could enter the country as travellers ; but that no foreigner could settle there without permission. There undoubtedly was at present a strong feeling in Trans-Jordan against the settlement of Jews. In view of this strong public opinion, the mandatory Power felt that it would be unwise for Jews to settle in the country in present circumstances.

M. ORTS agreed that the mandatory Power, which was responsible for public order, must be left to decide what measures should be taken to ensure it.

Referring to page 16 of the report, he noted that facilities had been given for the access of German Jews to Palestine. At the session in 1933,² it had been stated that the German Government authorised Jews who had received permission to enter Palestine to take with them the £1,000 required from Class A immigrants. What proof was demanded of the possession of that sum ?

Mr. HALL replied that the proof required was the transfer of £1,000 to an approved bank in Palestine.

M. ORTS said that he had heard from a reliable source that the German Government did not authorise Jews to transfer £1,000 to Palestine, but simply delivered an affidavit to the effect that that sum had been deposited in a German bank. Such an arrangement would favour imports into Palestine from a given country. A Jew possessing one of those affidavits had no way of employing it except by importing £1,000 worth of German goods.

Mr. HALL said that he understood that arrangements had now been made by the Jewish Agency with the German authorities which permitted of the transfer of the necessary capital. Moreover, the Immigration Ordinance allowed of part of the necessary capital taking the form of stock in trade, etc. This concession was of general application. The actual number of immigrants in Category A, whether of German or other origin, who took advantage of this concession was, however, very small.

COUNT DE PENHA GARCIA asked whether there might not be some danger of a situation arising in the future in which the Jews in Palestine would be the trading and professional class and the Arabs merely the labourers. Would not such a situation increase the opposition between Jews and Arabs ?

Mr. HALL thought there was little danger of such a situation arising. The policy adopted by the greater proportion of Jewish employers of using Jewish labour for Jewish enterprises would operate to prevent this.

COUNT DE PENHA GARCIA asked whether the formalities of admission could not be simplified. There had been complaints that the procedure took too long.

Mr. HALL said that, so far as the Government was concerned, the formalities were extremely simple, the nomination of immigrants for the quota granted being left in the hands of the Jewish Agency.

M. SAKENOBE, with reference to the special facilities granted in 1931 to illegal settlers to regularise their position by applying for registration, asked whether this arrangement still held good.

Mr. HALL replied in the negative.

M. SAKENOBE asked whether persons who entered and settled in Palestine with a traveller's visa had any possibility of applying for registration during that period. Would they be accepted as immigrants under the same conditions as before ?

¹ See Minutes of the Twenty-third Session of the Commission, page 98.

² See Minutes of the Twenty-third Session, page 103.

Mr. HALL replied that, during their three months, they could make such application. On the expiration of the three months, if they had not left the country, or had not obtained permission either to extend their stay as travellers or to remain permanently, they became illegal settlers.

LABOUR ORGANISATIONS.

M. SAKENOBE asked whether any other labour organisation existed in Palestine besides the Jewish Labour Federation, which was, he understood, connected with the Labour Party.

Mr. HALL replied that details concerning various unions would be found on pages 100 and 101 of the report. The General Federation of Jewish Labour was the principal union in Palestine, with more than 40,000 members, though an independent labour organisation had now been set up by the Revisionists. He could not forecast what would be the future of the new union.

FOURTH MEETING.

Held on Friday, June 1st, 1934, at 10.30 a.m.

Palestine and Trans-Jordan : Examination of the Annual Report for 1933 (continuation).

Mr. Hall and Mr. Nurock came to the table of the Commission.

LAND REGIME : LAND DEVELOPMENT SCHEME.

M. VAN REES noted (page 10 of the report) that, up to December 31st, 1933, the Development Officer had received 3,225 applications for admission to the register of landless Arabs. At that date, 652 Arab heads of families had been admitted to the register ; 2,541 claims had been disallowed and 532 claims were still under examination at the end of the year. The sum of the last three figures was 3,725, exceeding the total claims by exactly 500. What was the explanation of that discrepancy ?

Mr. HALL said that he hoped to give an explanation in the course of the meeting ; and, at a later stage, explained that there appeared to be a typographical error, he suspected, in the figure of claims awaiting examination.

M. VAN REES suggested that it would be of interest to know how many Arabs whose claims were admitted had been evicted, with or without compensation, by their compatriots, and how many of those who had been evicted following on the sale of land to the Jews had not received compensation. He suggested that the enquiry now proceeding should be used, if possible, to supply information for the next annual report.

Mr. HALL explained that, in general, Jews took over land from the Arab landlords, with a proviso that it would be handed over free of encumbrances. Thus, generally speaking, it was the Arab vendors (not the Jews) who were responsible for obtaining eviction orders where necessary in order to give vacant possession. In certain cases, however, former tenants had returned to the land and the Jewish owners had then been obliged themselves to take proceedings for their eviction. It was customary for the Jewish purchaser to pay compensation for crops left on the land and for disturbance.

M. SAKENOBE said that he was surprised at the slowness of progress of the resettlement scheme ; about 650 Arab heads of families were registered and the Government had acquired, up till now, about 15,000 dunums of land for their resettlement. The Wadi Hawareth Arabs had rejected the invitation to take up holdings in the Baisan and Jenin sub-districts, while, of the remaining registered Arabs, only 146 had declared their readiness to accept (see page 10, paragraphs 23, 24 and 25 of the report). What were the conditions attaching to the offer that had led to such wholesale refusal ? He could not understand how the Arabs themselves, without any land to cultivate, could stand the delay in settling.

Mr. HALL replied that the first cause of delay was the difficulty in purchasing from private owners suitable land, free of tenants, there being insufficient areas of State land available for the purpose. The land had then to be drained and otherwise prepared (irrigation channels, etc.) for cultivation. The most general reason for the reluctance to accept the Government's offer was to be found in the Arab's deep attachment to his own locality. A settlement in Baisan had first been offered to the Wadi Hawareth Arabs, who had refused it as being too distant from their habitat. The Government now proposed to drain an adjacent area of marshland belonging to the State, upon which they had expressed their willingness to settle ;

that should solve the problem. The same difficulty was not to be anticipated in the case of the Jenin settlement, where it was proposed to settle Arabs belonging to the immediate neighbourhood.

Pending settlement, the Arabs had been able to obtain casual employment in the towns and in neighbouring settlements.

M. SAKENOBE observed that when the question of a land and agricultural development scheme was examined by the Palestinian Government special note was taken of the very poor condition of Arab cultivation in the hill districts, and the urgent necessity for teaching them an intensive method of cultivation was strongly emphasised. He wished to know what special measures had since been taken in this direction.

Mr. HALL replied that £50,000 of the £2,000,000 loan had been set aside for loans to the hill Arabs. The loans would be used for planting fruit-trees, terracing, etc. But it was also hoped to improve the condition of these Arabs by co-operation. In addition, hill stations had been started in which horticultural instruction would be given.

M. SAKENOBE thought that the establishment of the hill stations was a particularly significant and beneficial measure. It was essential to instruct the Arabs, or the money loaned to them would never be spent in a useful way.

Lord LUGARD, referring to paragraph 41*a* (page 15) asked whether Mr. Hall did not fear that the negotiations for the Agricultural Mortgage Bank might be prejudiced by the new Protection of Cultivators Ordinance, which seemed to create statutory rights for squatters. Banks would be unwilling to advance money on the mortgage of land if they had continually to watch that such rights were not being created.

Mr. HALL said that the financial groups who were concerned in the formation of the proposed Agricultural Mortgage Company represented to the Government that the effect of the Protection of Cultivators Ordinance, of 1933 would be to depreciate the value of the security, for long-term agricultural loans, and their representations were now under consideration. He himself thought that they were mistaken in that view, since the Ordinance provided no protection for tenants who did not pay rent or who grossly neglected their holdings. Thus, rights under the Ordinance could only be claimed by satisfactory tenants, and the existence of such rights should not, he thought, impair the value of the mortgage. He did not anticipate that this difficulty would prove insurmountable.

M. VAN REES referred to a passage in the report (page 45) which stated that 36,991 dunums of land had been purchased by Jews from non-Jews at a total cost of £P854,796 in 1933, the corresponding figures for 1932 being 18,893 dunums at a total cost of £P148,881. Those non-Jewish vendors appeared to him to have done a very good stroke of business. Who were they, exactly?

Mr. HALL said that they were almost entirely Arabs, not necessarily all large landholders.

M. VAN REES objected that if the Arabs themselves kept on selling land, there seemed to be no real meaning in their continual protests and requests to the High Commissioner to prohibit the sale of land to Jews.

Mr. HALL replied that it was not necessarily the same people who made the protests as sold the land.

M. VAN REES replied that the petitioners were only asking then to be protected against their own weakness.

Referring next to the statement that 300 State domain properties had been leased and £P4,421 collected in rent in 1933 (page 45 of the report), he enquired whether those transactions concerned Arabs only or whether account was taken of Article 6 of the mandate and part of such properties leased to Jews.

Mr. HALL said that such properties were leased both to Jews and to Arabs.

Lord LUGARD asked if details were available of a scheme of colonisation on the frontiers of Syria, to which reference had been made in a Jewish paper.

Mr. HALL suggested that the accredited representative of Syria might be better able to answer that question, as the proposed settlement was, he believed, within the borders of Syria. He stated, in reply to Lord Lugard, that the *mafruz* system was a form of individual tenure of land.

AGRICULTURAL POLICY.

M. RAPPARD said that he had been interested in the previous day's exchange of views on agriculture and land; the country as a whole, he understood, was prosperous, but agriculture was in difficult circumstances, the cause being not so much the lack of markets as the four years' drought and poor crops. As to remedies, the Commission had been told that credits could be secured on crops. If, however, the real cause of distress was the continuous drought, no credits could help, and, clearly, with the increase of population, and under the prevailing

policy of agricultural protection there must be a market, so that credits would be unnecessary when droughts had ceased. Was he right in thinking that the only effective form of relief was to be found in drainage and similar works?

Mr. HALL thought that natural circumstances were only a partial explanation. Undoubtedly, by inculcating better methods, such as mixed crops, and introducing drought-resisting seeds, better stock and irrigation, much could be done, and, for that, credits were necessary.

M. RAPPARD enquired whether the increase in population and in wealth in Palestine had had any repercussion on the local market for agricultural products.

Mr. HALL replied that the increase in population was probably largely neutralised by the increase in the number of cultivators and increased yields under intensive farming. Owing to the failure of local harvests, the cultivators of Palestine had not as yet derived the full benefit of their own protective tariffs; and, in addition, citrus and soap exporters had been severely affected by the high tariffs recently introduced in Egypt.

JUDICIAL ORGANISATION : RELIGIOUS COURTS.

The CHAIRMAN noted that, in the land courts, 610 cases had been entered and 600 decided, but that 729 were still outstanding at the end of the year (page 63 of the report). Could the accredited representative explain why so many cases were still outstanding? Was it perhaps due to there not being sufficient personnel?

Further, it was stated (page 64) that the pending cases in the Supreme Court numbered 234 at the end of 1933, an increase largely due to a vacancy on the Bench. Had that vacancy been filled?

It appeared also that sixteen persons had been sentenced to death (page 64). For what offences?

On page 68, the total should, he thought, read 2,506 instead of 506, under the total for magistrates' courts.

Mr. HALL replied that the last point was due to a printing error.

Land cases in Palestine, he explained, sometimes necessitated the calling of large numbers of witnesses, and the complexity of the cases rather than a shortage of judges accounted for delay. The Government, he stated, was filling the vacancy in the Supreme Court.

Murder was in every case the crime for which sentence of capital punishment had been imposed. The High Commissioner possessed the right of pardon, and had actually exercised it in three cases during 1933.

Count DE PENHA GARCIA wished to direct attention to a certain anomaly in the attitude of the mandatory Power towards certain religious courts. During the Turkish regime, when there had been a State religion, it was understandable that there should also have been religious courts of a single religion subsidised by the State. Since the advent of the mandatory Power, however, the fact of subsidising the Moslem courts alone appeared to imply an inequality as between those courts and the other religious courts.

M. RAPPARD observed that a petition had been received by the Mandates Commission in which that very point came up. The Moslem courts, it was claimed, were subsidised, while the Jewish courts received no aid. The mere fact of there being an historical basis for that situation was hardly a sound reason for perpetuating the anomaly under the regime of the mandate.

Mr. HALL replied that the attitude of the Government towards this question was not based merely upon the maintenance of the *status quo*, but principally upon considerations of administrative convenience and efficiency. The Government recognised a responsibility itself to provide a means—if other means were not available—for the adjudication of matters of personal status according to the religious laws of the several communities concerned; but the Government was entitled to choose the means to be adopted. The payment of subsidies to courts over which the Government exercised no financial or other control was not a means which commended itself. By taking over *en bloc* the system of Shari'a courts which existed in Palestine before the war, the Government considered that it had made the most economical and efficient arrangement for the administration of the law of personal status of the vast majority of the population. There was here no question of a subsidy. The Government paid the salaries of the Shari'a court officials over whose appointment it had a measure of control, and received the fees; at present there was a deficit, but the deficit had been reduced and might be expected to diminish further. The Government did not consider it either advisable or practicable to extend this particular system to other communities in which the same conditions did not exist; but, as His Majesty's Government had stated, the Palestine Government was prepared to make suitable arrangements if any community desired, for the administration of the appropriate law of personal status.

M. RAPPARD said that, none the less, two systems remained in being: one was financed by the Government, and one was not. If the Government offered the Jewish courts the same conditions as applied to the Moslems, and the Jewish courts turned down that offer, the apparent injustice would then disappear.

Mr. NUROCK said that the courts of the Christian religious communities administered their own codes of law without Government subsidy or control.

M. RAPPARD observed then that, if any discrimination existed, it was at the expense of the Christian Arabs as well as the Jews.

Mr. HALL pointed out that discrimination would only exist if the Government withheld a means of settlement of personal status cases—but that it had not done. It would be prepared to take over Jewish cases, but it would choose its own means.

He stated, in reply to Lord Lugard, that the magistrates, just as the judges, all possessed the necessary judicial qualifications, the difference between the various courts being simply one of jurisdiction. Precedence was now given to the hearing of criminal cases.

MINIMUM AGE OF MARRIAGE FOR GIRLS.

Lord LUGARD expressed his satisfaction that the minimum age of marriage for girls had now been raised to 14 years and that the heads of the various religious communities had, without exception, concurred (page 67, paragraph 32, of the report).

CUSTOMS AGREEMENT BETWEEN PALESTINE AND SYRIA.

M. ORTS enquired whether the Customs Agreement concluded with Syria was provisional or whether it was binding upon the territory for a definite length of time. It was, he presumed, concluded on the basis of Article 18 of the mandate, which provided that the Administration of Palestine, might, on the advice of the Mandatory "conclude a special Customs agreement with any State the territory of which in 1914 was wholly included in Asiatic Turkey or Arabia".

Mr. HALL replied that the Agreement was concluded in virtue of Article 18 of the mandate and was definitive, but that it could be denounced at six months' notice.

M. ORTS asked whether goods liable to import duties under the general tariff were exempted under the "Syria-Palestine Customs Agreement". Certain industrial products imported duty-free competed with local industry. Was any revision of that Customs Agreement contemplated?

Mr. HALL could not go so far as to say that none of the products imported competed with local industry. Industrial products found a place among the exemptions, which, however, for the most part related to agricultural produce.

No revision of the Customs Agreement with Syria was contemplated.

EXECUTION OF THE WORK FOR THE CONSTRUCTION OF HAIFA HARBOUR : ECONOMIC EQUALITY.

M. ORTS observed that the Mandates Commission had asked the previous year for detailed information on the arrangements for the construction of Haifa Harbour.¹ That information was now given on page 235 of the report, but the explanation appeared to him somewhat involved. Had the firm of Messrs. Rendel, Palmer & Tritton received privileged treatment in the matter of the Haifa works? Had it been remunerated, in its capacity as a firm of consulting engineers? Had that same firm supplied the material for those works, or had it acted as middleman in the purchase of that material, and, if so, had it received a commission?

Mr. HALL stated that the firm in question had acted as Government's consulting engineers; and in that capacity had drawn up the designs for the harbour and advised on all technical questions connected with its construction. The firm had been paid fees for its services at the standard rates and beyond those fees had received no remuneration whatsoever. The firm had had nothing to do with the materials supplied, which, except for local material (cement, quarried stone, etc.), had been bought through the Crown Agents in the usual way.

M. RAPPARD asked whether the firm was normally a consulting firm, as distinct from a firm of constructing engineers.

Mr. HALL replied that they had always acted as consulting engineers, and in no other capacity.

M. ORTS asked whether non-British firms had been given direct contracts for the execution of public works.

Mr. HALL stated in reply that Haifa Harbour had been built by the Government. Sub-contracts had been given out, though whether in every case by tender or not he could not say. Stone and cement had been supplied by local Palestine firms.

Some of the most important building works in Jerusalem had been or were being carried out by non-British firms, for example, the Museum and the Post Office buildings, for both of which Italian firms were responsible.

¹ See Minutes of the Twenty-third Session of the Commission, pages 106 and 190.

CONVENTION CONCLUDED WITH THE ANGLO-PERSIAN OIL CO. FOR THE CONSTRUCTION
OF A PIPE-LINE.

M. VAN REES wished to draw attention to a passage in the report (page 72) as follows :

“ During the year, a Convention was concluded by the Government of Palestine with the Anglo-Persian Oil Co., Ltd., with a view to facilitating the conveyance of mineral oils by the Anglo-Persian Oil Co. through Palestine.”

He desired to know whether that second pipe-line was quite distinct from the one belonging to the Iraq Petroleum Co., Ltd.

Mr. HALL said that the second pipe-line, if built, would be quite separate from the one already in existence. The route was not yet decided, and he could not say whether the new pipe-line would have the same terminal as the first one.

M. ORTS asked whether the terms of the new Convention were the same as those of the earlier agreement and whether there was any question of a branch line through Syria.

Mr. HALL said that, subject to slight differences—such as the payment of annual sums to Trans-Jordan—the terms of the second agreement were substantially the same as those of the first. He had heard of no suggestion for a branch line through Syria.

The CHAIRMAN enquired whether the Iraq Petroleum Co. and the Anglo-Persian Co. would enjoy the same advantages in the port of Haifa.

Mr. HALL replied that the agreement gave the company similar rights at the Mediterranean terminal. The Iraq Petroleum Co.'s pipe-line was already through to Haifa and the company was erecting certain installations there.

INSTALLATIONS OF THE IRAQ PETROLEUM CO. IN THE PORT OF HAIFA.

The CHAIRMAN invited the accredited representative's views on information that had come to his notice to the effect that the installations set up by that company stood in the way of vessels entering the port of Haifa, such vessels frequently having difficulty in coming alongside. Improvements in the port of Haifa, it was maintained, were chiefly for the benefit of the oil company's docks, whereas they ought to serve the general interest of the territory.

Mr. HALL said that, in the original plan of the harbour, the construction of an oil dock was not envisaged. When it was decided to build an oil dock, the plan was altered and the lay-out of the harbour enlarged so as to provide space for an oil-dock without encroaching upon the area set aside for other shipping. The port had never been designed to take enormous vessels such as the *Conte di Savoia* or the *Queen Elizabeth*. It could take normal ships without difficulty.

The new Haifa oil dock would in fact prove a good investment as it would bring in an annual revenue of £30,000.

IMPORTS AND EXPORTS.

M. MERLIN congratulated the Palestine Government on the economic situation of Palestine at a time of crisis. He noted that, while the Customs returns had increased, the cost of collecting had decreased ; that showed the existence of sound administrative measures.

In the trade balance, he noted that, while imports totalled about £111,500,000, exports totalled only £P3,500,000 (page 199 of the report). Perhaps the accredited representative would give the Commission some information as to the invisible items of the balance of payments.

Mr. HALL replied that the invisible imports were no doubt to be sought, partly in expenditure by tourists, whose numbers showed a continual increase, partly in remittances from abroad to Jews and non-Jews, partly in the expenditure of the British garrison and expenditure involved in works such as the Haifa port and the pipe-line.

M. MERLIN put a question as to the smuggling of gold between Syria and Palestine.

Mr. HALL replied that the smuggling of gold had been largely checked as the result of stricter frontier control on the part of the Egyptian and Syrian authorities. There were no restrictions in Palestine upon the import or export of gold (see page 185 of the report).

M. MERLIN asked what were the commodities in which Germany was concerned in the trade with Palestine. He noted from the export (page 201 of the report) and import tables that Germany figured second on the list of countries trading with Palestine after the United Kingdom.

Mr. HALL replied that the export trade to Germany was almost exclusively in citrus fruits.

HOLY PLACES.

M. PALACIOS enquired as to the position in regard to the Church of the Nativity at Bethlehem. He understood that the conflict arising out of the cleaning of one of the windows was still very keen.

Mr. HALL replied that the District Commissioner was doing everything in his power to promote a settlement of the dispute ; but, so far, he had not been successful.

M. PALACIOS drew special attention to the problems arising out of the dangerous condition of the fabric of the Church of the Holy Sepulchre. What had been done to prevent its collapse, and who would pay the cost? The question had been raised in the House of Commons.

He wished, in particular, to know whether those difficulties that had occurred in the Holy Places had caused the mandatory Power to revert to the Balfour suggestion of 1922 to appoint a Commission under Article 14 of the mandate, under conditions acceptable to the Powers and the religious bodies concerned.

Mr. HALL replied that the Palestine Government had merely advanced funds to prevent the immediate collapse of the church. He saw no reason to anticipate serious difficulty in arranging with the different Christian communities interested in the church for financing the permanent repairs. The sum involved would be a very large one ; and there was no suggestion that the Palestine Government should pay. This question would have to be taken up when the report on the condition of the building had been published.

So far as he was aware, His Majesty's Government had not reconsidered the question of setting up the Commission for the Holy Places.

The CHAIRMAN observed that his own experience of the country under the Turks suggested that each of the Christian communities concerned would be only too ready to defray the expenditure in question, in order to retain its rights over the building.

Mr. HALL answered that the action of the Palestine Government—the sole object of which was to prevent the collapse of the sacred edifice—was taken with the acquiescence of the three Christian communities concerned.

The CHAIRMAN enquired whether, in fact, they delegated their rights, as it were, to the mandatory Power?

Mr. HALL replied that the action was taken with their knowledge and acquiescence.

TRANS-JORDAN FRONTIER FORCE.

M. SAKENOBE thought it curious to see the recruitment of Egyptian and Sudanese conscripts and Druzes (page 83 of the report) in the Trans-Jordan Frontier Force. The report said that there was no difficulty in obtaining recruits.

Mr. HALL replied that presumably the recruits concerned were already domiciled in Palestine or Trans-Jordan. The Sudanese were possibly recruited for their known military qualities.

ARMS AND AMMUNITION.

In reply to a question by M. Sakenobe, Mr. HALL undertook in the report for the following year to give the number of licensed firearms (rifles, shot-guns and revolvers) in the mandated territory.

The figures given with regard to seizures of arms and ammunition on page III of the report included both seizures effected on the frontier between Trans-Jordan and Palestine and seizures elsewhere in Palestine. He undertook to distinguish between these two categories in the next report.

FRONTIER BETWEEN SYRIA AND PALESTINE : ACCESS OF SYRIANS TO THE SEA OF GALILEE.

M. ORTS asked whether there had been any criticism in Palestine since the coming into force of the 1923 Frontier Agreement with Syria.

Mr. HALL replied that no complaints had been received either from individuals or from Governments.

M. ORTS asked whether Syria had still access to the Sea of Galilee.

Mr. HALL replied that the Bon Voisinage Agreement of 1926 (see page 85 of the report) had preserved to Syrians pre-existing fishing and other rights in the lake. Syria had no territorial rights in respect of the lake other than those laid down in the 1923 Agreement.

M. ORTS pointed out that Palestine appeared to have given up more than she got.

Mr. HALL replied that in area, maybe, that was so, but not in value.

M. ORTS asked what was the value of what she secured.

Mr. HALL answered that the value from the administrative point of view of having the whole lake under one authority was very great. Smuggling and the control of fisheries would be almost impossible to deal with if the frontier line crossed the waters of the lake.

FRONTIER BETWEEN PALESTINE AND TRANS-JORDAN.

M. ORTS asked whether the frontier between Palestine and Trans-Jordan in the first (northern) section had been delimited.

Mr. HALL referred in reply to the description of the frontier on page 1 of the report. No alteration had been made.

TREATMENT OF PALESTINIAN NATIONALS IN CERTAIN COUNTRIES.

M. ORTS asked whether any steps had been taken to remedy the disadvantage in which nationals of the territory under mandate were placed in certain Central American countries (see annual report, page 37, and Minutes of the Twenty-third Session, pages 97-98).

Mr. HALL replied that the position was so far unchanged. The Commission would note that the restrictions referred to applied to all Asiatics, and not merely to Palestinians.

ANTIQUITIES.

Count DE PENHA GARCIA observed that the budget appropriation under this head had been £5,000 until 1929, since when it had been halved.

Mr. HALL replied that works of conservation had been transferred, he understood, to the Public Works budget in 1930. Further information on the point would be given in next year's report.

He further undertook, at Count de Penha Garcia's request, to forward to the Commission the quarterly review published by the Palestine Antiquities Department.

Trans-Jordan.

FRONTIER BETWEEN TRANS-JORDAN AND SA'UDI ARABIA.

M. ORTS put a question with regard to the frontier between Trans-Jordan and Sa'udi Arabia. Proposals had been made in a letter, dated May 19th, 1927, from Sir Gilbert Clayton to the Emir Feisal (son of Ibn Saoud), Viceroy of the Hejaz, for a settlement as follows: A straight line from the southern extremity of the frontier between Nedj and Trans-Jordan at the point where the meridian 38° East and the parallel 29° 35' North intersected to a point on the Hejaz railway-line two miles south of Mudawwara, and from the latter in a straight line to a point on the Gulf of Akaba two miles south of the city of Akaba.

The Viceroy of the Hejaz replied, on May 21st, 1927, that he did not see his way at the time to make a definitive settlement of the question of the frontier with Trans-Jordan. Being, however, desirous of maintaining cordial relations based on stable bonds of friendship, he was disposed to agree to the *status quo* in the Ma'an-Akaba district, and agreed not to interfere in the administration of the district until circumstances rendered possible a final settlement of the question (document Cmd.2951, pages 4 and 5; see also Minutes of the Eleventh Session of the Mandates Commission, page 114, and Twentieth Session, page 111).

The accredited representative for Palestine, in reply to a question at the twenty-third session in June 1933 (page 117), said that the question of the frontier had not been discussed in connection with the negotiations which had recently led to the conclusion of a Treaty of Friendship between King Ibn Saoud and the Emir Abdullah.

The Cairo correspondent of the *Temps* reported in the issue of August 17th, 1933, that the final position of Akaba and Ma'an had been settled on this occasion.

During recent hostilities between Sa'udi Arabia and the Yemen, the controversy which had arisen some years previously with regard to this district had been resumed in the Press of various countries.

M. Orts asked what had been the position of the boundary between the Hejaz vilayet and the vilayet of Syria under the Ottoman administration, and, in particular, which of the two vilayets contained the Akaba-Ma'an districts in dispute at the present time between Trans-Jordan and Sa'udi Arabia.

The position of Akaba would appear to have special interest in connection with the access to Trans-Jordan from the sea.

Mr. HALL replied that the position had not changed since the exchange of letters with Sir Gilbert Clayton. The frontier had never been delimited; it had never been formally accepted by King Ibn Saoud, who had, however, accepted the *de facto* position.

M. ORTS asked whether, in the accredited representative's view, Akaba formed part of Trans-Jordan.

Mr. HALL replied that Akaba was administered by the Trans-Jordan Government, who maintained there a staff of police and revenue officials. It was at present only a small fishing village.

The CHAIRMAN asked whether any protest in regard to the present position had been received from Egypt.

Mr. HALL replied that, to the best of his information, there had been no such protest.

PUBLIC MEETINGS ORDINANCE.

The CHAIRMAN asked for information with regard to the Ordinance of the Amir providing that no public meeting should be held in Trans-Jordan save with the permission of the Executive Council (page 244 of the report).

Mr. HALL said that the purpose of the Ordinance was to prevent repercussions of the troubles in Palestine, and it had proved effective for the purpose.

REPRESSION OF HIGHWAY ROBBERY.

The CHAIRMAN further enquired as to the law modifying Article 219 of the Penal Code in order to impose a heavier punishment for highway robbery (page 244 of the report).

Mr. HALL replied that there had been an increase of brigandage in Trans-Jordan, partly attributable to the failure of the crops.

ACQUISITION OF IMMOVABLE PROPERTY BY ALIENS.

M. VAN REES directed attention to an article in the *Oriente Moderno*, dated November 24th, 1933, to the effect that the Trans-Jordan Government had promulgated a law entitled "Law of 1933 on the Ownership and Disposal (*tasurruf*) of Immovable Property by Aliens", providing that no person of other than Trans-Jordan nationality should buy or receive in deposit or in any other way dispose of immovable property situated in Trans-Jordan, or rent such property for a period exceeding three years, without Government authority. The law was stated (in *Alif-be* of October 8th, 1933) to abrogate all preceding legislation to the contrary. Had that law actually been promulgated?

Mr. HALL replied that legislation to this effect had been introduced but had never become law. Under an old Ottoman decree however, which still held good in Trans-Jordan, foreigners were compelled to obtain the consent of the Government to any alienation of land.

M. ORTS argued that the Ottoman law was superseded by the provision of the mandate which proclaimed economic equality. Economic equality implied equal opportunity—that was to say, the principle of the open door. How was it possible to exercise in a country any economic activity—commercial or industrial—or to carry on one of the liberal professions, when one was not allowed to have permanent headquarters there?

Mr. HALL replied that there was nothing to prevent the lease of a headquarters. It was only the alienation of land to foreigners that required the permission of the Government. He could not agree that there was in this legislation any infringement of the principle of economic equality.

The CHAIRMAN enquired whether the expression "foreigners" included subjects of the mandatory Power?

Mr. HALL replied in the affirmative.

The CHAIRMAN further asked whether the object of the provision was to prevent nationals of Trans-Jordan alienating their land to Jews or others.

Mr. HALL replied that this was so.

FIFTH MEETING.

Held on Friday, June 1st, 1934, at 3.30 p.m.

Palestine and Trans-Jordan : Examination of the Annual Report for 1933 (continuation).

Mr. Hall and Mr. Nurock came to the table of the Commission.

Trans-Jordan (continuation).

CONSEQUENCES OF THE DROUGHT.

M. PALACIOS referred to Press reports with regard to the conditions of famine prevailing in Trans-Jordan which, it was suggested, were not due merely to the economic crisis, but to the general increase of taxation—a great part of which was attributed in the Press to the maintenance of a frontier force, the main object of which was to protect the oil pipe-line.

Was it a fact that certain of the tribes had applied to be allowed to emigrate and occupy the country vacated by the Assyrians?

Mr. HALL said he had never heard of any request by tribes in Trans-Jordan for permission to occupy the territory vacated by the Assyrians. He suspected that the report was wholly unfounded.

There had certainly been serious privation in parts of Trans-Jordan, as in Palestine, as a result of the series of droughts, but it had been relieved by the work on the pipe-line (which might be said, indeed, to have kept the tribesmen alive while it continued) and was now being met by a programme of public works by the Government of Trans-Jordan as well as by assistance in the form of a loan by Palestine.

The purpose of the Arab Legion, to which force M. Palacios had doubtless intended to refer, was to preserve public security throughout the territory and to stop frontier raids, not to protect the pipe-line. The pipe-line was not yet in use; and he could assure the Commission that, if any special expenditure were in future to be incurred for its protection, it would be the oil company and not the Trans-Jordan Government that would pay.

PROPOSED MODIFICATION OF THE ELECTORAL LAW OF TRANS-JORDAN.

M. PALACIOS referred to a statement on page 244, paragraph 5 (II), of the report to the effect that proposals had been made to change the Electoral Law of Trans-Jordan with a view to (a) reducing the number of Christian and Circassian electors, and (b) making the whole country one electoral area.

Mr. HALL said that he presumed that the proposal in question indicated a desire on the part of the majority to reduce the voting power of the other elements. In any case, the proposal, as the Commission would observe, had been rejected.

LABOUR.

Mr. HALL further undertook, in reply to questions by Mr. Weaver, to ascertain whether there were any regulations in Trans-Jordan governing the employment of children in factories.

Palestine (continuation).

LABOUR.

Mr. WEAVER said the report contained full and interesting information on the labour situation in Palestine. It showed that there was practically no unemployment; if anything, there was a shortage of labour. Wages were rising. Labour disputes were rather frequent, but there was a welcome tendency towards the conclusion of collective agreements with provision for arbitration.

The Convention concerning Forced or Compulsory Labour should be added to the list (on pages 94 and 95) of International Labour Conventions ratified by Great Britain; although there was no forced labour in Palestine, the mandated territory was covered by Great Britain's ratification.

Mr. HALL said that should be done.

Mr. WEAVER asked whether any decision had been reached with regard to :

- (a) The inclusion of agriculture in the Workmen's Compensation Ordinance ;
- (b) The introduction of legislation on workmen's compensation for occupational diseases ;
- (c) The partial application of the Minimum Wage-fixing Machinery Convention, to which reference was made in the report (page 95).

Mr. HALL replied that the Palestine Government's proposals on all these matters were now under consideration by His Majesty's Government ; but there had been no time as yet to reach a decision.

Mr. WEAVER regretted that it was not found possible to apply the Sickness Insurance Convention in Palestine (page 95 of the report). He said the Government appeared to appreciate the Voluntary Sick Fund set up by the General Federation of Jewish Labour. Would it not be possible to encourage this institution and the development of other similar organisations ?

Mr. HALL replied that present conditions in Palestine made any action in that direction very difficult. The Labour Legislation Committee had reported against the proposals.

Mr. WEAVER said that the unemployment statistics (page 96 of the report) were obviously still inadequate, probably even for the Administration's own purposes. He suggested once again that it would be desirable to distinguish between the different categories of persons seeking employment.

Mr. HALL replied that the distinction was already being made, but on very broad lines. He admitted that the present unemployment statistics were defective, and looked for a marked improvement after the establishment of a Statistical Office. But, in the absence of any effective incentive to registration in the form of a comprehensive social insurance system, he could not undertake that even then the statistics would be exact or complete.

Mr. WEAVER suggested that it had been found in other countries that an employment exchange system facilitated the collection of statistics. Possibly, the Government might consider the institution of such a system, perhaps in connection with immigration policy. Incidentally, he noted the existence of fee-charging agencies in Palestine (page 99), the abolition of which was provided for in an International Labour Convention adopted in 1933.

The proposed new labour legislation was welcome. The amendment of the Prevention of Intimidation Ordinance, however, though understandable, was not without danger to the right of combination. What would be the position during a strike against the employment at lower rates of wages of workers of another race ? Further, did the Government encourage arbitration and conciliation ?

Mr. HALL replied that, up to the present, picketing in disputes of racial origin had led to serious disturbances of the peace and the Government had therefore been constrained to take action.

The Government favoured the principle of collective agreements and resort to arbitration. In one labour dispute in the past year, the district authorities had intervened to promote a settlement. But, in general, it was the Government's policy not to intervene in labour disputes.

Mr. WEAVER referred to the appointment of a trained part-time assistant under the Inspector of Welfare Work for factory inspection work in Jaffa, Tel-Aviv and the surrounding villages (page 103, paragraph 20). Did not the Government think the time had come to establish a proper Labour Department and inspectorate ? The present Director of the International Labour Office, in his report on Egypt, had drawn attention to the importance of a proper staff of inspectors in the application of labour legislation.

Mr. HALL replied that the Government was not yet prepared to establish a Labour Department ; but, if the Labour Legislation Committee's report were adopted, it was proposed to increase the staff of labour inspectors.

Mr. WEAVER welcomed the Employment of Females Ordinance (page 103, paragraph 22) and hoped to hear further news of its operation in future reports.

Lord LUGARD asked who were the " negroid girls " of whom the paragraph spoke.

Mr. HALL explained that they were the descendants of former slaves now employed in domestic service.

Mr. WEAVER regretted that the conditions of employment by the Iraq Petroleum Co. had only now been made known, after the pipe-line had been completed. Were a sixty-three hour week and the absence of any provision for a weekly day of rest the regular practice, or exceptional ?

He noted that Article XI of the Convention with the Anglo-Persian Oil Co., while giving the company facilities for recruiting labour, did not appear to impose any obligations on the company in respect of labour conditions (page 306 of the report).

Mr. HALL replied that, in the case of the construction of the pipe-line, the same workmen did not necessarily work every day. Cases of men working sixty-three hours a week or seven days in the week must have been very rare. It was quite out of keeping with the habits or inclinations of the Bedu to work seven days a week.

The Anglo-Persian Oil Co. had given the same assurance as regards fair conditions of labour as had the Iraq Petroleum Co.

Mr. WEAVER said he had received reports that the treatment of the dockyard workers in Haifa Harbour was unsatisfactory.

Mr. HALL replied that he thought it very unlikely that these reports were well founded ; but he would enquire into the matter.

ALCOHOLIC LIQUORS AND DRUGS.

Count DE PENHA GARCIA noted that the number of arrests and seizures in connection with the possession of narcotics had increased.

As regards alcohol, he noted that there was a decrease in the number of licensed premises, but an increase in the consumption of alcohol. He was particularly struck by the number of Moslem arrests (page 116) for drunkenness. The number of licensed premises should perhaps be still further reduced.

It would be very desirable to have separate figures for the urban and rural population, as in the case of some other territories under mandate, particularly because, as the representative of the mandatory Power had said, the consumption of alcohol in the villages was still small.

Mr. HALL replied that there was no evidence of any increase in the drug habit in Palestine. Almost all the seizures and arrests were in connection with transit traffic. Egyptians domiciled in Palestine were sometimes addicted to hashish ; but, generally speaking, the Arabs of Palestine did not take hashish.

Certain Moslems were addicted to " arak ", but the number of convictions for drunkenness per thousand of the population in the past year compared very favourably with the statistics in certain European countries.

As regards licensed premises, the new licensing bill provided for the establishment of licensing boards throughout Palestine with power to refuse licences without giving any reasons. There was at present practically no drunkenness in the rural areas, and the spread of alcoholism to those areas would in future be effectually checked by the new boards.

EDUCATION : PETITION FROM THE ARAB INDEPENDENCE PARTY (*continuation*).

The CHAIRMAN drew attention to the figures given on pages 119 and 120, paragraph 8, of (a) children of school age, and (b) children actually attending school, and asked why such a very small proportion of Moslem children were attending school, while practically all Christian and Jewish children of school age were receiving education.

Mr. HALL replied that the explanation was that the Government was not at present in a financial position to provide education for all Arab children in Palestine. The cost would be prohibitive.

The CHAIRMAN observed that, under the Education Ordinance, the High Commissioner was empowered to exempt certain institutions from the provisions of the Ordinance (page 56). What institutions?

Mr. HALL replied that they were institutions for the purpose of purely religious education.

Lord LUGARD said it was very satisfactory to see the transference of Arab children from Kuttabs to Government schools (page 127). Did the Hebrew University take Arabs?

Mr. HALL replied in the negative. A certain number of Arab students were given scholarships to enable them to study in the United Kingdom or at Beirut ; and the Arab College provided a pre-university higher education. But, otherwise, there was no other local facility for Arab students.

Lord LUGARD was very glad to note that the scheme of inducing students to engage in voluntary welfare work in the villages had been introduced (page 131). He thought it was most valuable. Was there any prospect of its extension? Had it been adopted by the Hebrew University?

Mr. HALL said that the voluntary welfare work done by twelve students from Beirut in certain villages in the Galilee and Jerusalem districts was of very great value. This was a new development. He believed that the Hebrew University had not yet tried the experiment.

M. PALACIOS wished to consult the accredited representative with regard to the objections and complaints (which he would read) in the petition of the Arab Independence Party (document C.P.M.1434). He would be grateful if the accredited representative could give any explanations in connection with the various points of this petition.

The authors of the petition said that, in order to prove that, in fifteen years, no constructive programme of education had been laid down, it was sufficient to mention the following facts :

“ (a) That there are in Palestine about one thousand Arab villages, while schools are not established except in about 300 villages ;

“ (b) That the number of Arab children, male and female, who are of scholastic age, amounts at least to 150,000, while only about 30,000 are accommodated in schools and that there are more than 100,000 boys and girls who are deprived of education for lack of schools, notwithstanding the intense and keen desire for education in the country ;

“ (c) That thousands of pupils in towns seek admission to schools, but only one tenth of them are admitted ;

“ (d) That, up till now, there exist no industrial schools and only one secondary-school with complete classes and that, had it not been for the endowment of Kadoorie, the Jew, there would not have been established in Tulkarm, two years ago, an agricultural school, to which the High Commissioner refers as though it were the result of the efforts of the British authorities ;

“ (e) That the Department of Education which supervises the Arab schools is run by English officers who lay down the programmes and regulations ;

“ (f) That the management of the schools adopts an intimidating attitude, prevents the teaching of national education, strictly watch the Moslem Arabs and demands from them to watch each other ;

“ (g) That the head of this Department is, at the same time, the President of a foreign association known for its missionary activities.”

Mr. HALL replied as follows :

(a) The programme of expansion of rural schools had been suspended because the one-class system in village schools had been found unsatisfactory. The Government's new proposals for an increase of educational facilities in rural districts were mentioned on page 121 of the report.

(b) The statement that “ there are more than 100,000 boys and girls who are deprived of education from lack of schools, notwithstanding the intense and keen desire for education in the country ” was misleading. The number of applications for admission to Government schools which had to be refused was about 5,000 (page 121, paragraph 11). The proposed expansion of urban education would eventually make good this discrepancy.

(c) Mr. Hall invited attention to his reply to the allegation at (b).

(d) It was true that there was no Government technical school at present. It was, however, proposed to establish one at Haifa out of the proceeds of the Loan, and plans were now in course of preparation.

(e) The Commission would see, from page 117, paragraph 3, of the report, that of the 866 classified officers employed by the Education Department, only twelve were British.

(f) Mr. Hall could only say that there was no foundation whatever for this statement.

(g) The “ foreign association known for its missionary efforts ” was presumably the Y.M.C.A. The Director of Education was, he believed, a member of the local committee of this association.

M. PALACIOS was glad to have provided the accredited representative with an opportunity for making a statement—for which he thanked him—on these various points.

M. RAPPARD observed that the Grand Mufti was touring the world to raise funds for an Arab University. Did the accredited representative think the Arabs were more interested in higher than in primary education ?

Mr. HALL was not prepared to say that. The Arab leaders were concerned both to raise the educational standard of the fellahin and to promote higher religious education. The Arab University which the Grand Mufti wished to found would be a university on the lines of Al Azhar—that was to say, primarily a religious institution.

PUBLIC HEALTH.

M. SAKENOBE called attention to the prevalence of conjunctivitis in the southern parts of Palestine. He wished to know if the danger was over.

Mr. HALL said that the problem of conjunctivitis was a very serious one. The Government had expanded the ophthalmic services in South Palestine, and its campaign was already yielding good results (page 143).

PUBLIC FINANCE.

M. RAPPARD said that so prosperous were the finances of Palestine that she was able to invest large portions of her revenue abroad—in British and colonial stocks, though not apparently in Palestine itself—and draw a large income from this source. And yet she was now proposing to raise a loan. This policy had naturally given rise to criticism in certain quarters, in particular, in the British House of Commons.

He noted that, in defending the proposed loan in the House of Commons, Sir Philip Cunliffe-Lister had stated that orders to the amount of £600,000 would be placed by the Palestine Government in England. He would like further information from the accredited representative on this point; and in particular he would be interested to learn whether the initiative in regard to this loan came from Jerusalem or from London.

Mr. HALL replied that it would be unwise to regard the present revenues of Palestine as necessarily stable. Experience of the financial crisis of 1926-27 had shown that Palestine was not immune from periods of depression; there were, indeed, important elements in the revenue which were particularly sensitive to economic and other influences and liable to sudden contractions. It was specially important for the Palestine Administration to pursue a financial policy which would ensure that essential social services and public development continued without interruption or curtailment during periods of financial depression and falling revenue. On the other hand, the general good of the country demanded the early undertaking of certain capital works of development, for the most part directly remunerative financially and in every case socially beneficial. The Palestine Government was therefore confronted with the choice between expending its surplus balances and then facing the future prospect of having to suspend or curtail essential public services, and borrowing money on the most favourable terms while preserving its surplus balances as a reserve against hard times.

The Palestine Government, as he thought rightly, had chosen the latter course. It should be mentioned that, of the accumulated surplus balance of £2½ millions, over £600,000 was already hypothecated to expenditure. The Government intended at once to transfer to a Reserve Fund £1½ million and to add to this fund from future revenue surpluses, until it had reached the figure of £3 millions, representing a normal year's revenue.

The present time was particularly favourable to the flotation of a loan, owing to the low interest rate prevailing.

It was not a fact that the Government was investing at a low, and borrowing at a high, rate of interest. The average yield on its investments was at present 3.49 per cent; and it was hoped, thanks to the guarantee of His Majesty's Government to be able to float the new loan at a lower figure.

The initiative for the loan definitely came from the Palestine Government and not from the United Kingdom. The undertaking to place orders for materials in the United Kingdom was, in the circumstances, entirely fair and reasonable. Those circumstances were that Palestine, with an existing first charge on her revenues of the service of a loan of £4½ millions, wanted to raise another substantial loan on the most favourable terms obtainable. Without the guarantee of His Majesty's Government, Palestine would have had to pay a high rate of interest. That guarantee was possibly worth as much as 2 per cent to Palestine—namely, £40,000. But that was not the full extent of the assistance accorded to Palestine by His Majesty's Government. His Majesty's Government had already promised to meet from the Colonial Development Fund a proportion of the interest charges in respect of loan expenditure on the Jerusalem and other water and drainage schemes during the early years, amounting to a contribution of some £74,000. Detailed plans for other water and drainage schemes had not yet been completed; but there was reason to hope that, when the plans had been approved, further assistance would be granted from the same source, possibly amounting to as much as £46,000. In view of these facts, Mr. Hall felt confident that the Commission would agree with him that Palestine had not made a bad bargain.

In reply to a further question by M. Rappard, Mr. Hall said that he considered it a fair arrangement that 25 per cent of the expenditure of the Trans-Jordan Frontier Force should be defrayed by Palestine.

DEMOGRAPHIC STATISTICS.

M. RAPPARD enquired why no figures were available for emigration in 1932 and 1933 (page 181).

Mr. HALL replied that the figures of emigration totals were now only estimated.

APPLICATION TO PALESTINE OF THE IMPERIAL PREFERENCE.

The CHAIRMAN drew attention to the question of the application of the British Imperial Preference to Palestine with regard to which the Commission made an observation last year (Minutes of the Twenty-third Session, page 190).

Mr. HALL replied that the difficulties encountered by His Majesty's Government when it considered the question arose out of the most-favoured-nation clause of its commercial treaties with foreign countries. It was impossible to grant Imperial Preference to Palestine if as a result States with most-favoured-nation rights in the United Kingdom would thereby also be entitled to claim it. A number of States had been consulted and had replied to the effect that they considered that they would in fact be entitled to claim it, and His Majesty's Government had therefore decided to take no further action in the matter.

CINEMATOGRAPH.

Lord LUGARD asked if there was any policy in regard to educational films in Palestine, and if there was any censorship.

Mr. HALL replied that the British Social Hygiene Council had lent the Government films, which had been displayed to good purpose. Educational films were imported free of duty. The Government hoped in due course to arrange for the display of such films in the villages by means of a travelling cinematograph. All films were effectively scrutinised by a Board of Censors in Palestine.

CLOSE OF THE HEARING.

The CHAIRMAN thanked Mr. Hall for his frank and full answers to the Commission's questions.

Mr. Hall and Mr. Nurock withdrew.

New Guinea : Examination of the Annual Report for 1932-33.

Mr. McLaren, Acting High Commissioner for Australia in London, and Mr. Chinnery, Head of the Department of District Services and Native Affairs of New Guinea, accredited representatives of the mandatory Power, came to the table of the Commission.

WELCOME TO THE ACCREDITED REPRESENTATIVES.

The CHAIRMAN welcomed Mr. McLaren and Mr. Chinnery on behalf of the Commission. The Commission had already had the honour in the previous year to collaborate with Mr. McLaren and was also acquainted with Mr. Chinnery, who had represented the mandatory Power at the Commission's eighteenth session. The Commission had followed with interest Mr. Chinnery's remarkable achievements in the territory under mandate as Government anthropologist. For the last twelve months, Mr. Chinnery had been directing one of the most important departments in New Guinea. The Commission highly appreciated the fact that the mandatory Power had given it an opportunity of examining the annual report with the assistance of a high official of the mandated territory.

Mr. McLAREN thanked the Chairman, particularly for his reference to Mr. Chinnery, who, holding a high position in the Administration of the territory and being a member of the Legislative Council, would be in a position to supply the Commission with much up-to-date information.

FORM OF ANNUAL REPORT : MAP OF THE TERRITORY.

The CHAIRMAN noted with satisfaction that the annual report had been somewhat enlarged this year, particularly by the addition of a number of special reports, including Mr. Chinnery's report on applied anthropology in the territory under mandate (page 153). This latter report contained information which was of great interest to the Commission. He also wished to thank the mandatory Power for having appended to the report, in accordance with the desire expressed in the previous year by a member of the Commission, a revised and detailed map of the territory.¹

QUESTION OF CLOSER CO-OPERATION BETWEEN THE ADMINISTRATIONS OF NEW GUINEA, PAPUA, NAURU AND NORFOLK ISLAND.

M. PALACIOS noted that, according to an article entitled "Amalgamation in the Pacific" which had appeared in the Rabaul *Times* of December 15th, 1933, a Conference between the Administrators of New Guinea, Papua, Nauru and Norfolk Island had been convened at Canberra in February 1934. The object of this Conference was to discuss the possibility of introducing a uniform system of government and establishing closer co-operation between the above-mentioned authorities. Although this Conference had been convened for a date subsequent to the period covered by the annual report, could the accredited representative state whether it had taken place and, if so, what decisions it had reached?

¹ See Minutes of the Twenty-third Session of the Commission, page 21.

Mr. McLAREN said that the Conference had duly met at Canberra and had discussed the practicability of the amalgamation of the Administrations. The view generally expressed was that the territories had not yet reached a sufficient stage of development to warrant any action in this direction at present. On the other hand, the advantages of closer co-operation had been acknowledged and it had been agreed that, in future, each Administrator, in addition to reporting to the Minister in charge of territories, should, by monthly circular, advise the other Administrators of anything of interest regarding the application of present policies, any important changes, innovations or forms of development contemplated and any matters of administration likely to be of interest or assistance, the object being to promote a greater degree of uniformity in administrative methods.

M. PALACIOS said he was satisfied with this reply for the present. He hoped that it would always be borne in mind that the mandated territory was a separate entity.

In reply to Lord Lugard, Mr. CHINNERY said that there was no intention on the part of the Administration to alter the general policy with regard to New Guinea.

PENETRATION INTO AND CONTROL OF THE TERRITORY.

M. VAN REES, referring to the table in paragraph 38 on page 29 of the report, noted that, after deducting the areas under control, influence or partial influence in the territory, an area of about 50,660 square miles, or more than half the total area of the territory, remained unaccounted for. Were those areas completely unknown and unexplored?

Mr. CHINNERY said that, since the report had been drawn up, large tracts of new territory had been penetrated, prospected and patrolled. It was difficult to define, in terms of square miles, what area still remained unexplored, because unpenetrated regions occurred in various parts of the territory. He would presently be able to describe to the Commission, with the aid of lantern slides, certain large new areas recently explored in the central mountain ranges south-east, south and south-west of the Bismarck Ranges, where friendly relations had been established with newly discovered populations estimated to exceed 100,000. There were now few large areas remaining unpenetrated. Furthermore, considerable tracts of country were known to be uninhabited. Aircraft had been employed with great success, both in aerial reconnaissance work preceding penetration of land patrols and in transport, patrols being revictualled by planes. One result of this had been the establishment of aerodromes and landing-grounds in many places among the central ranges of New Guinea. Additional areas had been mapped since the publication of the map appended to the report.

In reply to a further question by M. Van Rees, who asked what was the meaning of the words "the total of the *counted* population" (mentioned in paragraph 54, page 33, of the report) which amounted to 400,000, Mr. Chinnery explained that this was the total population actually counted by the Administration. It did not include estimates of the inhabitants of unpenetrated or newly penetrated regions. For instance, it did not contain the large population recently discovered south of the Bismarck Ranges. It comprised 372,880 natives counted in villages, plus approximately 28,000 absent on indentured service.

RE-ORGANISATION OF THE PUBLIC SERVICE : SITUATION OF PUBLIC SERVICE OFFICIALS : LEGISLATIVE COUNCIL.

Lord LUGARD noted (paragraph 4 of the report) that the Administration had been completely re-organised somewhat on the lines of the British Crown Colony system. He noted, however, that the non-official member of the Executive Council was elected by the non-officials of the Legislative Council. Was there a special reason for this procedure, which was unusual?

Mr. McLAREN replied that the same system was followed as in the territory of Papua. The non-official member of the Executive Council was chosen by and from the non-official members of the Legislative Council.

In reply to a further question by Lord Lugard, Mr. McLaren said that he would be pleased to communicate to the Commission a summary of the proceedings of the Legislative Council.

Lord LUGARD was glad to see that the Government of Australia had appointed an official anthropologist and had also decided that cadets should go through a course of anthropology (paragraph 9). What would be the length of the course? Was special study leave granted for cadets?

He offered his congratulations to Mr. Chinnery on his promotion.

Mr. CHINNERY said that the course of anthropology referred to was twelve months' training at the University of Sydney. In addition, a special short course was often taken by district officers on leave. There was, however, no special system of "study" leave.

In reply to a further question by Lord Lugard (paragraph 12, "Exempt Employees and Temporary Employees"), Mr. McLAREN explained that the provision for appointments for

“specified periods” had been deleted from Section 13 of the Public Service Ordinance, and that any person engaged for a specified period was now classed as an “exempt” employee. “Exempt” officers were not employed in the higher administrative positions, but, in a number of cases, they were engaged upon technical work. The Minister was empowered to determine the rates of pay and conditions of employment of “exempt” officers, who were, in these respects, exempted from the provisions of the Ordinance. “Temporary employees” were not engaged for specified periods and were governed by conditions different from those applicable to “exempt” officers.

In reply to a further question by Lord Lugard, Mr. McLaren said that there were three divisions of the public service. The first division comprised the senior officers, such as heads of departments and district officers. The second division included, amongst others, the assistant district officers, patrol officers and cadets. Roadmasters, chainmen, mechanics and other non-clerical officers were included in the third division. All were white men.

LANGUAGE.

Lord LUGARD quoted a statement in the Press that the administrative staff was insufficiently acquainted with local languages. Was there any compulsory examination in languages as a condition for promotion? Even though there might be a multiplicity of languages, the knowledge of one was a great help. Was there no *lingua franca* at all?

Mr. CHINNERY replied that there was no such system of compulsory examinations in languages. A system of proficiency examinations existed, however, as a qualification for increments. The difficulty of examinations in languages arose because of the many languages spoken, even in small areas. In Morobé, for instance, probably thirty different languages or dialects were used. The Administration was endeavouring to teach and extend the use of English, and pidgin English was now fairly well understood and used throughout the territory. Some officials understood a local language, but the use of such languages was confined to a small area.

M. RAPPARD asked whether any of these languages had been reduced to writing and whether any grammars had been established.

Mr. CHINNERY said that, in the Morobé district, the Lutheran Mission had published grammars of a non-Melanesian bush language and a Melanesian language, and these languages were being taught in the mission schools throughout the district. In other parts of the territory, too, the missions had published grammars of local language.

AMALGAMATION OF THE DISTRICTS OF AITAPE AND SEPIK.

M. SAKENOBE noted from the report that the districts of Aitape and Sepik had been amalgamated (paragraph 11). Sepik was the largest district in New Guinea and Aitape was by no means a small one. What benefits were expected to accrue from the amalgamation of these two large districts?

Mr. CHINNERY explained that the country between the Torricelli and Prince Alexander mountains and the Sepik river consisted of heavily populated grass-land, across which it was a comparatively simple matter to establish communications. The inhabitants had linguistic affinities, and ready access to the whole area could be obtained through Wewak, which was a much more convenient port than Aitape or the Sepik River. The amalgamation had, therefore, been made in order to facilitate transport and the administration and development of the country.

PUBLIC FINANCE.

M. RAPPARD noted that the financial situation of the country was satisfactory, owing largely to the yield of royalties on gold mines. He called attention to the statement in paragraph 265, page 97, of the report, that “the indebtedness to the Commonwealth Government was reduced during the year 1932-33 by the repayment of an amount of £29,537 18s. 9d. on account of cash loans”. He could not see any mention of this amount in the general statement of expenditure, unless it had some connection with the £21,632 1s. 5d. hidden away in the “Miscellaneous” section, under the item “Interest on and redemption of loans for new works”. Even if this assumption were correct, the two figures did not seem to tally. Could the accredited representative explain this point?

Mr. McLAREN drew attention to footnote (e) on page 93, which showed the miscellaneous item mentioned by M. Rappard to be “due to liquidation of loans referred to in paragraph 265”. The item included interest on, as well as payments by way of redemption of, loans. The loan indebtedness to the Commonwealth Government was reduced during the year by special payments, from revenue, amounting to £19,537 18s. 9d. (included in the miscellaneous item referred to). These, with a further payment to the Commonwealth Government of £10,000 from Trust Funds, produced the total of £29,537 18s. 9d. quoted in paragraph 265 (page 97). The payment from Trust Funds was authorised by the Loan Ordinance 1933, which empowered the Administrator to borrow from that source a sum of £22,000, to be used (a) in reducing the debt to the Commonwealth Government by £10,000 and (b) in repaying

the balance (£12,000) of an earlier loan from Trust Funds borrowed under the authority of Ordinance No. 27 of 1928. The earlier loan from Trust Funds thus redeemed had carried interest at the rate of 5 per cent. The interest on the 1933 loan from Trust Funds was at the rate of 4 per cent.

M. RAPPARD hoped that in future these transactions would be set out in the report in a somewhat simpler and more easily comprehensible form. He was glad to note that the various separate "funds" were gradually being replaced by a unified system of accounts.

Lord LUGARD asked whether the head tax of 10s. referred to in paragraph 55 was not rather high. It was stated that a number of natives were unable to pay the tax. In such cases, could not a reduced tax be authorised? Had natives in the interior any money to pay in cash?

Mr. CHINNERY explained that when copra prices were normal, natives found little difficulty in meeting this tax, which they paid in cash. Even in the interior, cash was available as a result of trade between the natives of the interior and the coast. Furthermore, the people of both regions sold native food and commodities to traders. When natives were unable to pay, they were exempted or, in some cases, smaller sums were accepted.

In reply to a question by Lord Lugard, Mr. Chinnery said that the grants for native welfare had been abolished, owing to the economic depression in Australia, and had not been reinstated.

JUDICIAL ORGANISATION.

The CHAIRMAN drew attention to the statement on page 22 of the report that the district courts had convicted thirty-three Europeans of assaulting labourers. According to the information given on page 39, the penalties seemed to be rather light.

Mr. CHINNERY said that each case had been carefully considered on its merits. Reports had frequently been examined at headquarters. He was convinced that, where a fine was light, it was justified. The Chairman would notice that, in the more serious cases, the fines were much higher.

The CHAIRMAN observed that sixty-two natives had been convicted during the year by the Central Court for wilful murder (page 21 of the report). There had only been nineteen convictions in the previous year. Could the representative explain these figures?

Mr. CHINNERY replied that it was probably because the territory was now being more effectively patrolled.

ARMS AND AMMUNITION.

M. SAKENOBE, referring to the table on page 40 of the report, noted that there had been a large increase in the importation of arms and ammunition of every kind. The number of permits issued had also increased considerably. He asked the accredited representative to explain this.

Mr. CHINNERY said that the increase was probably due to a greater number of Europeans entering new country. Such parties were bound to go armed. M. Sakenobe would also realise that, in the tropics, arms deteriorated and had to be replaced.

NATIVE CUSTOMS : POLYGAMY.

Mr. CHINNERY, in reply to a question by Lord Lugard, said that the Lutheran Mission insisted that its converted natives should abandon all their "native dancing". So far as he could see, this prohibition had not resulted in any apparent apathy among the natives.

M. PALACIOS noted that, in the special report on applied anthropology appended to the annual report, it was stated (page 158) that the new social and religious ideas introduced struck killing blows at the very root of native culture and that in almost every district where missions have become established the old customs are rapidly disappearing. Were not the missionaries prepared to maintain and develop whatever might be healthy and valuable in native culture and customs?

Mr. CHINNERY replied that it was definitely the policy of missions and the Government to improve the moral and material welfare of the natives. There was not always agreement, however, as to what was healthy and valuable in native life and, as indicated in the anthropological report, the various European interests imposed their own standards of development on native institutions.

M. PALACIOS asked whether there was any opposition among the population to the abolition of native customs.

Mr. CHINNERY replied that there was a resistant element among the older people, but that the younger natives now attending school were becoming permeated with new ideas, which would probably result in substantial changes in the coming generation.

M. RAPPARD, with regard to the gradual suppression of polygamy, noted that throughout the territory there were 10 per cent more males than females. What were the relations between this circumstance and the disappearance of polygamy?

Mr. CHINNERY said that he sympathised with the missions in their attitude towards polygamy. It often happened that old and wealthy men had a number of fruitless wives, while younger men were deprived of women.

SIXTH MEETING.

Held on Saturday, June 2nd, 1934, at 10.30 a.m.

New Guinea : Examination of the Annual Report for 1932-33 (continuation).

Mr. McLaren and Mr. Chinnery came to the table of the Commission.

RE-ORGANISATION OF NATIVE POLICY.

Count DE PENHA GARCIA congratulated the mandatory Power on the revolutionary change in the native policy of the territory. The fact that District Services and Native Affairs now formed a single department, directed on anthropological lines, was of happy augury in solving the difficult problems that always arose from a contact of races. He asked that any publications on applied anthropology and the questionnaires, if any, used by the Administration might be communicated to the Commission.

REPRESENTATION OF NATIVE INTERESTS IN THE GOVERNMENT COUNCILS.

Lord LUGARD said that he would venture to make a comment on the debate in both Houses of the Australian Parliament on the New Guinea Bill, which he had read with the greatest interest. The representation of native interests had been very fully discussed, and the Government had seen no reason to include in the Act any provision for a member specially charged to represent those interests. He ventured to think that that decision was fully justified and—since legislative councils in the colonies were, he thought, confined to British dependencies—he might perhaps explain the reason for his opinion. So long as the non-official members were nominated by the Governor or Administrator, it was properly left to the latter's discretion, subject to confirmation, to select the men who, in his opinion, were best qualified to advise him. But, as soon as the principle of election of non-officials was introduced, it might be necessary (especially if the franchise was not extended to the natives) that the natives should have some special representation, if not direct, then by proxy.

LABOUR.

Lord LUGARD noted the passage in Mr. Chinnery's presidential address (page 158 of the report) that, as new villages are brought under control, recruiters and others "count the districts for labour", and men were "taken away for a minimum period of three years to various parts of the territory, leaving for the first time their families and wives". He added that there were 3,000 adult males in compounds at Rabaul alone. Under the Native Labour Ordinance, the term of indenture was three years (page 171), but Lord Lugard pointed out that the Native Labour Committee of the International Labour Office had been drafting recommendations for a Convention regarding contract labour, and the delegates of the different nations represented on that Committee had been unanimous in the view that long contracts were responsible for great harm. Would it not be possible in New Guinea to reduce the length of contracts to six months, or at most a year?

Mr. CHINNERY explained that three-year contracts of service were necessary to enable employers to train natives making an indenture for the first time. In planting- and mining-circles, a labourer was regarded as of little use for the first year, and the employer only derived any benefit from his services during the period following. After one contract, a native could be signed on for one or two years, as he pleased. Gradually, by a process of rotation, the natives would come to be more or less trained, and the tendency might then be to take natives living near by for a shorter period. At present, owing to time lost in travel and training, employers could not be expected to do so.

The CHAIRMAN asked what was the punishment in cases of breach of contract, if, for instance, a native ran away. Was corporal punishment inflicted?

Mr. CHINNERY replied that that was not allowed. The native was liable to be sentenced to a short term of imprisonment, with hard labour, during which time he would receive no wages. The mere fact of detention, away from his fellows, with prison labour, often acted as a corrective.

In reply to Lord Lugard he added that there was a movement on foot to encourage women to accompany their husbands; that had been the position all along, but lately there had been additional activity to this end. An important commercial firm was definitely trying to induce married recruits to bring their wives with them.

Lord LUGARD reminded the accredited representative that it had formerly been the rule in New Guinea that a labourer was compulsorily repatriated on the conclusion of his contract, before being allowed to re-engage. Was this excellent rule still in force?

Mr. CHINNERY replied that the general practice was for labourers to return first to their villages, but that exceptions were allowed.

Mr. WEAVER asked that the next report might show the approximate number of natives who returned to their homes before re-engaging.

Lord LUGARD pointed out that, according to paragraph 75 of the report, the total number of natives who, during the year, on the expiration of their old contracts, had signed new ones was 5,761. The preceding year, the number had been 2,902. What were the reasons for that greater willingness to re-engage on the expiration of the contract?

Mr. CHINNERY replied that many natives were settling down to the conditions of life in industrial labour, and were marrying women in villages in the neighbourhood of their work. Many, especially those from far inland, were not desirous of returning home, where they would again be subject to severe tribal laws. Fuller reasons could, he added, be supplied for inclusion in a future report.

Lord LUGARD noted the reply to a question asked in the Australian Parliament, in December 1933, to the effect that "no native or other coloured labour shall be employed on any vessel engaged in the services" between Australia and New Guinea, except for certain work, such as the handling and discharging of cargo. He enquired what was the reason for that total exclusion of native labour.

Mr. McLAREN stated that the purpose of the provision was to protect seamen from unfair competition by the lowering of wages.

Lord LUGARD thought the new system of training for native labourers who showed aptitude and interest in agricultural work was an excellent one (paragraph 212), and enquired under whose supervision that training was given and whether it had been introduced in more than one place in the territory.

Mr. CHINNERY stated that the system applied only at Keravat, where there was a demonstration plantation under the Government. Training was given by a qualified instructor, under the direction of the Director of Agriculture. Later, it would be continued in the various districts, under the supervision of district agricultural officers. It had been necessary to start on a small basis, and the selected natives now undergoing training would be replaced by others. It was hoped thus gradually to introduce improvements into native agricultural methods.

Lord LUGARD asked whether any part of the "Native Labour Tax" (now substituted for the education tax formerly paid by employers) fell on the natives themselves (paragraphs 261 and 266).

Mr. McLAREN replied in the negative. He stated that a provision existed for levying an education tax on the natives, but that during the last few years that tax had not actually been imposed.

Lord LUGARD observed that attention had been called the previous year to the large number of cases of desertion among the labourers.¹ The table on page 24 of the present report showed a considerable decrease in the number of such cases. On the other hand, it appears from the same table that the figures for native labourers neglecting to perform duty had risen from 316 to 490. Had the accredited representative any information to offer on the subject?

Mr. CHINNERY thought that the point noted by Lord Lugard was probably an indication of the period of depression. Employers were requiring a greater efficiency from their workers and might perhaps be lodging more complaints than before.

Mr. WEAVER asked whether the Administration was satisfied that no further measures—other than those described in the report—could be taken to improve the position in regard to desertion.

¹ See Minutes of the Twenty-third Session of the Commission, page 27.

Mr. CHINNERY said that the question was one with which the Government was greatly preoccupied, especially in the Morobé district. Local officers were endeavouring to collaborate with employers, on whose attitude the position largely depended. An experienced officer had recently inspected labour conditions on the goldfields and fuller information would be given in the next annual report. He added that one of the largest employers of labour in the New Guinea goldfields had recently asked him to recommend someone to take over the control of his labour. Mr. Chinnery expected to see big improvements in the Morobé district within the next two years. The problem was being seriously considered by the principal employers on common-sense lines.

Mr. WEAVER called attention to two cases mentioned in the report. There was the case of two European prospectors who had entered the uncontrolled area without permission and there been killed, together with six of their native labourers (paragraph 42). There was the case also of a recruiter who had been murdered south of Wewak, with three of his labourers (paragraph 51). Could the accredited representative state whether any compensation was paid to the families of labourers who lost their lives in such circumstances?

Mr. CHINNERY said that, so far as he was aware, no compensation had yet been paid in the two cases in question. He would make a point, on his return, of bringing the matter before the Administrator for consideration of the question of compensation arising out of natives losing their lives while engaged with expeditions in uncontrolled areas.

Mr. WEAVER, referring to the Ordinance to amend the Native Labour Ordinance (page 127 of the report) and to the section which concerned more particularly the contracting of women (Section 27), enquired whether women, like men, were engaged for a three-year period.

Mr. CHINNERY replied that they might be engaged for a period up to three years.

Mr. WEAVER noted that an unmarried female native recruited and engaged for employment in domestic service was not allowed to marry during the period of her employment without the permission of the director. He asked whether such permission was readily given, or if the application would be regarded as grounds for terminating the engagement.

Mr. CHINNERY replied that the whole question of women's employment, which existed only in the big towns and on some of the plantations, was strictly controlled. It was necessary to protect women from marriages of convenience. The application of a girl for permission to marry a man on an adjoining plantation might possibly be considered grounds for the termination of a contract. Each case was, however, governed by the wishes of the parties and by the particular circumstances.

Mr. WEAVER asked that a summary of the inspectors' reports might be communicated to the Commission. He said that he would state in a note exactly what information was desired.

Mr. Weaver noted the reference, in Section 72 B of the Ordinance amending the Native Labour Ordinance, to the "customary place of residence" of non-indentured natives, and enquired whether there was a limitation of radius for the employment of such labour.

Mr. CHINNERY replied in the affirmative; the customary place of residence must be within twenty-five miles of the place of employment, in order to ensure that the native could get back home, should he wish to terminate the contract. That was one means of protecting unindentured labourers.

Mr. WEAVER asked that future reports might contain statistics of unindentured labour.

He enquired, with reference to the Native Taxes Ordinance, what was the purpose of the exemption from taxes in the case of indentured labourers (paragraph 68). Was the intention to provide an inducement to them to engage?

Mr. CHINNERY did not think that there was any such intention. Exemption was granted, by reason of the difficulty of collecting the taxes, for the year in which the native entered or departed from his contract.

Mr. WEAVER noted the definition of "professional recruiter" given in the annual report (page 171) in response to the Commission's request.¹

He enquired whether the Administration was satisfied that the demographical position of the territory was safeguarded, in view of the fact that about 20 per cent of the total adult male population were under indenture away from their homes.

Mr. CHINNERY said that it was difficult to set up a definite percentage of how many people it was safe to allow to be absent. There was no definite rule. A number of considerations had to be taken into account, such as the sex ratio (*e.g.*, excess of males over females); the number of marriageable females in relation to the number of males; food shortage; the fact that many of the plantations were within reach of the villages, and that natives could get home for week-ends. Government officers were watching the position and, as soon as a village showed signs that the number of able-bodied men was being drawn upon too freely, that village was closed to recruiting for a certain number of years.

¹ See Minutes of the Twenty-third Session of the Commission, page 27.

Mr. WEAVER observed that the death-rate of thirty per thousand among indentured labourers engaged in mining—though an improvement on the previous year's figures of forty-two per thousand—was still too high. He hoped that the measures announced in the report (page 65) would be successful.

Mr. CHINNERY said that epidemics were the difficulty, with the native's indifference to measures of hygiene.

He stated, in reply to M. Rappard, that the natives came willingly to the mines, where the conditions generally were good.

Mr. WEAVER said the report gave the minimum rates of wages, but did not state the actual rates paid in the territory. He would be glad to have this information in the next report.

EDUCATION.

The CHAIRMAN noted the reference in the annual report (paragraph 115) to a scheme whereby the missions would be asked to take over the education of the natives of the territory. Could the accredited representative give further particulars as to the proposed arrangement and the possible consequences?

The annual report gave the number of mission schools, together with the attendance, while the statistical table on page 112 showed the distribution of the schools and of the pupils between the various missionary societies. Would it be possible to have fuller details of the work of the mission schools—for example, the curriculum, the distribution of pupils according to sex, their ages, the length and nature of the courses and the number of teachers?

COUNT DE PENHA GARCIA asked that the expenditure on the Rabaul technical school might be given in the following report; he noted that the estimated value of the work done by the school during the year was £2,441 (paragraph 103).

There seemed to him to be some incongruity in the Native Administration and Welfare item (paragraph 267): "Native Affairs Department, Total Expenditure—after deducting expenditure on the European school, Rabaul. . . ." What was the connection with the European school?

He expressed his interest in the proposals of the Administration with a view to an arrangement under which the missions would be made responsible for the education of the natives of the territory. That was perhaps a natural extension of the *de facto* position. Latterly, in Timor, he had had occasion in the Supreme Council for the Portuguese Colonies to examine a similar proposal, for there, too, the missions had shown great skill in the difficult task of educating the natives. He approved, in principle, the mandatory Power's policy in this matter.

He observed, however, with some misgiving that it was proposed that the native schools should consist of three groups: the village school, the primary or middle school and the high school or college. The rôle of the village school was obvious: it was designed to give the native an adequate knowledge of elementary subjects and of agriculture and even some knowledge of the manual arts. The primary school, too, had its place. But was the time ripe for the high school or college? To provide such education for the natives at present would be to create a class of persons for whom there was no reasonable prospect of obtaining employment. A sounder policy, in his view, would be to extend the scope of elementary education and to bring it within the reach of a greater number of natives, though always with reference to the possibilities of employment.

According to the proposals, the curriculum would, he noted, be prescribed by the Administration, and subsidised schools would be subject to inspection. He pointed out one provision of the Portuguese scheme for Timor, to which he had referred, stipulating that the Administration reserved the right, in the event of the mismanagement of any school by the missions, to take over that school within thirty days after communicating its decision to the mission authorities; that ensured that prompt action would be taken when necessary.

Lord LUGARD said that, while agreeing with much that had been said by the previous speaker, he did not share the view that it was good that the Government should give up all direct participation in and responsibility for education. The Government schools should be models for the missions, in so far as secular and particularly technical and manual education was concerned.

M. SAKENOBE said that he had read with some concern the passage in the report stating that the mandatory Administration was proposing to put the whole work of native education in the hands of the missions, retaining only the right of fixing the curriculum and the hours to be devoted to secular instruction, and the right of inspection of subsidised schools. The negotiations were going on, he presumed. Those negotiations had been initiated by the Administration, and the matter was serious, since, in his view, it was the duty and, at the same time, the privilege of the Administration to provide adequate education for the natives in its charge, at all events, so far as primary or elementary education was concerned. If certain private institutions were engaged in that type of education, as was generally the case, the Administration should be satisfied that such schools were being efficiently conducted.

The mandatory Administration now proposed to hand over to the missions the entire work of native education; it proposed to be relieved of its responsibility. True, it claimed the right of inspection of subsidised schools, but, in view of the steady progress of mission schools

in recent years in New Guinea and the resources of the missions in the mandated territory, as well as in their home countries, those schools would probably require no subsidy. Some might accept, but the number of subsidised schools would still be extremely limited. The Administration would gain practically nothing and what it lost would be enormous. The mandatory Administration had long been outstripped by the missions in the matter of native education, and its field of educational activity had been narrowed down by the expansion of mission education. Its efforts to control the mission schools had so far failed, and the position was indeed difficult. Still, M. Sakenobe could not but hope that the Administration would hold its ground and try gradually to improve the present position, with a view to establishing its place as a centre of guidance for native education.

Lord LUGARD said that he regarded the school-boarding system as invaluable, since more could be done to train character by association with the pupils out of school than in the classroom. He asked why boarders were discouraged in the elementary schools at Malaguna and at Maiom, and a policy adopted of making those schools available for local natives rather than as boarding establishments for those from a distance.

He enquired what was the net annual expenditure on education, after deducting receipts (such as the £2,441 in paragraph 103).

He observed (page 44 of the report) that the staff of the European school at Rabaul consisted of the head teacher and one assistant teacher, for 58 pupils, and that the head teacher was also responsible for supervising correspondence classes. This staff was surely quite inadequate.

Mr. CHINNERY said that no finality had yet been reached by the Administration in regard to the future of education in the territory. He was not himself conversant with the details of the position to date, but would invite the Commission to consult a memorandum¹ on the subject, which had been prepared by the Administrator, a copy of which he was happy to hand in for the information of the Commission.

CINEMATOGRAPH.

Lord LUGARD desired to obtain information on educational cinematographic films, if any, in the territory and on the policy of the Government in the matter and, in particular, on the censorship of films.

ALCOHOL AND SPIRITS.

Lord LUGARD pointed out that, in the last table in paragraph 87 (page 42), the column headed "approximate alcoholic content" did not show the alcoholic content.

PUBLIC HEALTH.

Lord LUGARD enquired whether the 2,922 natives holding appointments as medical tultuls were all trained (paragraph 122). He asked what were the causes of the apparent spread of leprosy, of which it was stated, on page 51, that the Department of Public Health took a serious view.

Mr. CHINNERY replied that the training of medical tultuls was constantly in progress in district hospitals. He drew attention to the intensive nature and number of medical patrols engaged in the investigation and control of leprosy.

The CHAIRMAN observed that, according to the report (paragraph 178), one of the causes of the high mortality rate among indentured labourers engaged in mining in the Morobé district was the rejection of food essentials provided by the white miners, but foreign to the native, and hence suspect. Would it not be possible and preferable, in the circumstances, to supply native labourers with the kind of food to which they were accustomed?

CHILD WELFARE.

M. SAKENOBE recalled the interesting account in the previous year's report (page 37) of the work of the infant welfare centre at Malabunga. There had been some difficulty in retaining the officials at that centre, which had accordingly been taken over by the Methodist Mission. Notwithstanding the altered arrangement, he hoped that future reports would continue to give an account of the work that was being done both at Malabunga and in other centres.

Mr. CHINNERY said that material on the subject would be available from time to time. The Methodist centre work was excellent, and, both from the practical and scientific point of view, the Government was following the experiment with interest. Similar experiments might later be extended as necessity arose and so far as funds were available.

¹ "Memorandum on Native Education in New Guinea", kept in the archives of the Secretariat.

LAND TENURE.

Lord LUGARD noted the procedure—described in Mr. Chinnery's presidential address (page 159 of the report)—when Europeans applied for land. If the natives were willing to sell, and the district officials considered that the land would not afterwards be required by them, the application, after passing through various stages, was granted. The land was proclaimed Crown land; and might be leased for periods up to ninety-nine years; the district officials then received instructions to pay the rightful owners a price agreed by Government. Did the natives understand the conception of the sale of land? Was all land recognised as belonging to the natives so that the Government could only acquire it by purchase? The Land Ordinance of 1933 (page 19) referred to the creation of natives reserves. If, however, all the land belonged to the natives, what was the need for creating reserves? Further, if all land belonged to the natives and the Government could only acquire land by purchase, what was meant by the allusion in the report to native land claims (page 159)? Lord Lugard enquired whether the Government was desirous of introducing individual ownership.

Mr. CHINNERY replied that land investigations were carefully carried out by trained officers. The native owners fully understood their transactions with the Government. The native reserves referred to were areas purchased by the Government for the natives from land already alienated. The native land claims referred to rights presented by the Department of Native Affairs in land alienated during the German Administration for which registration was now being sought. As set out in the anthropological report, no title to land could be registered until the Director of Native Affairs had given a certificate that there were no native rights over the land concerned.

CLOSE OF THE HEARING.

The CHAIRMAN thanked the accredited representatives for their valuable assistance.

SEVENTH MEETING.

Held on Monday, June 4th, 1934, at 11 a.m.

Nauru : Examination of the Annual Report for 1933.

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

WELCOME TO THE ACCREDITED REPRESENTATIVE.

The CHAIRMAN welcomed Mr. McLaren in his capacity of accredited representative of the mandatory Power for Nauru.

FORM OF THE ANNUAL REPORT.

The CHAIRMAN noted that the annual report contained much statistical information. In order to ascertain the changes made and the progress achieved in the territory, it was often necessary to compare these data with the data contained in previous annual reports. This comparison would be greatly facilitated by the preparation, if possible, of comparative tables regarding the most important questions. Could this be done in subsequent annual reports?

Mr. McLAREN thought that it should be possible.

EMPLOYMENT OF NATIVES IN THE ADMINISTRATION.

M. SAKENOBE asked whether any comparatively important posts in the administrative service were occupied by natives.

Mr. McLAREN replied that he was not in possession of details, but he knew that several natives were employed in the post office, at the wireless station and in the administration secretariat. He would ask for details to be given in the next report.

PUBLIC FINANCE.

Lord LUGARD asked why a number of trust funds were maintained. Would it not be possible to include them all in the general statement of revenue?

Mr. McLAREN explained that the Administration was merely a trustee in respect of the moneys in the Nauru Royalty Trust Fund and the Nauru Landowners' Royalty Investment Fund (pages 11 and 12).

In the first place, 1½*d.* a ton royalty on phosphate was paid to the Administrator to be expended solely for the benefit of the Nauruan community as a whole; secondly, 2*d.* per ton royalty was paid to the Administrator to be held in trust for the individual landowners concerned. This latter sum was held in trust for twenty years at compound interest. According to the agreement, at the end of twenty years the accrued interest was to be paid half-yearly to the landowner or his heirs or assigns. Apparently this trust was intended to be perpetual. The 4¾*d.* per ton royalty on phosphate was paid direct to the Nauruan landowners concerned, and did not pass through either of the Trust Funds.

M. VAN REES asked what was the nature of the trust fund controlled by Nauruans, to which he saw (according to Table B on page 10) that £186 15*s.* had been transferred in 1933.

Mr. McLAREN explained that this fund was made up of money raised locally by various means, plus a proportion of the capitation tax. The money was expended by a committee of Nauruans for such purposes as they deemed desirable. The arrangement had been explained in the reports for previous years. One use to which the committee had put some of this money was the construction of a large national hall. No restrictions would be placed upon the administration of the fund unless it were being used for obviously wrong purposes—a condition of affairs which had never yet arisen. A credit of £417 remained in the fund at the end of 1932, and a sum of £186 was transferred thereto in 1933. This money was being used for the development of the districts, including the promotion of agriculture.

M. RAPPARD noted that although a record quantity of phosphate (418,000 tons) had been exported in 1932, and 363,680 tons in 1933—also a considerable amount—the revenue did not seem to have increased proportionately.

Mr. McLAREN said that the revenue of the territory was not derived solely from export duty on phosphate. Revenue from certain other sources had decreased. For instance, the contribution of £1,000 per annum by the Phosphate Commission towards the police force had been discontinued. Moreover, harbour dues had been reduced by 75 per cent and shipping fees by 50 per cent.

STATISTICAL INFORMATION.

M. CATASTINI said that the Australian Government had drawn the Secretariat's attention to the following errors which had crept into the table of statistical information (page 15 of document C.565.M.272.1933.VI) :

- (1) The words " £ stg. " in the note at the bottom of the page should read " £ stg. A " ;
- (2) The figure for imports in 1922 should be 78,320 instead of 78,236 ;
- (3) The figure 3,396, in the " Public Works " column for the year 1927, should read 3,936.

PRICE AND EXPORTS OF PHOSPHATES : RE-CONDITIONING OF PARCELS OF LAND EXPLOITED BY THE COMPAGNY.

M. MERLIN noted that there had been a considerable decrease in the sales of phosphates, which had fallen from 418,000 in 1932 to 363,000 tons in 1933 (page 13). Could the accredited representative indicate the cause of this?

Mr. McLAREN said that the decreased consumption of phosphates in Australia was due partly to the depression, and partly to the fact that the stocks imported in the previous year exceeded requirements. The demand for phosphates was governed largely by the price of primary products. In the year 1932-33, the manufacturers had anticipated a large increase in the demand, but this had not occurred. A fairly heavy stock had therefore been carried over. There were no indications that the demand would be much greater in the present year.

Lord LUGARD asked at what rates the phosphates were sold to Australia and New Zealand, and to Japan and Finland, respectively. Great Britain had never taken any.

Mr. McLAREN reminded the Commission that phosphates might not, under the special agreement, be exported to countries other than Australia, New Zealand and Great Britain until the requirements of these countries had been satisfied. They had been satisfied in 1933, leaving stocks still in hand, so that it had been possible to export to Japan and Finland. The price fixed under the agreement was the cost price, which worked out, for Australia and New Zealand, at £1 3*s.* 6*d.* per ton. The remainder was then sold to other countries at the best price obtainable, which, in this case, had been £1 4*s.* per ton.

M. VAN REES noticed that each year land which had been worked by the Phosphates Company which the company no longer required was returned to the natives. Before it was returned, was it put into a fit state for agriculture or other purposes?

Mr. McLAREN was unable to say, but he would endeavour to secure the inclusion of the necessary information in the next report.

The accredited representative, in reply to a question by Lord Lugard, said that he would endeavour to obtain an estimate as to how long the extraction of phosphates might be expected to continue in the future.

EXPORTS AND IMPORTS.

M. RAPPARD said he was endeavouring to analyse the balance of payments for Nauru. This small country exported £436,000 worth of goods annually, but imported only £97,000 worth—including treasury notes and cash. The difference, therefore, was £300,000. There did not seem to be coming into the country a volume of goods corresponding to the wealth which left the country. Could Mr. McLaren explain this?

Mr. McLAREN pointed out first that, as phosphates were almost all sold at cost price, there was not much profit. There was also the obligation to repay, plus 6 per cent interest, the money paid by the three Powers for the purchase of the concession from the Pacific Phosphate Company. Moreover, for the marketing of the phosphates, establishments had to be maintained in the principal purchasing countries; there was, in fact, a large office in Melbourne, and there were also offices in New Zealand and England.

JUDICIAL ORGANISATION : PRISONS.

The CHAIRMAN congratulated the Administration on the situation revealed by the tables on page 18 of the report—namely, that the number of convictions in the courts had decreased from 657 in 1931 and 530 in 1932 to 358 in 1933. Only 158 natives were convicted in 1933, as compared with 239 in the previous year. On page 19, it was said that the delegation to the chiefs of certain minor powers in their districts had been continued with satisfactory results. Had the accredited representative any further information on this point?

Mr. McLAREN replied that he had nothing to add to what had been said in previous reports.

M. SAKENOBE said that the reports had never contained any description of the prison system in the island—for instance, whether there were separate quarters for Chinese and Nauruans, what was the system of prison labour and what were the prison health statistics?

Mr. McLAREN said he could not recall having seen anything on this subject in any previous report. He would obtain the necessary information.

The accredited representative agreed with Mlle. Dannevig's suggestion that separate figures should be given for men and women offenders.

LABOUR.—PUBLIC HEALTH.

Mr. WEAVER noted that the number of convictions of Chinese for offences against the Labour Ordinance was relatively large. Could the accredited representative state whether imprisonment was of the same nature in such cases as for ordinary common law offences?

Mr. McLAREN said he had no details on this subject, but would ask for information to be included in the next report.

The accredited representative, in reply to a further question by Mr. Weaver, said that he would endeavour to obtain the inclusion in the next report of data concerning the effects of opium-smoking on the efficiency, health, etc., of Chinese workers.

Lord LUGARD asked what, after discounting arrivals and departures, was the average number of Chinese remaining.

Mr. McLAREN replied 930 on an average.

Lord LUGARD said it would be interesting to see the increase or decrease in the yearly average.

COUNT DE PENHA GARCIA noted that, according to the report (page 21), 350 Chinese out of a total of 930 had been treated in the hospital maintained by the British Phosphates Commission. He supposed that this referred to days of hospital treatment.

Mr. McLAREN thought this must be so. The only treatment which the Chinese could obtain was at the hospital, no matter how slight the ailment might be.

Lord LUGARD asked how many medical officers there were on the island, and what subordinate staff.

Mr. McLAREN replied that there was one medical officer attached to the Administration and one attached to the British Phosphates Commission. He would obtain the necessary information regarding medical staff for the next report.

EDUCATION.

Mlle. DANNEVIG noted the statement on page 19 of the report that the period of study in the schools was to be reduced from ten to seven years. Could the accredited representative assure the Commission that this change would not affect the degree of instruction to be imparted to the pupils? The economic conditions in Nauru did not seem to necessitate the reduction.

Mr. McLAREN said that from a close study of the position it had been concluded that there would be no fall in the level of education. The Nauruans were a very intelligent race.

The Commission would note that two new schools had also been established, the Moure boys' technical school and the Orro domestic arts schools for girls (page 19).

The accredited representative, in reply to a further question by Mlle. Dannevig, said that the forty-seven offences under "breaches of ordinance—compulsory education" (page 18) consisted, in most cases, of failure to send children to school, but the general attitude of the natives towards education was very favourable.

Mlle. DANNEVIG noted that a native was being trained as a mechanical dentist in Australia (page 19). She wondered if such a training would be sufficient for the man to do good work. She understood that there was no dentist in the island at present.

Mr. McLAREN replied that this was so.

MISSIONS.

In reply to M. Sakenobe, Mr. McLAREN said that, as far as he knew, all the Nauruan natives were Christians. There were two missions in the country, the London Missionary Society and the Society of the Sacred Heart (Roman Catholic).

LIQUOR AND DRUGS.

COUNT DE PENHA GARCIA asked whether there was any smuggling as the taxes on spirits, wines and beer were high. Moreover, were the Chinese forbidden alcohol?

Mr. McLAREN replied that the smuggling of alcoholic liquor into the country would be a very difficult task. The only possibility was that a certain amount of opium might be smuggled into the country. He did not think that Chinese were prohibited from drinking alcoholic liquors.

COUNT DE PENHA GARCIA hoped that the authorities would remain very watchful with regard to the possibility of the smuggling of opium, as he noted that there had been thirteen opium-smoking offences and that several kilogrammes had been seized (page 22).

DEMOGRAPHIC STATISTICS.

M. RAPPARD thought that the increase in population was the most satisfactory feature of this very satisfactory report. He noted from the *Nauru Government Gazette* that there had been celebrations to mark the attainment once more of a native population of 1,500 and that a school holiday had been proclaimed to emphasise the event. Did that mean that the demographic problem was kept before the eyes of the natives?

Mr. McLAREN said that the natives were very proud of the achievement, which had been celebrated by holding a public holiday.

The accredited representative, in reply to a suggestion by Count de Penha Garcia, agreed that the population statistics should in future indicate the number of males and females respectively.

CLOSE OF THE HEARING.

The CHAIRMAN thanked Mr. McLaren for the assistance he had afforded the Commission in its examination of the annual report.

Mr. McLaren withdrew.

Syria and the Lebanon : Treaty of Friendship and Alliance between France and Syria : Procedure to be followed in connection with the Examination of this Question.

The CHAIRMAN noted that, in the report on Syria, the text of the draft Treaty which had been submitted by the French authorities to the Syrian Parliament had been included as an annex. The problem which arose was whether and how the Mandates Commission could discuss this point with the accredited representative, and, above all, what was, in fact, the status of this document.

M. RAPPARD thought that this text might be discussed with the accredited representative as a draft. It was a difficult matter for the mandatory Power to negotiate a treaty with its own ward. When a tutor had to reach an agreement with his ward, it was essential that the

ward should be accorded the greatest possible freedom. He was not sure that the Syrian Parliament had been allowed all the necessary freedom in this case, because the High Commissioner had withdrawn the Treaty and prorogued Parliament as soon as that Parliament had begun to discuss the Treaty. The text could therefore be regarded only as a unilateral act which showed the intentions of the mandatory Power.

COUNT DE PENHA GARCIA suggested that this text should be regarded as a document destined to throw light on the policy of the mandatory Power.

M. ORTS could not admit that the Treaty had no more force than that. He regarded it as a definitely signed treaty and not a unilateral act, although, in order to acquire binding force, it had still to undergo the formalities of Parliamentary approval and ratification by the Governments concerned. He suggested that the Commission should ask the accredited representative what value the mandatory Power itself attached to the Treaty. In other words, did it hold that the Treaty no longer existed because it had been definitely withdrawn, or was it still in existence, the mandatory Power intending to submit it anew—with or without modifications—to the Syrian Parliament?

M. PALACIOS thought it was very important that the members of the Commission should reach an agreement regarding the status of the document included in the mandatory Power's report. The accredited representative might be asked what his views were on this point. His reply would almost amount to an official interpretation. The Commission's attitude must necessarily vary according to whether it had before it an actual treaty or a mere draft. A draft would be the expression of the policy of the mandatory Power and of the Syrian Government. In any case, the Commission was at least bound to study the form and contents of the document and could hardly avoid a reference to it in its observations to the Council.

LORD LUGARD thought that the Commission should refrain from expressing an opinion about a hypothetical situation. At the moment, the Commission could only ask the accredited representative questions with a view to ascertaining the status of the document and the mandatory Power's intentions. The Commission should not express opinions until it had before it a final decision.

M. RAPPARD said that, although the document might be regarded, as M. Orts suggested, as a treaty from the standpoint of formal law, it could not be regarded as such when the peculiar relationship of the mandatory Power to Syria were taken into consideration. What was the real value of the act? While popular pressure had been exerted on the one hand to prevent the Syrian Parliament from approving it, it could not be said that absolutely no pressure had been exercised on the other side with a view to securing its approval. He agreed with Lord Lugard that the Commission could not discuss hypothetical acts, but it was preferable that the mandatory Power should submit the various phases of its policy to the Mandates Commission rather than face the Commission with an accomplished fact. The Commission at least now had an opportunity of questioning the accredited representative regarding the mandatory Power's intentions in connection with this document.

M. VAN REES pointed out that it was not impossible that the document might be amended. At the present time, the Mandates Commission had only to hear the explanations which the accredited representative would certainly furnish regarding this Treaty. If these explanations did not satisfy it, the Commission could then ask general questions for its own information, without, however, going into details, seeing that all discussion of the substance appeared to be premature.

M. ORTS thought that, in any case, the fiction of a bilateral agreement had to be accepted—namely, that the Syrian Government had been in a position to discuss and accept the document.

COUNT DE PENHA GARCIA thought that the document represented a treaty having no legal force, because it was no longer before the Parliaments for their approval.

M. MERLIN disagreed. He thought there could be no doubt that the document represented a treaty signed by the two persons competent to contract. It had been submitted for approval to the Syrian Parliament. It had been withdrawn because that Parliament had not followed the constitutional course—that was to say, it had not referred the document to the relevant Commission in the regular way for examination. The Treaty had not been dropped, but the mandatory Power demanded that it should be examined in accordance with the constitutional procedure. The Commission's best course would therefore be to ask the accredited representative to explain the intentions of the mandatory Power. The Commission should carefully refrain from any premature opinion in order to avoid causing further excitement in a country that was already liable to political unrest.

M. VAN REES observed that it was very important that the Commission should also reserve its opinion on the question whether, either now or at any future date, Syria was ripe for self-government.

M. PALACIOS thought that the Mandates Commission could not elude the question. It should not, however, allow itself to be tempted into drawing premature conclusions and should take every care to ensure that its reasoned opinions could not be used as political arguments. He felt that the Treaty was a hypothetical document only as regarded its possible perfection. It was, at any rate, an intention and a policy. It was an important chapter—perhaps the most important up to the present—in the history of the mandate for Syria and the Lebanon. It should be noted that the two great States in the mandated territory were each

about to be enter on a different destiny. The Commission was not yet fully aware of the difference in maturity for self-government between the one and the other of these two territories. The question was a very delicate one. In order to throw light on the subject, the accredited representative must be asked certain questions. The comments of the members of the Commission should be only made in private session.

M. MERLIN thought that the Commission was in no wise called upon to make a pronouncement. It should confine itself to asking for information on the procedure followed by the Syrian Government, and perhaps that of the mandatory Power.

M. VAN REES agreed with M. Merlin.

The CHAIRMAN pointed out that the Commission's course was established by precedent. When a document was submitted to it, it could not remain entirely silent on the point.

EIGHTH MEETING

Held on Monday, June 4th, 1934, at 3.30 p.m.

Syria and the Lebanon : Examination of the Annual Report for 1933.

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

WELCOME TO THE ACCREDITED REPRESENTATIVE : FORM OF THE ANNUAL REPORT.

The CHAIRMAN, after welcoming M. de Caix, noted that the annual report for 1933 appeared to have been so framed as to take into account, to a very large extent, the wishes expressed by the Commission. He desired to thank the mandatory Power accordingly.

DATE OF RECEIPT OF CERTAIN PETITIONS.

The CHAIRMAN observed that the agenda of the session included a large number of petitions concerning Syria and the Lebanon. The previous year,¹ the attention of the accredited representative had been directed to the inconvenience caused by the fact that the majority of petitions had been received late. While realising that an effort had now been made to ensure that the petitions should reach the Commission at the opening of the session, he desired to point out that a number of those documents, dating several months back, might have been communicated earlier and thus facilitated the task of the Rapporteurs responsible for examining them.

STATEMENT BY THE ACCREDITED REPRESENTATIVE.

Before opening the discussion on the report, the CHAIRMAN desired, as usual, to give the accredited representative an opportunity of making a statement, if he wished. He felt sure that M. de Caix would desire to amplify the part of the annual report dealing with the important political events that had occurred in 1933, such as the effort to conclude the Franco-Syrian Treaty, the suspension of the Syrian Parliament and the constitutional reform in the Lebanon.

M. DE CAIX.—Mr. Chairman, I can only note what you have said about petitions. You were good enough to say that they had been received earlier than in previous years. That improvement will be more marked as it becomes possible to deal more rapidly with the necessary work of verification.

You asked me whether I had anything to add to the information in the report. I desire to give the Commission some further information with regard to two facts, deserving of special attention, that have occurred since last year. One of them was in Syria, the other in the Lebanon.

I refer, first, to the signing of the Franco-Syrian Treaty, which was followed by the suspension of proceedings in the Damascus Parliament, and, secondly, to the re-establishment of parliamentary life in the Lebanon. Those were the very facts concerning which you desired additional information.

The events which occurred in Syria previous to December 31st, 1933, are described at length in the report. The re-establishment of parliamentary life in the Lebanon, however, which occurred only in January 1934, is not mentioned in that document. I shall, I think, be complying with the Commission's wishes, if I now give some information upon the nature of the regime set up in the Lebanon and the considerations which led to its institution.

¹ See Minutes of the Twenty-third Session of the Commission, page 134.

As regards Syria, I desire to add to the chronological statement in the report a few comments in reply to the preoccupations expressed by the Commission at its twenty-third session and set forth in the conclusions of M. Rappard's report on the petitions for and against union, which were adopted by the Commission at its meeting on November 3rd, 1933, and incorporated in the Commission's report to the Council.¹

With regard to the preparation of the Treaty, it should first be noted that the second Hakki Bey el Azem Cabinet had, like the previous Cabinet, received an explicit mandate to negotiate in the name of Syria. The ministerial declaration, on which a vote of confidence was obtained from the moderate majority of the Chamber, on May 8th, 1933, contained the following passage :

“ The Government proposes to resume the conversations initiated by its predecessors in order that our dear country may achieve sovereignty, independence and the termination of the mandate, by means of a treaty defining also the future relations between France and Syria. ”

The Treaty signed at Damascus on November 16th, 1933, is thus not the outcome of hasty improvisation or the product of a few days' negotiations. The unofficial conversations bearing on the substance of the Treaty were begun as far back as 1932 with the concentration Cabinet then in power. Those conversations were resumed in the spring of 1933 and continued until the resignation of the nationalist ministers in March. Only the fact of his indisposition prevented M. Ponsot from resuming the negotiations with the second Hakki Bey el Azem Cabinet. A preliminary draft, consisting of twelve articles, was drawn up at the outset, in agreement with the nationalist members of the concentration Cabinet. After this first result had been obtained, the substance of certain future agreements that were annexed were also examined. It was decided, by joint agreement, to keep first to the Treaty proper, which the Syrian negotiators desired should be supplemented by a declaration on Syrian union, making it clear that the eventual realisation of union was not ruled out by the mandatory Power. That was the stage reached at the time of the resignation of the nationalist members. When the negotiations were resumed in October 1933, the draft Treaty communicated to the Syrian Government was the one framed during those earlier conversations. It was accompanied by the draft Protocols required by reason of the adjournment to a later date of the negotiations relating to the annexed agreements.

The formula of union still had to be negotiated. It was, in point of fact, in connection with that question of union that difficulties arose both in March and in November. The attitude of the mandatory Power in regard to the principles of union is now perfectly clear. It formed the subject of explicit declarations both in the Commission, more particularly at the twenty-fourth session², and at Damascus, and may be summed up as follows :

The mandate of June 24th, 1922, specifies by name two States capable of being granted independence : the Lebanon and Syria. The same document makes it incumbent upon the Mandatory to encourage local autonomy. In conformity with those provisions, the mandatory Power constituted the two States and has encouraged, for the benefit of the group of compact minorities, the development of three autonomous entities : the first, the Sandjak of Alexandretta, within the framework of Syria, and the other two, the Latakia Government and the Jebel Druse Government, within the framework of the mandate. The question of the fusion of the Lebanon with Syria cannot arise, since the Lebanon is destined to be independent ; nor can the question of fusion arise in the case of Alexandretta, which already forms an integral part of Syria with autonomy extending only to administrative and financial matters. It arises only in regard to the Government of Latakia and that of the Jebel Druse. The potential attachment of those two Governments to Syria is by no means ruled out by the mandatory Power ; that contingency is simply conditional on certain conditions first being fulfilled. In the first place, Syria must give proof of her ability to govern herself and of her intention to ensure that the scattered minorities established in her present territory shall be guaranteed the full enjoyment of their rights. Further, an agreement freely debated must be concluded between the competent representatives of Syria and those of the two Governments concerned, in order to define the conditions of union and the terms of the autonomy which the Governments shall continue to enjoy within the framework of Syria, the terms of those agreements constituting in the future a guarantee for the compact minorities established in the territories of Latakia and the Jebel Druse. No place is found for these conditions or qualifications in nationalist theory, which demands Syrian union pure and simple, a form of union which, moreover, would apply to unusually extensive territories, and which goes so far as to contest the existence of a minority problem.

The representatives of the mandatory Power had, however, encountered among the nationalist leaders associated with the Government up to March 1933, a more accurate comprehension of the various factors in the problem. They were prepared to agree to confine their claims to the Governments of Latakia and of the Jebel Druse, agreeing to grant to those two Governments a special regime within the framework of Syria. They insisted, however, that both Governments should be regarded henceforth as forming an integral part of the Syrian territory, this special regime being no longer the outcome of an agreement freely entered into, but in the nature of a charter vouchsafed to them.

The doctrine of the mandatory Power as thus defined and the position adopted by the nationalists in the Government at the beginning of 1933 constituted the basis of the November negotiations. Rather than seek a doubtful compromise midway between the

¹ See Minutes of the Twenty-fourth Session of the Commission, pages 105 and 137.

² Page 62 *et seq.*

views of the two parties, it seemed preferable, at the signing of the Treaty, to record both points of view in an exchange of letters annexed to the Treaty. The nationalist ministers in the first Hakki Bey el Azem Cabinet, being unable to persuade the doctrinaires of the party to reduce their claims somewhat, decided to resign in a body. That same lack of compromise on the part of the nationalists was the essential factor in the November crisis, which was in the nature of an exploitation of doctrinal positions by persons disappointed at having no part in the proceedings. The mechanism of the crisis is described in the report. The wildest rumours as to the tenor of the Treaty were circulated by those very persons who, having been associated with the negotiations from October 1932 to the end of March 1933, were better informed than anyone else as to the real position. Street demonstrations, inspired by these rumours, undermined public opinion, to which the deputies of the rural areas are always susceptible when translated into the special atmosphere of Damascus. Those same deputies were the object of collective pressure and individual menace. A good many of them were thus obliged to sign, outside Parliament, a petition rejecting the Treaty, before there had been any discussion or, indeed, any examination of that document.

The nationalists counted, by means of the petition, on making Parliament vote for the rejection of the Treaty, and on causing the fall of the Government and even the resignation of the President of the Republic, and the impeachment, on a charge of high treason, of all those responsible for the signing of the Treaty—with the intention of themselves assuming power.

That would have meant an immediate conflict with the mandatory Power, the only solution for which would have been the complete suspension of the Constitution.

The sole means of avoiding such extremities was to suspend the proceedings of the assembly, and that was done on November 21st, 1933. That decision, on the grounds of the violation by members of the assembly of all constitutional and parliamentary rules, had the effect, not only of safeguarding the Treaty, which was subsequently withdrawn from the table of the assembly, but of saving the Constitution itself.

The normal procedure of constitutional guarantees having been suspended, it became necessary to ensure the conduct of the State's business. Adopting the means employed in the Lebanon on May 9th, 1932, the sanction of the representative of the mandatory Power was substituted, for such time as the deliberations of the assembly might stand suspended, for Parliamentary sanction.

The Government was then free to devote itself to drawing up a budget, in which there was a further considerable cutting down of expenditure.

The day after the November crisis, complete calm reigned once more at Damascus, nor has it since been troubled.

Politically, the nationalists were anxious that Parliament should reassemble in March, hoping thus to bring about a ministerial crisis. The mandatory authorities thought it better, however, not to be over-precipitate in putting to the test again parliamentary institutions which had recently been so profoundly shaken. The Hakki Bey el Azem Ministry, weakened by internal dissension, having resigned on March 17th, 1934, the President of the Republic called upon Sheik Tadjeddine, who had held the office of Head of the State from 1928 to 1931, to form a new Government; Sheik Tadjeddine had no difficulty in rallying a number of notables already accustomed to the exercise of power. The constitution of a new Ministry was welcomed by the population as a whole and aroused no hostility. Absolute calm reigns in Syria. It will be for the Tadjeddine Government to pave the way for a return to the normal procedure of the Constitution, a necessary prelude to any further evolution.

As regards the Lebanon, a provisional constitutional text was promulgated by Decree of the High Commissioner on January 2nd, 1934. Elections were held in conformity with that text on January 22nd, 24th and 29th. Since then, the new regime has been functioning normally, and Parliament met on the date fixed. Some comment is necessary in connection with this operation.

In his statement before the Commission in November 1932,¹ M. Ponsot expressed his intention of putting an end, at the proper moment, to the provisional state of affairs set up in the Lebanon, with the assistance of President Debbas on May 9th, 1932, and of working out a regime which, while avoiding the difficulties of the past, should again make it possible to give the representatives of the population a share in the conduct of public affairs.

That programme was put into effect in January 1934. It would have been possible to proceed by means of the revision of the Constitution, which had been suspended since May 9th; but it seemed preferable to wait before making any definite amendments in that text.

The Decree of January 2nd accordingly is confined to instituting, over and above the three parts of the 1926 Constitution that are still suspended, a text setting up a new regime, the efficacy of which remains to be proved by experience. If the result is satisfactory, it will be possible to replace the suspended parts of the 1926 Constitution by the texts of January 1934, which the High Commissioner has put into force—either in their present form or after the necessary rectifications have been made.

The chief criticism directed against the 1926 Constitution concerned the inadequacy of the prerogatives of the Executive and the heavy burdens that the functioning of an unduly complex system imposed on the population. Decree No. 1, of January 2nd, 1934, is designed to meet that criticism by providing for twenty-five, instead of forty-five, deputies, and by strengthening the Executive by means of appropriate measures. The Head of the Government exercises executive power with the assistance of a Secretary of State, responsible to him alone. The Secretary of State may be selected indifferently, either from the Chamber of Deputies or

¹ See Minutes of the Twenty-second Session of the Commission, page 295.

from outside that body ; but the status of deputy and the office of Secretary of State are incompatible.

The prerogatives of the Chamber of Deputies are defined and limited. The Chamber cannot, in any circumstances, initiate new expenditure. In order to restrict the possibilities of disorder that the transition from a dictatorship to a representative regime may involve in any country, and in view of the agitation caused by the presidential campaign prior to May 9th, 1932, the new President of the Republic has been appointed for one year by the representative of the mandatory Power.

Lastly, with a view to ensuring that the election shall be attended by the necessary guarantees of impartiality, the authorities entrusted the duties of Governor to the High Commissioner's delegate in the Lebanon Republic during the period which elapsed between the resignation of M. Debbas and the assembling of the new Chamber. This procedure was similar to that adopted by M. Ponsot, in parallel circumstances, at the time of the elections to the Syrian Chamber. It appears to have been appreciated by the population, judging by the increased percentage of the electorate who voted : 55 per cent as compared with 38 per cent in 1929.

The application of these various measures as a whole gave rise to no objections worth mentioning. There were many favourable comments in the various circles of Lebanon opinion. The persons at present performing the duties of President of the Republic and Secretary of State obtain from the population such assistance and collaboration as they require. The Chamber of Deputies has already held several meetings, which have passed off in an orderly manner. It would, however, be premature at the present juncture, after so short an experience, to advance definite conclusions as to the value of the new regime or the possibility of conferring upon it a definite character.

PROCEDURE TO BE FOLLOWED IN THE GENERAL DISCUSSION.

The CHAIRMAN enquired whether his colleagues wished to discuss the annual report or whether they preferred to discuss the accredited representative's statement. He pointed out that, for the moment, it was only intended to obtain information, by asking questions of the accredited representative, and that that was neither the time nor the place for the Commission to express itself on matters of principle.

M. RAPPARD thought that it came to the same thing whether the accredited representative's statement was discussed or whether the Commission began by examining the annual report, since the latter in point of fact opened with a statement of the facts on which the accredited representative had commented.

TREATY OF FRIENDSHIP AND ALLIANCE BETWEEN FRANCE AND SYRIA : ATTITUDE OF THE VARIOUS GOVERNMENTS AND POPULATIONS TOWARDS THE POLITICAL DEVELOPMENT OF THE TERRITORY : PETITION FROM M. A. KEYALI : PETITIONS WITH REGARD TO THE FRANCO-SYRIAN TREATY.

The CHAIRMAN observed that certain passages in the introduction to the report, which dealt principally with the negotiations of the Franco-Syrian Treaty, seemed to call for further explanation.

1. On page 2 in the last paragraph but one, there was the following passage :

“ In an interview early in the month, at a meeting of the Conference on joint interests, the Syrian Government explained its views to the High Commissioner : conversations relating to the Treaty could be resumed on the Geneva bases.”

Did the expression “ on the Geneva bases ” mean on the basis of the principles fixed by the League of Nations for the emancipation of a mandated territory, or did it imply a programme such as M. Ponsot had sketched before the Mandates Commission in December 1932 ?¹ If the second interpretation were correct, the expression employed in the report might perhaps be open to some misunderstanding.

2. A similar observation applied to the second paragraph of the High Commissioner's Press *communiqué* of November 19th, 1933, reproduced on page 6 of the report. The text read :

“ The vote in Parliament will supply the French representative, and through him the French Government and the League of Nations, with definite proof as to the possibility or impossibility of ensuring by contractual means Syria's progress towards that independence to which she aspires.”

Although to the initiated reader the exact meaning of that statement was clear, it might give the impression that the criterion of maturity adopted by the High Commissioner formed part of the League doctrine in this matter, which was not the case.

3. The annual report reproduced, on page 5, a warning communicated to the Press by the High Commissioner, concerning a rumour to the effect that the Treaty, then in process of negotiation, contained a clause involving an undertaking on the part of Syria to repay the sum

¹ See Minutes of the Twenty-second Session of the Commission, page 259 *et seq.*

of 15 milliards to the French Government. In his *communiqué*, the High Commissioner had declared that that statement was devoid of all foundation.

It was of interest to note on page 185 of the report, in the chapter concerning the Ottoman Public Debt, a passage as follows :

“ Apart from the obligations of the mandated States towards the Mandatory, those States are now liberated from all external debts.”

Was there any relation between the aforesaid debt, the amount of which M. de Martel had denied in his *communiqué*, and the obligations referred to in the aforesaid passage of the report? The question of the repayment by Syria to France of large sums has, believe, been repeatedly raised in the French Chamber of Deputies, in connection with the examination of the chapter of the French budget relating to Syria and the Lebanon, but apparently without any definite result.

M. DE CAIX, replying to the first point, said that obviously the allusion in the report to “ the Geneva bases ” was a reference to M. Ponsot’s statement. For some time now, whenever the Syrians spoke of “ the Geneva bases ”, they were simply alluding to that statement, which had been very keenly commented on. All the petitions on which M. Rappard had reported the previous year were based on the High Commissioner’s political utterances. The expression “ the Geneva bases ” could not refer to the mandate, as the nationalists had always refused to recognise it.

As to the second point, he did not think that it would be right to attribute to M. de Martel any intention of establishing an absolutely new criterion of maturity, differing from the principles adopted by the League. Taking into consideration the moment at which the *communiqué* was published, it was clear that the High Commissioner had simply wished to utter a warning as to the gravity of the decision that the Syrian Chamber was called upon to take.

As regards the third point, a distinction must be drawn between a principle and an actual sum of money. The mandate provided for the reimbursement of certain expenditure to the mandatory Power. In view of the provisions of that instrument, it was impossible that the French Government, when addressing the Chamber of Deputies, or that the report to the League should not submit some reservation concerning a right explicitly stated in the mandate. But M. de Martel had been perfectly justified in objecting to rumours that Syria had undertaken, under the Agreement with France, to reimburse 15 milliards to the French Government. There had never been any question of such a thing. Anyone must be out of their senses to imagine that Syria could pay such a sum or anything approaching it, or that the French Government had ever thought of demanding it.

The CHAIRMAN agreed that the question of refunding certain expenditure was dealt with in Article 15 of the mandate, but observed that Article 15 had in view only expenditure incurred on such items as the organisation of the administration, the development of local resources, the execution of public works. It was hardly likely that it could ever amount to 15 milliards !

M. DE CAIX replied that the figure in question existed only in the imagination of those who had been carrying on a campaign against the Treaty.

The CHAIRMAN said that the Commission would take note of his reply.

M. VAN REES pointed out, on page 5 of the report, a passage as follows :

“ This correspondence—*i.e.*, the correspondence reproduced on pages 194 and 195 of the report—provided that the control over the Waqf property of the autonomous Governments would be transferred to Damascus and that the higher judicial instance for the Latakia Government would be that of Damascus instead of that of Beirut, these stipulations, unlike the others, coming into force immediately after the ratification of the Treaty.”

As the report itself stated, the Alaouites, like the Druses, had protested against this provision. Could M. de Caix tell the Commission what were the reasons which made the regulation necessary ?

M. DE CAIX replied that the High Commissioner had been dealing, in those negotiations, with persons who were anxious to obtain without delay a symbol, a token of the realisation of the possibilities in regard to union contemplated in the said negotiations. Consequently, the Syrian negotiators had decided to ask for, and the High Commissioner to grant, a change regarded at all events as an indication. There had not been any imperative reasons of a practical or administrative nature dictating that change. Nor was there any reason why the Damascus Court of Cassation should not, as regards the revision of judgments given in the jurisdiction of the autonomous Government, possess the competence at present devolving upon the Beirut Court.

M. VAN REES noted that the President of the Republic himself, according to his letter of November 16th, 1933 (page 194 of the report), had urged this arrangement, to which the High Commissioner had immediately assented in his reply. M. de Caix had just said, however, that there was no imperative reason for the adoption of this new arrangement. In these circumstances, how should M. de Martel’s reply be interpreted ?

M. DE CAIX explained that the Syrian Government had naturally been desirous of finding means to meet the attacks of the Nationalist Party. Members of the Mandates Commission

might be surprised at the difficulties that had been encountered in connection with the text in question, but they must not forget that Syrian Governments or Members of Parliament were loath to shoulder responsibilities and sought to protect themselves. It was for this reason that M. de Martel had been asked to make the concession, and as the latter was not seriously prejudicial to the interests of either the Alaouites or the Druses, M. de Martel had assented.

M. VAN REES expressed his belief that the Alaouites and Druses did not share this opinion.

M. DE CAIX replied that they had made it clear that they were suspicious of any policy of union. The problem was to discover a common divisor between their particularism and the Syrian desire for unity. The difficulty was due, perhaps, not so much to the particularists, who did not possess the same powers of resistance, as to the Syrian nationalists, who were pursuing an absolute and entirely unacceptable system on doctrinaire and extreme lines, which appeared to be indifferent to the actual possibilities of realisation.

M. ORTS asked where supervision of the Waqf property was effected at present.

M. DE CAIX replied that supervision was carried out in the various States and Governments.

M. ORTS thought that it was therefore intelligible that the autonomous Governments should have protested against the transfer of supervision of Waqfs to Damascus, because they were being asked to surrender a right they had already possessed. What he found less easy to understand, unless there was opposition to anything that looked like a form of union with Syria, was the objection of the Alaouites to the proposal that the Supreme Court of Cassation should henceforth be that of Damascus. Such a decision seemed necessary directly it was established that the Alaouite country was part of Syria. On the other hand, the Alaouites' claim that their country should remain within the jurisdiction of the Beirut Court could hardly be defended, as there was no direct link between that country and the Lebanon.

The protest of the Government of Latakia against the recognition of the jurisdiction of the Damascus Court of Cassation thus seemed very ominous : it seemed to signify resolute hostility to attachment to Syria. Was that in fact its significance ?

M. DE CAIX said that, to go to the root of the matter, it must be definitely stated that the Alaouites did not desire any sort of attachment to Syria. There existed between the *de jure* situation referred to the previous year in M. Rappard's report and the wishes of the populations and of the autonomous Governments a lack of agreement which called for the most careful handling. Accordingly, the mandatory Power could not, without committing a great injustice, insist—unless it offered the autonomous groups concerned very definite guarantees—on a union which was no doubt in conformity with the legal status of the mandated territories but which did not correspond to the wishes of those minority populations.

There were two reasons why the Alaouites preferred to be attached to Beirut rather than Damascus. The first was that Beirut was on the sea-coast and was more easily accessible ; that was a material reason. Perhaps also rather more confidence was felt in the value of the Lebanon courts. The second reason was that anything that savoured of their union with the Sunni in the interior was a cause of anxiety to the Alaouites, and they would only accept such union if they felt that it was inevitable. As long as they could hope to avoid it, they would make no secret of their objection.

M. RAPPARD noted that the discussions always came back to the famous territorial problem. The members of the Commission could understand that the Druses and the inhabitants of Latakia preferred to be independent of Damascus. They noted, on the other hand, that Syrian patriots desired complete unity. It had, however, been laid down in the previous year that the doctrine of the League of Nations—*i.e.*, of the mandate—was not in accordance with either of these claims. M. Rappard would be glad to know what was the doctrine upheld by the mandatory Power. He had noticed in the accredited representative's statement the antithesis between what the accredited representative called the desires of the population of Syria, who wanted the Jebel Druse and Latakia to be " within the framework of Syria ", and the apparent doctrine of the mandatory Power to the effect that these territories came " within the framework of the mandate ". Surely these territories were either in Syria or in the Lebanon. M. de Caix had said that in the French view they came within the framework of the mandate. That reply appeared to be avoiding the territorial question. Could the mandate be held to justify a wide measure of autonomy within the frontiers of Syria ?

M. DE CAIX replied that the expression " framework of the mandate " meant that, as long as there was no change in the inter-territorial relations, the link was established between them by the mandate, which applied to them as a whole. The framework of Syria or the Lebanon was not in opposition to the framework of the mandate. No one was thinking of anything of the kind, but, when it was a question of applying an uncontested right to define the relations between one and another, difficulties arose which could not be ignored when a statement had to be made which would be published.

He pointed out, however, that, from the outset, it had been so clearly understood that there were only two States, and that one of them—the Syrian Federation—grouped together in federal form all the territories not forming the Lebanon. With a view to improvements, which were admittedly necessary, that Federation had been abolished at a date so close to the disturbances of 1925-1926 that the question had been left pending. Then there had arisen, in each of the States, internal constitutional questions which, after M. de Jouvenel's mission, called first for consideration by the High Commissioners. Their solution introduced into the problem of the relations between the several territories parliamentary factors which were

bound to make its settlement more difficult. While undoubtedly, according to the legal status referred to by the Commission the previous year, there were in law only two States, many local requirements must be taken into account in settling the difficult question of the form in which those two States should finally be organised.

That difficulty was aggravated by the fact that they were dealing with men who, if they had to make any public utterance, were unwilling to depart in the slightest from the absolute tenets of their doctrine, whereas, in private, they might have admitted that such concessions were necessary. No one appeared to have the moral courage to accept what was possible. It was easy to take refuge in a form of absolutism which might simply veil a lack of political courage, but that attitude was not favourable to practical achievement, which presupposed compromise and gradual progress. Nor, consequently, was it favourable to the interests which those who adopted it claimed to defend.

The CHAIRMAN did not think that the Mandates Commission could know what was the future of Syria unless it knew exactly what future was in store for its other districts, Latakia and the Jebel Druse, which were an integral part of Syria. It seemed to him that the Commission had had no satisfaction in this connection. From M. de Martel's letter, it appeared that the Jebel Druse and Latakia would be politically united with Syria before the emancipation of that territory; it appeared, nevertheless, to reserve for the mandatory Power complete liberty in the matter.

M. RAPPARD said that, in reply to his question, M. de Caix had just made a statement which entirely satisfied him. He would not wish to tax him with the reproach he had levelled at the Syrians, but noted that France's language in public was much less clear. Mohamed Ali Bey Abed wrote to the High Commissioner :

“ The Syrian Government considers that the Liwas of Latakia and the Jebel Druse are a part of Syria. ”

He then recognised the justification for autonomy. That was the doctrine of the League of Nations. To that, the High Commissioner replied that he accepted this communication, and then made the following statements, which, in M. Rappard's opinion, had no particular meaning. He wrote (page 195 of the report) :

“ I have the honour to inform you that the attitude adopted by the French Government in respect of these same questions, with a forethought to subsequent developments, does not differ from the provisions of the Act of London of July 24th, 1922. This attitude is as follows :

“ The French Government is prepared to consider, immediately prior to the time at which Syria's request for admission to the League of Nations is submitted, such modifications as might be made in the present situation of these two autonomous Governments.

“ The questions for consideration will be both the definition of the regime of these two Governments and the conditions in which the administrative and financial autonomy they at present enjoy are to be maintained and guaranteed. ”

In other words, the High Commissioner did not accept the statement to the effect that these two territories, though enjoying a very appreciable degree of self-government, were part of Syria. M. Rappard asked whether M. de Martel would be ready to endorse the statement which M. de Caix had just made to the effect that the Jebel Druse and Latakia were part of Syria.

M. DE CAIX replied that, from the moment when the High Commissioner referred to the Act of London—namely, the mandate—and recognised it, he drew therefrom all the conclusions that could legitimately be drawn and which had been drawn by M. Rappard himself in his report. He did not see what more could be expected. What still remained to be settled? The methods by which a certain juridical status should be established in fact? If the High Commissioner had taken the risk of defining those means in advance at a time when he had to obtain the consent and agreement of the interested parties, he would have revived the uncompromising attitude of some and would have awakened anxiety in the hearts of others; no one could expect him to add to the difficulties of his task in such a way.

M. RAPPARD did not think that this would have been the case if M. de Martel had said that he agreed with the two-fold declaration of Mohamed Ali Bey Abed (page 194 of the report) :

“ The Syrian Government considers that the Liwas of Latakia and the Jebel Druse are part of Syria. It nevertheless recognises that the peculiar situation of these regions makes it necessary to reserve for them a special regime. This regime should be based on the wishes of the populations of these regions. ”

M. DE CAIX explained that, when Mohamed Ali Bey Abed said that the Liwas of Latakia and the Jebel Druse were part of Syria, he was trying to meet the nationalists' claims, but the latter did not take into account all the requirements of the Act of London, and were even at variance with some of those requirements. It could not accordingly be assumed that mere acquiescence in the President's words—though he had spoken of a special regime—had settled the question by ensuring to the parties concerned the desired guarantees, which only an agreement could provide.

The CHAIRMAN understood, therefore, that these statements of Mohamed Ali Bey Abed were in accordance with the idea of “ the Syrian territory ” adopted by the League organs.

M. DE CAIX thought that that was no doubt so, but that one should not seek for legal precision in such statements. He had told M. Rappard that the High Commissioner's reference to the Act of London involved consequences which no one in France denied. But that did not mean that these consequences had to be followed up in the manner desired by the Syrian nationalists who did not accept them. It was noted, in the course of conversations with them, that they tried to get out of the difficulty and to avoid the necessity of coming to an agreement with those concerned. Some, for example, said : " We are prepared to enact a wide measure of decentralisation—what need then to demand guarantees for the future regime of the territories of the Alaouites and the Jebel Druse ? " But, when the Mandatory had a duty which could only be fulfilled by concluding a contract, was it permissible that the future regime of the populations should be left to be determined by a Syrian law, which might be repealed by another Syrian law ? And how, if preparation was to be made for a contract—that was to say, for conversations in the first place—could anyone speak in terms such that it might be concluded therefrom that the question was settled in advance and that the agreement of the persons concerned was unnecessary ?

M. RAPPARD wondered whether the mandatory Power could delay the execution of the Treaty if no agreement were reached ; the agreement was not a condition for the entry into force of the Treaty.

M. DE CAIX said that, while it was undoubtedly right to take account of the law and to consider how it should be interpreted, account must be taken of facts, and, in particular, the imagination and susceptibility of this people, Syrians of the interior, Alaouites, other groups. If they were allowed to think that the mandate might be terminated without certain necessary agreements having first been concluded, there was the risk of causing uneasiness in one place and obstinacy in another, which would add to the difficulties of a solution.

In studying the possible developments of a policy concerned with such complex elements, it was necessary, after all, to exhibit a certain elasticity of judgment. The Commission had the right to know the general aims of the mandatory Power. M. de Martel's reply was explicit : there was the framework of the Act of London, as it would be modestly expressed in Syria ; there was the framework of the mandate, as it was uncompromisingly put at Geneva. That, the mandatory Power fully recognised, and the proof was to be found in the correspondence between M. de Martel and Mohamed Ali Bey Abed. If M. de Martel had wished to put on one side the question of the union of the Alaouites and the Druses with Syria, he would not have replied to the President as he had done.

M. de Caix quite realised the Commission's anxiety ; but the latter must nevertheless have some confidence in the mandatory Power and in its repeated declarations. In the present case, the Mandatory was following a definite line of conduct and was making no secret of it. When M. Ponsot had spoken of two States destined for an international vocation, he had, *ipso facto*, defined—and very clearly—the policy of France.

M. RAPPARD viewed the situation as follows : even the Syrian nationalists and the most out-and-out supporters of union declared : " We will have a large measure of decentralisation ". The mandatory Power replied : " We cannot be satisfied with these declarations, since they can be revoked. We feel an international responsibility for the safeguarding of the minorities who would be at the mercy of your good pleasure." M. Rappard had no intention of expressing an opinion, but what would the accredited representative say in answer to the observation : " Is that not the justification for the mandate ? The mandatory Power, in point of fact, was bound to defend the interests of the minorities. It might recognise that there were in the territory certain elements which did not offer the necessary guarantees from the standpoint of the protection of minorities, but it was still their guardian. Why, then, should it be in a hurry to terminate a mandate which, in its view, seemed to be a necessity ? "

M. DE CAIX did not quite see the point of M. Rappard's question. Supposing that tomorrow the French Government said : " It is impossible to arrange the matter, and the mandate must continue *sine die*, despite Article I, which provides that Syria and the Lebanon must be given an opportunity of becoming independent States ", the Commission would probably not be prepared to acquiesce in that conclusion ? The Commission found the mandatory Power endeavouring to reconcile things which it was extremely difficult to reconcile. He would even venture to go further, in view of the effort that was being made, and say to the Commission : " Do not be more exacting towards a mandatory Power which has anxieties of this kind than towards another mandatory Power which settled matters in a far more comprehensive fashion. See what difficulties are encountered directly an attempt is made to do something for the minorities."

The CHAIRMAN noted that M. de Caix appeared to think that the Commission was more severe to-day than it had been two years previously with another country.

M. DE CAIX felt obliged to say that the Commission had been more exacting in this case than elsewhere.

The CHAIRMAN replied that it was precisely its experience in connection with the emancipation of Iraq that was making the Commission far more cautious with regard to the emancipation of Syria.

M. DE CAIX said that, if that were the case, it would be seen that there was a difference between a policy which included in a draft treaty a general minority clause and which, moreover, attempted to obtain the necessary guarantees for the continuance of a regime peculiar to compact minorities, and, on the other hand, a policy which had emancipated a united State after the conclusion of a treaty which made no mention of minorities. In the present case, the

mandatory Power was pursuing a policy which was in conformity with wishes previously expressed by the Commission, but which was fraught with many difficulties.

The CHAIRMAN noted that the Commission had not, for the moment, expressed any desire.

M. ORTS did not share this view. The Commission, at the instance of the Council, had enunciated the conditions with which a country must comply before it could be emancipated. The first of these conditions was a respect for minorities.

M. DE CAIX added that some way must be found of including these guarantees within the framework of the conditions for emancipation laid down in the mandate. That was not easy.

M. RAPPARD said that emancipation at a too early date was not indispensable.

M. DE CAIX agreed that that was one point of view. But what would the Commission's feeling be if to-morrow he brought it a declaration stating that the mandate would last for ever ?

M. RAPPARD replied that the mandate would not last for ever, but that its cessation was not an immediate contingency.

M. DE CAIX pointed out that, in any case, a certain period was laid down and that, if the Commission admitted that time was a factor in preparing for emancipation, it must be admitted as a factor equally in ensuring the methods for reconciling the various rights and interests covered by the Act of London which, as he had already observed, was the framework within which the mandatory Power had to act.

Count DE PENHA GARCIA pointed out that he was Rapporteur on the petition from M. A. Keyali, which was some 200 pages in length. The petition discussed events since the beginning of the mandate ; it brought out the substance of the nationalists' claims. They did not merely claim the territory of the Alaouites and the Jebel Druse, the question would arise of other territories also. However, the accredited representative had stated clearly what was the feeling of the mandatory Power. Union in the future was not ruled out ; but, for the Jebel Druse and the Alaouites, political considerations— with which the Commission was well acquainted—formed an obstacle at present.

There were some points in M. Keyali's petition on which Count de Penha Garcia desired the accredited representative's opinion. M. Keyali declared that, neither among the Alaouites nor among the Druses was there such antagonism to Syrian unity ; it was the mandatory Power that had brought pressure to bear on them in that direction, and M. Keyali went so far as to say (page 51) :

“ Moreover, it suits the mandatory authorities that things should drag on as long as possible, in order that they may have time to perfect their strategic measures : the construction of barracks, outposts and fortresses, where they can quarter the troops necessary for the maintenance of their perpetual domination over the country.”

Count de Penha Garcia asked whether the desire of the Alaouites and the Druses not to be attached to Syria was really as definite as had been said, or whether they would agree to such a measure subject to certain guarantees.

M. DE CAIX replied that the statements concerning military installations were simply absurd. The mandatory Power's policy had quite another object in view.

The political aspirations of peoples like the Alaouites and the Druses should not be regarded as having reached that clear and systematic form which similar sentiments were apt to assume in Europe. These peoples had unhappy memories, traditions which inspired fear and repugnance, but they did not think out constitutional solutions in the way that they might be thought out in the Commission. When they were told “ You are going to be united to Syria, subject to guarantees ”, they realised the fact of union in its most absolute form, but understood very little of what was meant by guarantees. He did not say that it would be impossible to make them understand, but that would take time and persuasion. When M. Keyali said that the French had exercised an influence over the Druses and the Alaouites, that was perfectly true. The mandatory Power had found them with their painful memories of inferiority, their particularist traditions, interests and instincts ; but it was that Power which had made it possible for these tendencies to emerge and become more self-conscious, because it had provided for these minority groups a situation they had never previously enjoyed. When a man having a certain tendency discovered a means of living in accordance with that tendency, he became attached to it and practically ordered his whole life in accordance with it.

With regard to the Druses, it should even be remembered that, when the mandatory authority established itself in that country, it did so in virtue of an agreement recognising the autonomy of the Jebel Druse. In that country, there had been strong traditions of independence, because the land had hardly been subjected to the Ottoman authorities. This *de facto* independence had been recognised by the mandatory Power in an agreement with the leading Druse chiefs. The mandate therefore might be said to have created “ autonomism,” but it had not created the memories, complaints and tendencies on which this “ autonomism ” was founded.

Count DE PENHA GARCIA recognised the delicate aspect of the question. The problem was to weld together disparate elements, and to give them a feeling of nationality. Would the Jebel Druses and the Alaouites later acquire the national feeling necessary to join forces with the rest of Syria ? M. de Caix had just said that those populations did not really understand the

question of guarantees. Had there been no manifestations as yet in either of the territories concerning those guarantees? Had they never been willing to accept the idea of union?

M. DE CAIX replied, with reference to the possibility of creating a national feeling, that the solution of this problem was not possible and could not even be anticipated in the course of a single generation. In European countries, national feeling had existed for a long time, but it was the outcome of joint trials and efforts throughout the centuries; and this did not mean that, in the beginning, there had not been deep-rooted antagonisms between the groups which to-day were solidly united as one nation. That was a commonplace.

He did not mean that it was impossible to create a national feeling at the present juncture, even, and above all, if the populations in question were given the particular regime which they desired and which suited them. It could not be said that national feeling did not exist in Switzerland, a country which gave to the several populations united within the Confederation fundamental guarantees to which they were firmly attached. This, therefore, did not seem impossible; but the fact of collaboration, or of association, in acceptable and accepted conditions, must precede the feeling of solidarity which should be born thereof.

As regards Count de Penha Garcia's second question, the inhabitants of those territories had never demonstrated in order to ask for guarantees. For them, the only effective guarantee hitherto would have been a separate existence. To lead them to have confidence in any guarantees outside this would require a lengthy education, and perhaps the assurance that the support they had had would be continued for some time.

COUNT DE PENHA GARCIA wondered whether the conclusion to be reached, for the moment, was that these two territories could only be united to Syria by an act of force.

M. DE CAIX replied that union might also be obtained by pressure.

The CHAIRMAN observed that the discussion seemed to show that the mandatory Power, instead of attenuating the divisions and causes of friction between these territories, and welding the various parts of the territory, which were, when all was said and done, closely connected both politically and economically, into a single compact country, thus helping towards the fulfilment of the mandate's fundamental aim—*independence and unity*—had followed an entirely contrary policy. The notion of administrative autonomy accepted by the League of Nations could not be confounded with the notion of separatism which, in his opinion, was harmful to the future of Syria.

With regard to the Lebanon, he had understood M. de Caix to imply that the mandatory Power regarded this country as ripe for independence, but that the Lebanese did not claim independence. If the Lebanon was, indeed, ripe for independence, the aim of Article 22 of the Covenant had been attained in that territory. Did the accredited representative think it possible that independence could be granted to Syria and not to the Lebanon? True, the mandate recognised two States, but those two States were so closely linked together in their existence that it would be difficult to conceive of independence, within the meaning of the Council's rule for the termination of a mandate,¹ which would be granted to one and not, at the same time, granted to the other of these two territories.

M. DE CAIX said he was somewhat surprised at the form in which the Chairman had submitted his question, which almost amounted to an accusation. The Chairman implied that the mandatory Power had been at pains to maintain the divisions of the country. That might of course be one opinion.

The CHAIRMAN said, in that case, he would put his question the other way round. What had the mandatory Power done to attenuate these divisions? Or, indeed, had it accentuated them? When it had been appointed trustee for the territories it had seen that they were cousins which did not get on very well together; had the mandatory Power endeavoured to bring these cousins together into one family?

M. DE CAIX replied that the mandatory Power had noted an existing situation and had confirmed that situation in certain respects which were not at all incompatible with the creation of unity, with certain shades of difference. That was shown by the creation, from the outset, of the Federation. This policy of organising a joint existence had not, for reasons he had just explained, been continued in the same form, but everything went to prove that it had never been abandoned in principle.

He could not see how any doubts could remain with regard to the Lebanon. It had been stated on several occasions in the Commission that the policy which was applicable to Syria, that of the Treaty, was also applicable to the Lebanon. There was no difference in the way the mandatory Power conceived the evolution of Syria as compared with that of the Lebanon.

The CHAIRMAN said he was referring to synchronism. He had understood from M. de Caix's statement that the Lebanon was quite as mature as Syria. The Commission had just been told, however, that self-government was to be proposed for Syria but not for the Lebanon.

M. DE CAIX repeated that there never had been any question of drawing a distinction between the two countries. He had never said that self-government would not be offered to the Lebanon. No act on the part of the mandatory Power warranted any such interpretation of its policy.

¹ See *Official Journal*, November 1931, Minutes of the Sixty-fourth Session of the Council, pages 2055, 2056-2058.

The CHAIRMAN observed that he had not said that the Commission was giving an interpretation of any kind, but from all he had heard in the Commission he had the feeling that the Lebanon was not less mature for independence than Syria.

M. DE CAIX said he could not enter into the question of comparative maturity. There was something else—namely, that Syria was showing more impatience than the Lebanon to see the end of the mandate. The Lebanon also had, to an appreciable extent, tendencies which were natural to countries that included minority groups. The Lebanon had traditions which resulted in a different attitude towards the mandate. It was natural that, in any policy, an endeavour should be made to take into account the various existing aspirations.

The question of simultaneous independence had been raised in the Mandates Commission on several occasions. It had been admitted in the previous year¹ that it was not absolutely essential that all parts of the mandated territory should achieve independence at the same time.

The CHAIRMAN asked who had admitted this.

M. DE CAIX replied that the Mandates Commission had admitted it.

The CHAIRMAN observed that it was not the Commission, but perhaps some of its members.

M. RAPPARD explained that he had said that he did not think that progress towards emancipation could be at the same rate everywhere. But the members of the Commission had all thought that, before final emancipation, all the elements in the territory should have reached a certain degree of maturity.

M. RAPPARD desired to know how matters stood with the Jebel Druse. A territory of about 60,000 inhabitants could hardly be said to possess a public opinion, but it had always been asserted—and he had no difficulty in believing that it was true—that the Druses did not want to be subject to Damascus. What did they want? They surely did not imagine that they could be independent. They were not very enamoured of French guardianship. What idea had they regarding their future?

M. DE CAIX replied that it was open to doubt whether the Druses had any definite ideas as to a specific political future. They were very divided. There were family rivalries even between members of the same family, and their thoughts mainly centred around these internal questions. It could only be said that, generally speaking, they were attached to the independence of their mountain and had no wish to be joined up with Damascus. They would regard that as exploitation.

M. RAPPARD asked whether the same was true of Latakia.

M. DE CAIX replied that the situation was similar, but with shades of difference attendant upon a richer and more complex community, whose economic structure was suited to an autonomous existence.

M. RAPPARD said that, if these territories had to form part of any larger State, that State could only be Syria.

M. DE CAIX said that that was so, but added that the Alaouites did not see the matter clearly. If the question were put to them, they would doubtless think, pending the time when they would be able to form an idea of what new regime might be applied to them, that there was an ulterior motive—namely, a desire to deliver them over to the majority.

M. ORTS had a cutting from a newspaper (*Oriente Moderno*), dated October 27th, 1933. In the previous autumn, the paper reported, a delegation from the Jebel Druse, led by the Governor of the Jebel Druse, had visited Beirut. This delegation had been composed of several notables whose names the paper mentioned. Was the accredited representative aware of this delegation?

M. DE CAIX said that his attention had not been specially drawn to this delegation. He did not think it had been of great importance.

M. ORTS said that, nevertheless, it seemed to have been received by the Acting High Commissioner and to have stated certain claims of the Jebel Druse; in particular, that the 1922 Constitution of the Jebel Druse, which had been recognised by the mandatory Power and by General Gouraud, granted the Jebel Druse its independence. The head of the delegation was alleged to have complained that he and his people "had become strangers in their own house and that strangers had become the sons of their country". Was that not an indication that the Druses were not greatly in favour of close connection with Damascus?

M. DE CAIX said that, to judge the importance of this visit, it was necessary to know the various motives which had prompted the notables in question. It was certain that, in addition to certain requests concerning current events, they had put forward the customary claims of the Druse group.

M. RAPPARD said he was Rapporteur for a number of petitions raising the question of the whole treaty policy that had just been explained to the Commission. There was one point on which he would be glad to have M. de Caix's opinion, because the observations of the mandatory Power did not refer to it. Some of the petitioners had discovered a formula to express an idea which had occurred to M. Rappard himself. The formula was "the ratification of this Treaty

¹ See Minutes of the Twenty-fourth Session of the Commission, page 64.

by deputies whose mandate has not been recognised by the nation would be tantamount to France concluding a treaty with herself ”.

He was bound to admit that, on reading the report and the Treaty, he had been unable to suppress a very similar sentiment, and he would like to have M. de Caix's opinion.

The High Commissioner negotiated with a Ministry which gradually faded away during the course of the negotiations. Parliament met to vote the budget, but the movement against the Treaty was so strong that this Parliament, elected after all mainly on the Treaty question, hastened to express its disapproval of the Treaty. Whereupon Parliament was suspended and then, as it persisted in its attitude, prorogued. The territory was a mandated territory; the mandatory Power was its legal guardian. If M. Rappard had wished to conclude a family agreement with one of his minor children, he would be very perplexed because he would himself be one of the parties to the contract and would also be representing the infant who was the other party. In such cases, it was generally felt that a third party should intervene, or that, in any case, some procedure should be devised to guarantee the minor's rights as far as possible. On reading the report, however, he could not help feeling that the mandatory Power had not only failed to do what it could to safeguard independence of will, but when the minor had endeavoured to state its own desires—with somewhat undue haste, it was true—had simply gagged him. How in these circumstances could the value of the petition be estimated? Could it be replied that the only aim was to protect the minor against his juvenile wilfulness, and to prevent him from reaching an over-hasty decision?

M. DE CAIX answered first that the question of negotiating a treaty with the mandated country could not be raised because it had been settled in fact. This policy had been known for a long time past. It had been announced in 1926 and had been put into effect with regard to another country.

Moreover, it was not accurate to say that the Chamber had been elected on the Treaty question. It had been elected much more on the question of collaboration or non-collaboration with the mandatory Power. Those who were called moderates were really nationalists who desired to attain their aims by an agreement and in collaboration with the Mandatory, whereas extremists were persons who desired to achieve practically the same purpose, but without agreement, by different and more expeditious methods.

The Chamber which had empowered the Government to negotiate represented the country. All the mandates had been unanimously ratified, as had been noted by the Commission itself.

M. RAPPARD pointed out that he was referring to what the Government did. If the Chamber did not represent the country he could have understood its prorogation. But if it did really represent the country, how could it be prohibited from expressing its opinion on a treaty which was said to be the result of a synallagmatic contract?

M. DE CAIX explained that the Chamber represented the country, but it was necessary to remember the circumstances in which it had sat. The deputies had been subjected to intolerable pressure and intimidation. He gave a few examples of the forms which such pressure and intimidation had taken, to illustrate how difficult it was for deputies from the Qazas, intimidated by the manifestations in Damascus, to express their opinion freely. Furthermore, to understand what had happened, it was not sufficient merely to bear this situation in mind and remember that the question of the treaty had been raised in the Chamber at its meeting on November 21st in a quite unconstitutional manner, but it was necessary also to realise that an attempt had been made to solve the problem by subterfuge. It had, in fact, been proposed that a petition, submitted to each deputy at his place of residence—and not very willingly signed in many cases—should be read and then inserted in the Minutes as a definite decision. That could hardly be called normal parliamentary procedure.

M. RAPPARD simply wished to say that he did not believe there had been precedents for such a procedure. When the Mandates Commission had been led to express an opinion on a treaty concluded between another mandatory Power and another territory under mandate, the treaty had already been approved by the Parliament of the territory under mandate. In the present case, not only had the treaty not been approved, but Parliament had been suspended in order to prevent it from expressing a hasty opinion which the High Commissioner foresaw was likely to be unfavourable. In these circumstances, what answer could be made to persons who said that this Treaty had been concluded by France with herself, since France seemed to have feared the judgment of the Parliament of the other party? If the only question had been one of avoiding irregularity and unconstitutional precipitancy, why had the High Commissioner not merely vetoed immediate discussion—that was to say, discussion previous to the report of the Parliamentary Committee prescribed by the Constitution?

M. DE CAIX said that he did not propose to go into the circumstances in which the ratification of the other treaty had really been brought about. He would merely say that the value of the ratification of the Syrian Treaty need not be judged until it had taken place. The present period was a period of marking time, which had been begun by a surprise manoeuvre and not by a decision the value of which was derived from the regularity and method of its achievement.

M. RAPPARD thought that the situation was that the High Commissioner had withdrawn the Treaty which had been tabled in the Chamber, postponing until the autumn the discussions thereon.

M. DE CAIX said that things remained as they were.

For the present, the Treaty only existed in reserve, but it was the expression of a definite policy which had been followed by the mandatory Government for a long time.

M. ORTS said that, if he were Rapporteur on the petition, M. Rappard's difficulty would not trouble him. To say that the Treaty had been concluded by France with France would amount to denying the existence of a Syrian Government. The Syrian Government did, however, exist, and it had been formally empowered, by a vote of the Chamber, to sign and negotiate a Treaty. The result was the Treaty tabled in the Chamber. Those then who had signed the Treaty had a mandate from the Chamber, so that it could not be said that there was any identity of persons between the Syrian Government and the High Commissioner.

M. RAPPARD said that M. de Caix's reply relieved him of his difficulty : there was no treaty at present awaiting Parliamentary approval.

M. DE CAIX said that, while M. Orts had submitted legal argument in proof of the status of the Syrian Government as a partner competent to contract, it might be said much more briefly that France did not deal with herself, if she were doing so, she would obviously experience no difficulty in reaching an agreement.

M. ORTS wished to ask M. de Caix a few questions.

According to the report, it was on May 8th that the Chamber had, by a vote, empowered the Syrian Government to negotiate. That vote had been given virtually by forty-two out of the forty-three members present ; the nationalists being absent. How many deputies were there in the Syrian Chamber ?

M. DE CAIX replied that there were sixty-nine. The nationalists had abstained.

M. ORTS observed, then, that the vote had obtained a majority in the Chamber. It seemed strange to anyone not conversant with what had happened in Syria that, just when one might have expected that negotiations would be pushed forward actively and that a treaty would immediately emerge, as soon as the Chamber had voted, silence had followed ! There had been no further movement ; no action was taken on that vote until November 2nd. According to the chronological statement that appeared in the report, it was on November 2nd M. de Martel had finally got into touch with the Syrian Government. True, in the meantime, M. Ponsot had been called to other duties and a new High Commissioner appointed. Yet, why between May 8th and November 2nd had things remained at a standstill ? Why had there been a delay of six months before contact had been resumed with this Government which had the confidence of the Chamber, thus allowing the Opposition time to turn round, carry on a campaign and finally mislead public opinion by spreading one-sided tales ? There might be an explanation of this. But the facts as they stood conveyed the impression that that delay was responsible to some extent for the ultimate failure.

M. DE CAIX replied that two factors must be taken into account : the first was that M. Ponsot had been ill, very seriously ill, at the end of the spring of 1933, and had been unable to attend to business. The second was that, in that country, political activity and other activities came to an almost complete standstill in summer. In point of fact, questions that had not been settled in the spring were almost always held over till the autumn. It was a habit which had its disadvantages, but which was explained by the climate.

M. ORTS had a second question to ask. With regard to M. de Caix's reply to M. Rappard, was he correct in supposing that a treaty existed ? The Syrian Government, duly authorised by the Chamber—an unnecessary precaution because every executive was ordinarily empowered to negotiate treaties—had negotiated a treaty with the competent representative of the mandatory Power. Agreement had been reached and a treaty signed. There was, therefore, a treaty. The latter, it was true, owing to the parliamentary incidents referred to, had not been approved by the Chamber. But neither had it been rejected by the Chamber, since, at the last moment, it had been withdrawn, with the object of avoiding that fatal act—namely, its rejection. That, it seemed to him—and the accredited representative would say if he was wrong—did not prevent there being in existence, between France and Syria, something more than a treaty in simple draft form. Was that so ?

M. DE CAIX replied that the Treaty had never been regarded by the mandatory authority as having disappeared from existence by reason of its not having yet been ratified by the Chamber, all the less so in view of the way in which certain elements in the Chamber had tried to achieve its rejection. Whatever manœuvres took place, the French Government would see no reason to admit that a treaty which expressed its position, which had been signed by a regularly constituted Government, had ceased to exist. Moreover, M. de Martel had replied. He had said : " I have put the Treaty away in the cupboard " ; but he had not mentioned the waste-paper basket.

M. RAPPARD thought that, if M. de Caix reread the Minutes containing the statement that the Treaty simply represented the political purpose of the Government at a given moment, he would have some difficulty in saying now that the Treaty existed as such. What was a treaty in a cupboard, from the point of view of constitutional law ? In any case, the Treaty had at present no executive force, nor had it been submitted to the Chamber for approval.

M. DE CAIX replied that, diplomatically, the Treaty remained in existence. It was binding upon the two signatories until such time as it had had to be abandoned by the normal procedure or had been replaced by some other instrument.

When he had said that this Treaty was the expression of the policy of the mandatory Power, he did not mean that it was merely a momentary expression. His intention was, on the contrary, to bring out the full value of the Treaty by emphasising that it was the expression

of a deliberate and conscious purpose, of a policy which could not change from day to day because an accident had occurred.

M. ORTS thought that the position was clear. A treaty existed. It was valid, since it had been signed by the mandatories of Syria and by the mandatory of the French Government. It was still subject to two conditions—namely : (1) approval by the two Parliaments ; (2) ratification by the two Governments.

He asked if M. de Caix could say what the mandatory Power proposed to do with the Treaty. Reference had also been made to a *communiqué* of the High Commissioner, dated November 19th, 1933. That was probably only a Press *communiqué*—which did not amount to an official Government declaration—but it had none the less emanated from the High Commissioner and was reproduced in the report. It contained one passage in particular (page 6 of the report), as follows :

“ The vote of Parliament will supply the representative of the French Republic, and through him the French Government and the League of Nations, with definite proof of the possibility or impossibility of ensuring by contractual means the evolution of Syria towards that independence to which she aspires.”

Did that mean that the two countries would come to an agreement to settle the problem by contractual means—that was to say, by treaty, or, failing that, that France would settle the question of Syrian independence by other than contractual means ?

Did the interpretation of the *communiqué* imply that the mandatory Power intended at a given moment—probably not far distant—to ask for a vote on the Treaty in the Syrian Parliament, in order to see if there was some means of coming to an understanding ?

M. DE CAIX pointed out to M. Orts, in passing, that he was not sure, from a constitutional point of view, whether the Treaty required ratification by the French Government.

He could not give any indications as to when the question might be re-opened before the Syrian Parliament. That matter was one for the High Commissioner to decide, in agreement with the Syrian Government.

As to the warning to the Syrians in the *communiqué*, the question of the Treaty being put into effect did not arise, for the Syrian Parliament could not be said to have stated its position. There had been no regular debate. It was conceivable that, in other circumstances, after further preparation, this Chamber, the majority of which was not hostile in principle to an arrangement with the mandatory Power, would reach an agreement. The question had not yet been decided. If the decision were negative, the mandate would obviously continue to exist and the Mandatory would have to look for some other solution, on which M. de Caix was not in a position to express an opinion. While awaiting the ratification of the Treaty, the policy of preparation laid down in the annexed Protocol could be followed, and all action bearing upon the future of the country was not barred because of the events of November 26th.

M. RAPPARD regretted that he could not find in the statements of M. de Caix anything to refute the contention that the Treaty had been negotiated by France with herself. When Parliament had wished—with a haste that was irregular, he agreed—to give its views, the Treaty had been withdrawn, and, when the High Commissioner thought that the moment was propitious, he would authorise the Chamber to express its opinion. Was not, then, the mandatory authority clearly on both sides of the fence at once ?

M. DE CAIX pointed out that the Treaty had been withdrawn by the President of the Syrian Republic. He felt sure that the question would be brought before Parliament again whenever the President of the Syrian Republic and the High Commissioner would be in agreement to do so.

M. RAPPARD stressed that statement : it was in agreement with the High Commissioner that the President of the Syrian Republic would lay the Treaty before Parliament again.

M. DE CAIX said that, from the very nature of things, it was obvious that an act of this kind, which was of interest to both Governments, presupposed the High Commissioner's agreement.

It would be neither desirable nor right to endorse the description of the Treaty as being a treaty concluded by France with herself, the Mandates Commission, so to speak, tacitly consenting.

M. ORTS thought that importance should not be attached to what was only a controversial argument, which the petitioners had not realised might be turned against themselves. If, in fact, the Syrian Government was to be regarded as the mere reflection of the mandatory authority, even when it had been especially authorised to negotiate by a motion of the Chamber, and as, on the other hand, there could be no question of negotiating a treaty direct with a Parliament, any contractual solution in which Syria was a party would have to be regarded as excluded.

M. RAPPARD thought that the Chamber might be allowed to vote.

M. MERLIN wished to say something in reply to M. Rappard. He himself had recalled that morning the conditions under which the Treaty between France and the Syrian Government had been withdrawn from the debate in the Chamber. The circumstance of its withdrawal had been unconstitutional : a number of deputies, very skilled, it would seem, in parliamentary practice, had endeavoured by a sudden attack to obtain a snap vote on the

Treaty. Seeing the manœuvre, the Government had withdrawn the Treaty in order not to fall a victim to that vote. If Parliament had acted properly, it would not have withdrawn the Treaty ; in short, it was neither the High Commissioner nor the Government that had begun—it was Parliament, seeking by dubious means to obtain a snap vote. The Government had shown great wisdom in provisionally withdrawing the Treaty and in reserving the right perhaps to ask for a further discussion when the various intrigues had been exposed and feeling had died down. No sound decision could ever be reached when excitement ran high.

M. DE CAIX noted that M. Merlin had referred to a snap vote. In order to be more clear, he would recall that an endeavour had been made to secure, by surprise, that an act drawn up outside Parliament with signatures obtained outside Parliament should be registered and regarded as constituting a parliamentary decision. That certainly did not constitute an attempt to ensure that Parliament should be in a position to express its views freely and in the normal way.

NINTH MEETING

Held on Tuesday, June 5th, 1934, at 10.30 a.m.

Syria and the Lebanon : Examination of the Annual Report for 1933 (continuation).

M. de Caix came to the table of the Commission.

TREATY OF FRIENDSHIP AND ALLIANCE BETWEEN FRANCE AND SYRIA : ATTITUDE OF THE VARIOUS GOVERNMENTS AND POPULATIONS TOWARDS THE POLITICAL DEVELOPMENT OF THE TERRITORY ; PETITIONS WITH REGARD TO THE FRANCO-SYRIAN TREATY (*continuation*).

M. RAPPARD, as Rapporteur for a large number of petitions, wished first to ask a question on one specific point. Could the accredited representative tell him whether the authors of the petitions were persons who could be said to be of approved authority ?

M. DE CAIX said that the political leaders seldom signed petitions themselves. They persuaded persons of lesser importance to do so. There were also a number of persons who might be called "petition experts" whose signatures recurred repeatedly. Lastly, it must be ascertained how many of the signatures were given independently and with full consciousness.

M. RAPPARD noted that all the petitions referred to the treaty policy. It was quite easy to see the objections which the Treaty raised, either as a result of the measures which the mandatory Power had been obliged to adopt for its negotiation, or as a result of its contents. It was understandable that the Treaty could not satisfy the aspirations of a people pining for complete freedom. It was also evident why the mandatory Power had not desired, and had not been able, to grant that people complete independence. What was not clear were the reasons for which the mandatory Power had followed this course of drawing up a treaty. True, there was the precedent of Iraq ; but that precedent could not be invoked in the present case, because it was of a different nature and was, in any event, by no means encouraging.

M. DE CAIX did not feel that he should say what might be said with regard to the precedent of Iraq and the question of independence, and it was not for him to discuss the contents of the Treaty. He could not admit M. Rappard's criticism of the treaty policy, and felt bound to point out that the present policy had already been followed for the past eight years and represented a line of conduct which the mandatory Government was not prepared to abandon.

M. RAPPARD did not consider these reasons convincing. If a certain road had been followed during the last eight years, that was not, in itself, sufficient reason for continuing in it, particularly after the unfortunate precedent that had been mentioned. The disadvantages of the policy were evident and admitted by the mandatory Power, and the advantages were very doubtful.

M. DE CAIX observed that the criticisms contained in the petitions were largely the polemical expression of temporary reactions actuated by an inadequate grasp of the texts and facts. He himself sincerely believed that the Treaty might be a means of pacification. The Syrians who were interested in political affairs might discuss the conditions for its realisation, but the principle certainly met the wishes of the enlightened class of the population. It must not be imagined that the petitions, however numerous they might be, were necessarily the expression of a clearly defined and well-considered opinion. Demands were often received which were signed by many persons who were mainly anxious not to do less than their neighbours.

M. RAPPARD asked on what general grounds the population was favourable to the Treaty policy ? Did they see in it a path to emancipation ?

M. DE CAIX replied that they saw in it a system which depended on their consent, or, at any rate, on the consent of the notables.

M. RAPPARD could not discover much that was convincing in this policy. He still saw the disadvantages rather than the advantages of the Treaty, which would only be acceptable to Syria on conditions unacceptable to the mandatory Power and to the League of Nations.

M. DE CAIX believed, nevertheless, that the various tendencies involved and the various interests to be safeguarded were not irreconcilable.

Count DE PENHA GARCIA wondered whether the situation, from the political standpoint, could not, in the light of the accredited representative's statements, be defined as follows : in Syria there was a dictatorship ; in the Lebanon a new Parliamentary regime ; in the territories of Latakia and the Jebel Druse, no change. Was that so ?

M. DE CAIX said that there was in Syria an authoritarian regime which should not be called a dictatorship in the ruthless sense that might attach to that word elsewhere.

Count DE PENHA GARCIA, continuing, said that the situation with regard to maturity with a view to independence seemed to be this. The mandatory Power thought that Syria was ripe for independence. Regarding the Lebanon, it expressed no opinion. As to the territories of Latakia and the Jebel Druse, it did not think the time had arrived. Furthermore, Syria claimed certain territories from the Lebanon. The question of Syrian unity in terms of the stage of maturity of the various territories therefore arose.

The question of the accession of these territories to Syria would depend on a plebiscite, but if they were not ready for independence what would be the value of a plebiscite ? Was this a correct interpretation of the facts ?

M. DE CAIX thought that the situation could not be defined so categorically. As to the parallel that it was desired to draw between Syria and the Lebanon, the question of maturity did not arise. The point was whether the question of changed relations with the mandatory Power was or was not now open and whether its solution was more or less in keeping with the desire of one or other of the two countries. As to the territories of Latakia and the Jebel Druse, it was hardly correct to talk of cession. Their present regime was temporary, and means of bringing them within the legal setting previously defined must be sought. In this case, it was no longer a question of maturity or immaturity but of association with the neighbouring country.

Count DE PENHA GARCIA thought that the difficulties of the mandatory Power derived partly from the political instability in Syria and partly from the lack of authority of the Syrian Government with whom the mandatory Power had to reach an agreement. M. de Caix had said on the previous day that the question of a federated system had been set aside. Was this a final or only a provisional decision ?

M. DE CAIX said he would not give a definite reply engaging the policy of the mandatory Power. By "federal system", did Count de Penha Garcia mean an association of States with an autonomous regime. If so, the answer might be in the affirmative. He could not, however, give a definite reply concerning the creation of a federation in one of its many possible forms.

M. SAKENOBE noted that, at the time of the negotiations relating to the Treaty, the agitation and manœuvres of the nationalists had increased considerably. It was stated, on page 6 of the report, that, between the signature of the Treaty and its presentation to the Parliament :

"The violence of the campaign against the Treaty had reached its highest point and most of the moderate deputies were subjected to pressure of every kind, which often went so far as threats of death."

It was hard to understand how the Government could have allowed such a state of affairs to exist. Had it not been aware of the position ? Could it not take steps to prevent threats of this kind, which had completely upset the Government's plan ?

Moreover, when Parliament had met on November 21st—curiously enough—the report did not say how many deputies had taken their seats—certainly there were many moderates who had been scared and had not been present and those who were present were constrained to take the side of the nationalists. However, after the event, had not the moderate party in Parliament, which was undoubtedly in a majority, rallied, or had it been so frightened that it no longer had the strength or the will to take any action ?

M. DE CAIX replied that there had undoubtedly been attempts to intimidate deputies who were known to be in favour of co-operation with the mandatory Power. However, the difficulty of protecting people living in different parts of such a city from unpleasant visits or even from being threatened in the street and in their homes should be realised. If it endeavoured to prevent any contact between the deputies and the people, the mandatory Power would inevitably lay itself open to the charge of having some very different end in view from that of enabling the deputies to exercise their free will. There had been a fairly large number of cases of intimidation, although far fewer had occurred in the Chamber than outside. A certain number of deputies who, in principle, were likely to support the treaty policy, had been led to sign, outside the Chamber, a petition denouncing this Treaty as contrary to the interests of the country. Consequently, those deputies were no longer free to decide as they thought fit after they had entered Parliament.

What had been their subsequent reaction ? The majority had returned almost immediately to their constituencies. M. de Caix had seen a certain number ; many of them

appeared to be almost astonished at the weakness they had displayed at Damascus. Some were sorry for it, and some of them had told him so quite frankly.

Damascus was a large city with a complicated topography and a population that was easily aroused. It was by far the most "nervy" city in Syria, and was possibly the least suited to the carrying out of a considered policy. The deputies from the provinces, especially those from rural districts—the men of the Qazas, as they were called—came into contact with townspeople who were much cleverer at making speeches and handling arguments, and they found themselves in an inferior position, particularly as street agitators were employed to intimidate them.

Mlle. DANNEVIG asked how, if the Lebanon and the territories of Latakia and Alexandretta were independent, could Syria exist, from an economic point of view, without access to the sea?

M. DE CAIX replied that this objection would be well founded if Syria and the Lebanon were not an economic unit from which there was no question of their separation and which the Mandatory attached importance to maintaining. The Lebanon would not be able—or have any reason—to prevent free transit between her ports and the interior.

The Sanjak of Alexandretta, which was already a Syrian province, possessed administrative and budgetary, but had no legislative autonomy to enable it to adopt measures contrary to the wishes of Syria as a whole.

Lastly, the legal position with regard to Latakia was such that, whatever the conditions for its realisation, it was difficult to see how the Government would cut itself off economically from Syria.

That was a question which would seem to arise on the map but did not exist in practice. There were no Customs between Syria and the Lebanon and the frontiers were merely marked by frontier posts. There was nothing to show when one passed on the road from one State to the other, and the traffic was not stopped for any formality whatever. Goods therefore paid no duties when passing from one mandated territory to the other.

The CHAIRMAN thought that the question raised by Mlle. Dannevig called for an interpretation on the part of M. de Caix. What did M. de Caix think of Article 8 of the draft Treaty?

On the previous day, the Chairman had not been able to understand whether the Treaty would be modified or maintained as it stood. In any case, certain points ought to be made clearer.

Article 8 was worded as follows :

" The High Contracting Parties agree that, in so far as each is concerned, it will be desirable to maintain the community of economic interests existing throughout the whole of the territories referred to in the London Act of July 24th, 1922. "

That might mean that Syria would not be able freely to institute or levy Customs duties—in other words, that her economic independence would be limited, for she would be bound in economic matters to one or more territories over which the mandatory Power still exercised authority. M. de Caix must surely admit that, if political independence were to be granted to Syria, it ought to be accompanied by economic independence.

M. DE CAIX felt he was not bound to give his views as to what might happen many years hence, and which nobody could foresee. He was sure, however, that as long as the Mandatory maintained responsibility for these countries, it would uphold the principle of economic association between Syria and the Lebanon. He could not be asked what would happen when it was no longer responsible. But, even then, the Lebanon and Syria would have to agree upon some means of organising the economic unit which there was no reason for them to break up.

This question was, however, much more theoretical than practical, because the interests of the two parties were so clear that no very serious difficulties would be likely to arise. It was in the interests of the Lebanese ports to trade with Syria, and it was in the interests of Syria to utilise the Lebanese ports. If ever the question arose, the needs of both parties would compel them to find a solution.

The CHAIRMAN noted that, in short, the accredited representative did not regard this interdependence of economic interests as incompatible with political sovereignty.

M. DE CAIX replied that he might mention the example of a country which, while retaining full political independence, had formed an economic unit with other States. Their independence was marked, not by refusal to form an economic unit, but by the fact that they had formed it by agreement or contract.

The CHAIRMAN said that he did not know what treaty the Commission would have to examine in detail. He wished, however, immediately to put questions which might enlighten the Commission on certain points which he regarded as fundamental. For instance, Article 2 seemed to be contrary to the independence of Syria, because it would subject that country to political control and would *force it*, in the countries where it had no representatives of its own, to trust solely to France to protect its interests and nationals. Normally, an independent country reserved its right to decide for itself on what State it should rely for the protection of its interests abroad.

M. DE CAIX said that, in the present state of affairs, he did not feel called upon to discuss the provisions of the Treaty.

The CHAIRMAN reminded M. de Caix that, on the previous day, he had said that the Treaty had "been put away in the drawer". The mandatory Power could, however, take it out of the drawer whenever it chose. When would the Commission have an opportunity of ascertaining the scope of the Treaty? If the Treaty were brought out of the drawer unexpectedly, the Commission would be faced with an accomplished fact and its task would thus be very difficult. In his opinion, if it examined the Treaty immediately, it would be collaborating with the mandatory Power and might even give it useful assistance.

M. DE CAIX was sure that the Chairman's intentions were good, but in the present case he did not think that a discussion of the text of the Treaty, at the present time, was to be recommended.

The CHAIRMAN pointed out that M. de Caix had said that the Treaty was a draft which had been put on one side. If the Commission was not to discuss it now, when could it be discussed? He asked that question because he feared the Commission would some day be presented with an accomplished fact.

M. DE CAIX reminded the Chairman that he himself had said that he did not know what treaty the Commission would have to examine. If that were the Commission's feeling, he did not see what would be the use of any statements he might make, but he saw the disadvantages when the possibility of a parliamentary discussion had to be borne in mind.

The CHAIRMAN wondered, then, at what time the Commission would be able to discuss the Treaty.

M. RAPPARD always saw certain difficulties. He had to draw up a report on the petitions, the signatories of which were dissatisfied with the Treaty in question. If they could be informed that it had been withdrawn from consideration by the Chamber, that would constitute a reply, but if they were told that, sooner or later, the Treaty would be submitted to the Chamber for its approval, what reply should the Commission give them? There were two alternatives: either the Treaty was communicated for information to mark a stage in the negotiations or else it was a document which was being held in reserve as a means of regulating relations between Syria and the mandatory Power before the end of the current year. M. Rappard was perfectly prepared to observe the utmost discretion if he were given a sufficient reason, but if the Treaty had been "put in the drawer" and was to be taken out again sometime, what reply was to be sent to the petitioners?

M. DE CAIX repeated that personally he did not feel able to discuss the provisions of the Treaty. He wished to make it clear that if the Commission proceeded to discuss them he would not take part.

Count DE PENHA GARCIA took the view that, as the Treaty had been communicated to the Commission, the members must discuss it among themselves. As regards the position of the mandatory Power's representative, the Commission could do nothing more than ask him for information.

M. ORTS referring to the difficulties experienced by M. Rappard, thought that the Commission might merely reply to the petitioners that, as the Treaty would have to be submitted to the Syrian Parliament, those concerned might see that all arguments for or against it were duly laid before the Chamber by their representatives. When, in previous cases, the Commission had had to deal with disputes regarding the jurisdiction of the ordinary courts of law, it had confined itself to referring those concerned to the courts in question. In the present case, it ought, in his opinion, to get them to submit to any decisions reached by the Chamber.

M. RAPPARD thanked M. Orts for this suggestion. He desired to explain to M. de Caix why he had ventured to question him with regard to the Treaty. Various petitions had been communicated to the Secretary-General by the French Foreign Ministry, which wrote as follows:¹

"These telegrams are all part of the organised campaign against the Franco-Syrian Treaty. The mandatory Government has nothing to add to the considerations set out in the political part of the report to the League of Nations for 1933 which the accredited representative of the French Government will be able to supplement at the next session of the Mandates Commission."

A certain amount of information was certainly to be found in the report, but M. Rappard did not think it was indiscreet to ask the representative of the mandatory Power to supply further particulars.

M. DE CAIX observed that the information given in the report, which he had supplemented as far as he was able in his statement and in his replies to the Commission's questions, related, not to the Treaty itself, but to the circumstances in which it had been drafted, submitted and withdrawn from discussion in the Chamber.

Mlle. DANNEVIG asked whether changes could still be made in the Treaty should either party so desire, seeing that it had not yet been ratified.

M. DE CAIX replied that it should be remembered that the mandatory Power did not claim to impose this Treaty without discussion by Parliament, which involved certain consequences. The members of the Commission would understand that he could not anticipate that discussion.

¹ Document C.P.M.1512.

M. VAN REES said that although, for certain reasons which he would explain later, he had taken no part in the discussion, he would like information on one point—namely, whether the Treaty could be amended, or whether the High Commissioner regarded the present text as the last word.

M. DE CAIX said that he was unable to reply to a question of that kind. He could not be asked to take the place of the High Commissioner in preparing the solution of such a difficult problem. He would confine himself to stating—as he had already said—that the Treaty was the expression of a well considered policy that was already of long standing, and that it was hardly likely that there would be any fundamental change in that expression of policy.

The CHAIRMAN, speaking on behalf of the Commission, noted the fact that, in its essentials, the Treaty would not be modified.

He added that his questions had not been indiscreet. His colleagues and himself merely wished to be enlightened upon the more important points. He concurred, however, in the suggestion made by Count de Penha Garcia : the members of the Commission would discuss the Treaty among themselves.

ALLEGED MONARCHIST MOVEMENT.

COUNT DE PENHA GARCIA pointed out that, on Febraury 22nd, 1934, *La Syrie* had published a denial of the alleged negotiations between the French authorities and the ex-King of the Hejaz, Aly, regarding the throne of Syria. This denial ended with the expression : “ The so-called negotiations with ex-King Aly have never at any time gone beyond the stage of talks with a view to enlightenment.” Could it be inferred from this notice that some of the public were still in favour of a monarchy ? If so, were their numbers considerable ?

M. DE CAIX did not think it could be said that there was a properly organised monarchist party in Syria. Undoubtedly, many persons had leanings towards a monarchic system, for it was in keeping with the habits of mind created by ancient customs and traditions.

Rumours were persistent regarding negotiations with claimants. There were several claimants to the throne in the mandated territories ; others were to be found elsewhere. From time to time a highly imaginative Press spread rumours with regard to one or other of these persons. There had been a rumour during his last visit to Syria that he himself had come to prepare the way for one of these claimants, of whom he had never spoken.

TERRITORIAL DELIMITATION BETWEEN SYRIA AND JEBEL DRUSE.

M. ORTS read the following extract from the Damascus *Echos* (June 1933) :

[*Translation.*]

“ At the request of the mandatory authorities, a technical commission is apparently to be set up by the Syrian Government for the purpose of erecting boundary posts along the frontiers separating the territory of the Syrian Republic from that of the Jebel Druse. This commission is to begin its work during the current month.”

On August 12th of that year the *Presse coloniale* of Paris published the following information :

[*Translation.*]

“ The Mixed Commission for the delimitation of the frontier between Syria and the Jebel Druse is continuing its work.

“ In principle, the main boundary-line between the Jebel Druse and Syria will pass close to Brak and the village of Sura, skirting the Leja.

“ The Druses, whose territory has already been amputated in the south and added to Trans-Jordan under the Sykes-Picot Agreement, are afraid that their territory will be again reduced and added to Hauran—that is to say, to Syria, and are following the delimitation operations very closely.”

Was that information correct ?

M. DE CAIX said that he had not heard of any such delimitation. It would be possible and might even prove necesary to erect boundary posts between the land belonging to villages under the jurisdiction of the Government of the Jebel Druse and that belonging to the Syrian province of Hauran. Almost the whole of the frontier between the State of Syria and the Government of the Jebel Druse, however, passed through desert land, which did not require detailed delimitation. It was only in the south-west that a delimitation had been found necessary for essentially local practical purposes which bore no resemblance to the establishment of a frontier.

LOCALLY RECRUITED OFFICIALS : SUPPRESSION OF ABUSES.

M. ORTS added that, according to an article published in the Damascus *Echos* of July 12th, 1933, the Lebanon was complaining that Lebanese officials in the service of the Syrian Government were being ill-treated and that reprisals were being contemplated—in particular, the dismissal of Syrian officials in the Lebanese service. Was that report correct ?

M. DE CAIX replied that, for a long time and prior to the developments determined by the mandate, the Lebanon had supplied a larger number of officials, as education had been more widespread there than in Syria. Thus, the Lebanon had supplied a certain number of officials to all the Levant countries. There had been a few Christian Lebanese among the administrative and political staff of the Emir Feisal. Now, however, that it was becoming easier for Syria to draw officials she required from her own sources, she was naturally inclined to reserve all Government posts for them. Hence, personal difficulties had arisen on several occasions and were no doubt reflected in the article in question. As for the reprisal which it was desired in the Lebanon to take against Syrian officials, there would not seem to be much in this threat; the Lebanon had always been far more a nursery for officials than a market.

M. ORTS quite understood the feelings of the Syrians, if they regarded the Lebanon as another country and the Lebanese as foreigners.

According to another Press report, a certain amount of agitation had been caused among the Christian minorities in Syria owing to the hardships suffered in a neighbouring country by other Christian minorities. In that connection, it was stated that, at the present time, there were very few Christians occupying posts of any importance in the Government departments of Aleppo. Was that statement correct? Was it true that non-Moslem officials were being eliminated?

M. DE CAIX had not heard it said that a systematic process of elimination was going on. As for the Moslems' desire to occupy the highest posts, that was the natural feeling of men accustomed to regard themselves as the better element in the country.

What M. Orts had said about the uneasiness felt by the Christian minorities, especially in view of the example afforded by a neighbouring country, was unfortunately only too true.

In that connection, it might be said of the Christians that they were not altogether sorry, although they supported the mandatory Power, and because they would prefer the mandatory regime to be prolonged, that the treaty policy pursued by the mandatory Government was encountering difficulties.

In reply to another question by M. Orts, M. de Caix said that he could not call to mind any cases in which Christians occupying higher posts had been replaced by Moslems without any apparent reason.

M. ORTS drew attention to an article on the general position in the Lebanon which had appeared in the *Times* of March 22nd, 1933, some particulars of which were very similar to those mentioned on page 12 of the report. The article suggested that the Lebanese were attached to the mandate, because they could see no possibility of reform otherwise than under the authority of the mandatory Power. The author of the article considered, however, that the results of that Power's most recent experiments had not been promising. He also referred to the facts mentioned on page 12 of the report—namely, to the improper use of public monies, cases of corruption and traffic in influence. In connection with the new system introduced by the High Commissioner, the article said:

“ At first, President Debbas showed great energy in making reforms. He cut down Government expenditure; but his best efforts could not reduce it to much less than twice what the French Government had required before 1926. The public welcomed his promise of a thorough clean-up of the Administration, but soon changed its mind when it was found that the enquiry was being conducted with quite unnecessary severity. It was perturbed to see officials and contractors of high standing imprisoned in dark cells, cross-examined at dead of night, refused bail, and not even allowed to communicate with their lawyers, only to be set free after months of isolation and told that they were innocent.

“ Complaints were made to the French as well as to the Lebanese authorities, but without result. This led some persons to do justice for themselves. The President of the Supreme Court was waylaid in the street and severely beaten. Such was the public indignation over the methods employed by the prosecution that the judge found few or no supporters, while more than 200 advocates volunteered to defend his assailants.

“ Petitions protesting against the present regime were presented to the High Commissioner from various classes of the population. The Press (with one or two exceptions), the party of Republican Independence, and the second-degree electors all made strong representations. Finally, the Maronite Bishop of Beirut, Mgr. Aghnatios Mobarak, widely known as a staunch friend of the mandate and a man of great influence, in an address to a large audience on St. Maron's Day, attacked the Government, which he called 'a Government of destruction'.

“ It is not likely the Lebanese will resort to disorder to show their discontent. On the other hand, the French exercise of the mandate yearly gains the approval of the League of Nations, thanks to the ability of M. Ponsot, who is both a good witness and a clever advocate. But the situation is such that, in the eyes of the Lebanese, France ought either to pay closer attention to the application of the law and the administration of justice or terminate her mandate.”

In short, the article criticised the President's use of his powers and considered that the mandatory Power should itself introduce the necessary reforms.

M. DE CAIX said that a distinction should be drawn between two different things : the feelings of the Lebanese with regard to the regime, and the manner in which reform had been carried out under the authoritarian system introduced on May 9th, 1932.

There could be no doubt that for some time past opinion in the Lebanon had been anxious that the constitutional machinery should be greatly simplified. The 1926 Constitution was like a garment which had been cut to purely theoretical measurements without regard to the stature of the country by which it was to be worn. The development of parliamentarianism had resulted in a system of favouritism and exploitation of public funds which was disliked by all who made nothing, out of it. There were many Lebanese who demanded direct administration by the mandatory Power. Others were more moderate and merely recommended a return to a similar and very simple system which had given the Lebanon the constitutional rules introduced after the events of 1860. There was no doubt, therefore, that the introduction of an authoritarian system in May 1932 was fully in keeping with the desires of the whole of that section of the population which had not benefited by the abuses. It was not necessary, moreover, to believe all that was said with regard to administrative corruption, in a country where people were so ready to write and speak.

Thereupon had followed the reforming activities directed by President Debbas, who had naturally left it to the Lebanese judicial authorities to take repressive measures. It would appear to be true that the proceedings had been drawn out and that the treatment meted out to the accused was such as to justify complaints. In any event, public feeling—including that of the enlightened classes—was high. In order to calm it, the President had put an end to the prosecutions, which in many cases had lasted too long, the accused never appearing before the courts.

M. ORTS pointed out that, according to the report, all the persons charged had been amnestied.

M. RAPPARD asked, in this connection, how anyone could be amnestied without being first convicted.

M. DE CAIX admitted that the procedure was somewhat unusual. In any event, as it had become necessary, an end had been put to proceedings which were leading to no result—partly, perhaps, on account of the difficulty of obtaining witnesses in that country—but which had aroused public opinion owing to their duration and to the methods employed.

As regards the budgetary position, the improvement which had followed the reduction of expenditure was considerable, as out of a budget of 100 millions nearly 12 millions had been saved, thanks more especially to salary cuts and the abolition of posts—that was to say, without touching necessary expenditure.

M. ORTS wondered whether undue severity had not been followed by undue leniency. It had first been made impossible for those charged to defend themselves and then persons who had not been convicted were amnestied. From the Amnesty Decree promulgated by the President of the Lebanese Republic on August 31st, 1933, it would appear that the amnestied officials had been dismissed, though under Article 2 it was open to them to apply for reinstatement in the public services. What had actually been done in such cases ?

M. DE CAIX explained that public feeling had been so strong that President Debbas had been obliged to seek some means of putting an end to the situation. In reality, it was the judicial authorities who had been at fault in this matter. The Government could not be held responsible for the fact that the Lebanese judicial authorities had protracted the proceedings and had indefinitely postponed the moment when the accused would be able to defend themselves in court. While no penalties had been inflicted, it was nevertheless a fact that proceedings had been instituted for corruption and that high officials might have been imprisoned. No such happening had been seen for a long time, and that fact retained its significance, although the judicial proceedings had led to no result.

M. ORTS asked whether certain of these officials had actually been reinstated.

M. DE CAIX replied that this had been the case, but that almost immediately certain officials had been pensioned. It could not be said that no administrative action had been taken.

The CHAIRMAN believed that a decree had been promulgated the previous year which provided that not more than two members of the same family could belong to the same administration. Furthermore, it had been discovered during the present year that a judge had been guilty of trafficking in sentences. If he had understood M. de Caix's previous remarks correctly, the Lebanon was a far more fruitful nursery of officials than Syria. He would be glad if the accredited representative would explain this point.

Mlle. DANNEVIG referred to a passage on page 136 of the report concerning legal proceedings instituted against the director of the orphans' fund who had misappropriated the money of his wards. Proceedings had been discontinued under the Amnesty Decree. How had this matter been settled ?

M. DE CAIX was unaware whether the director in question had benefited under the amnesty. In any case, the orphanage had certainly not been closed for that season, and the children had not suffered as a result of the misappropriations.

With regard to the parallel drawn by the Chairman between the value of Syrian and Lebanese officials respectively, the Chairman had given to M. de Caix's words a meaning he had not intended to convey. When speaking of a nursery of officials, he was not thinking of their worth or qualities ; he simply meant that the Lebanon had supplied a greater number of

certificated persons than Syria, and that in proportion, therefore, there were many more Lebanese trained to serve as officials than Syrians. He had not intended to establish a parallel between the two races.

The CHAIRMAN understood that M. de Caix was referring to the quantity rather than the quality of the officials.

M. DE CAIX replied that it would be very difficult to conduct an enquiry into their comparative merits.

ALLEGED EXODUS OF THE INHABITANTS OF SYRIAN VILLAGES.

M. ORTS referred to an article in the *Times* which said that tax collectors, who a year ago had visited a remote district east of the vilayet of Aleppo for the purpose of collecting taxes in arrears from some 300 villages, had stated on their return that these villages were completely deserted and that they had found nothing to show what had happened to the inhabitants. The rumour had spread and had been denied by the Government, but it appeared to have been subsequently confirmed.

M. DE CAIX said that he had heard this rumour during his last visit ; but, so far as he had heard, there was no justification for it. It should doubtless be regarded as an exaggerated report of an occurrence due to the persistent drought, from which that region, situated on the confines of the desert, had suffered. Harvests were bad in this zone, where there was always more uncertainty than in the west. It was therefore possible that some of the peasants had gone to live somewhere else for a time without actually emigrating. Movements of this kind were easier to make and more frequent in this country—where equipment and material were so light—than in Europe. But 300 villages must represent at least 30,000 persons. How could so many disappear without leaving any trace ? The fellaheen could not have gone into the desert, where they would have died of hunger. No movement of this kind had, however, been reported in the cultivated areas. They must have distributed themselves in the interior of these districts for a time. In any event, when M. de Caix had passed through the country no one had told him of an occurrence of that importance.

QUESTION OF ZIONIST COLONISATION.

M. SAKENOBE, as Rapporteur for a petition, said that the Commission had heard that attempts had been made by the Zionists to acquire land in the south of Syria and the Lebanon. So much agitation and so violent a Press campaign had ensued in those two countries that the mandatory Government had considered it expedient, by its Decree of January 18th, to decide that, in the case of the purchase of land and of long leases, the authorisation of the Government concerned should be obtained beforehand. Had that decree been promulgated for the purpose of maintaining public order, and did it apply to all foreigners without distinction ?

M. DE CAIX replied that it was quite true that the Zionists had attempted to acquire land bordering on the plain of Hulé. Those attempts had in every case alarmed the Syrian population. He thought he was right in saying that administrative measures had already been adopted previously to prevent any attempt of that kind from succeeding. The position of the mandatory Government, which had to deal with a population which became excited when foreigners who were not attached to any country arrived and wished to start settlements in the district, should be realised. That population was naturally still more excited when it believed that attempts were being made to extend territorial possessions, as was being done in the neighbouring country to the resentment of the Moslems and even of the Arabic-speaking Christians. Zionist colonisation would require a protective force, and there was no obligation upon the mandatory Power to facilitate the settlement of foreign colonists in the country, which could justify it in placing upon the Governments of Syria and the Lebanon the cost of such a force.

The decree applied to all foreigners. The Government's authorisation could be obtained in the case of a purchase which would not prepare the way for colonisation likely to disturb the tranquillity of the country.

M. SAKENOBE asked whether the Zionists had purchased any land prior to the Decree of January 18th, 1934 ?

M. DE CAIX replied that they had attempted to do so, though apparently without success up to the present. There was still more ground for the exercise of discretion by the mandatory Power in the case of the sale by latifundia, who were in debt, of large estates already occupied by villages of fellaheen.

TENTH MEETING.

Held on Tuesday, June 5th, 1934, at 4 p.m.

Syria and the Lebanon : Examination of the Annual Report for 1933 (continuation).

M. de Caix came to the table of the Commission.

MUNICIPAL ADMINISTRATION : REPLACEMENT OF CERTAIN MUNICIPAL COUNCILS BY OFFICIALS.

M. PALACIOS recalled that, on several occasions in the course of recent years, the Commission had concerned itself with measures regarding municipal administration in the various parts of the mandated territory. From the detailed information to be found on this point in various sections of the annual report, it would appear that the tendency to substitute officials for the elected notables previously in charge of municipal affairs had still further increased in the course of 1933. In Syria, for example (page 93 of the report), forty of the ninety-nine municipalities " were presided over by officials appointed by the central authority ". The report stated that " inspection of the municipalities had shown that, in many cases, and frequently in spite of praiseworthy efforts, the notables at the head of the municipalities had not the necessary qualifications to enable them to make profitable and proper use of the funds placed at their disposal. Their management was more often inexpert rather than dishonest ".

As regards the Lebanon, the report stated, on page 154, that certain municipalities " had shown themselves unequal to their task and had been supplanted by municipal delegations ".

As regards the Government of Latakia, the report said the following (page 132) :

" At the end of the period of Ottoman rule, there were four municipalities. Since 1932, all municipalities have been managed by commissions consisting of a number of nominated members with an official at their head ; the only exception is Slenfeh, where the municipality functions only during the summer, the members being elected amongst the summer residents. Municipal affairs are thus much more efficiently managed than previously as regards both the collection of taxes and control of expenditure and also the initiation and priority of municipal works."

In the Jebel Druse (page 115), lastly, the system of " municipal commissions " appointed by the Government and consisting of native members acting under the supervision of technical advisers had been maintained.

It was a striking fact that developments in municipal administration pointed to a tendency to replace the representative authorities by officials designated by the central authority. Did the accredited representative consider that these measures, which were, no doubt, provisional, would make it possible to make sufficient progress to permit of a return to the normal state of affairs in the near future ? Did the position justify the view that the inhabitants of these parts were ripe for independence ?

M. DE CAIX replied that it had never been a principle systematically to supplant the elected municipalities by officials. This had been done in a great many cases because, as the report stated, the inefficiency or lack of qualifications of the municipal councils necessitated such a course. Moreover, the results obtained justified this measure.

As regarded the question of the conclusion which might be drawn from these facts in the matter of independence, it was an open question whether there was not a number of independent countries in which municipal affairs were just as badly managed as many of them might be in Syria and the Lebanon. M. de Caix would merely raise this question without expressing an opinion.

M. PALACIOS then pointed out that the Arab Press had recently reproduced (see *Oriente Moderno*, of October 1933 and March 1934) demands made by the Druse chieftains for the reform of the administrative machinery of that region. What the Druses apparently desired was that the responsibilities of the native authorities and officials should be increased with a corresponding curtailment of the powers of the agents of the mandatory Power.

On page 107 of the report, it was stated that the Government services were still organised in the manner described in the report for 1932, except that the post of Technical Adviser had been abolished by decision of the High Commissioner, dated December 20th, 1933.

Had the Druses' other requests been regarded as premature, or was it proposed to give them a certain measure of satisfaction ?

M. DE CAIX replied that, generally speaking, the powers of the native authorities and the numbers of the native officials would be increased as soon as such a course proved to be possible. As regards the Jebel Druse, however, it must be realised that, while, at present, almost all the children attended school—for this was one of the countries in which the greatest efforts were being made in educational matters—the majority of the old governing class consisted of notables absolutely devoid of the qualifications necessary for modern administration.

This state of affairs could not fail, for a certain time, to have effects on the recruiting of the administrative staff.

The accredited representative observed that M. Palacios would note, in the report for this year (page 109), a statement to the effect that, in the Jebel Druse, all newly-appointed school-teachers were now drawn from the local population. In this respect, therefore, there was an important change. At the outset, the only native officials came from elsewhere, more especially the Lebanon, but that class of official was now tending to give way to local men who had received the necessary education.

MILITARY ORGANISATION.

M. SAKENOBE referred to the information given in the report (pages 43 and 44) regarding the training of local troops, expenditure during the last two years and the recruiting of cadets for the military school. Cases were mentioned in which the military forces had been used. M. Sakenobe asked whether information could be given in the next report regarding the progress made in improving the efficiency and training of the local troops.

M. DE CAIX said that the question could easily be put to the military authorities. As regards the pupils trained at the military school, it was important to note that the number of young men seeking a career was on the increase in this country, as everywhere else, and, as the number of competitors increased, it was possible to make a better choice. Recruiting was satisfactory, and the Military School at Homs, where the training grounds were larger than at Damascus, gave satisfactory results.

REFUGEES : ASSYRIANS FROM IRAQ ; ARMENIAN (NATURALISATION AND LABOUR).

M. SAKENOBE referred to the case in which the military had been called in on the occasion of the arrival of Assyro-Chaldean refugees from Iraq and noted that, on the first occasion (page 52 of the report), the refugees had returned to their own homes, but that, on the second occasion, they had been unwilling to return and the authorities had been obliged to look after them. For how many Assyro-Chaldeans was the Syrian Government still responsible, and what was the present position ?

M. DE CAIX said that, according to the information in his possession, it might be assumed that approximately five hundred male Assyrians had entered Syrian territory. They had been immediately removed from the neighbourhood of the Iraq frontier in order to avoid a repetition of incidents similar to those which had occurred on the first occasion. Since then, a number of them had been employed in improving the desert trails. It had to be recognised that the employment of the Assyrians in such work had not been to the taste of the local population, which had complained of this competition. That was always the difficulty : they were unwilling to grant anything to the new arrivals. M. de Caix did not, however, think there would be much difficulty in settling a small number of farmers and shepherds in the north-east of the country, but the question arose as to the conditions under which their families in Iraq could join them.

M. ORTS asked how many families could be accommodated in that region.

M. DE CAIX replied that that did not depend upon the land but upon the cost of settling these people and especially upon the attitude of public opinion towards such settlement. The feelings shown in Iraq in respect of this group, which desired to preserve its own individuality, also existed in Syria, at least in certain circles. These were the factors which rendered any large-scale immigration difficult.

Lord LUGARD asked what was the difficulty in the way of bringing in the families of the refugees in question. Was the Government of Iraq opposed to it ?

M. DE CAIX thought that the Iraqi Government had only one desire—namely, to get rid of the Assyrians. The difficulty appeared to have been the question of responsibility for the cost of transport. The territories under French mandate could not be asked to bear the burden ; in any case, the question had not yet been settled.

Lord LUGARD asked whether, in the event of the Assyrians of Iraq settling in Brazil or elsewhere, the Assyrian refugees in Syria would join them or whether they would remain in the mandated territory.

M. DE CAIX said they would not be greatly tempted to do so, but that would partly depend on the amount of the allegiance of these refugees towards the chiefs taking part in the exodus overseas, and still more on the conditions of the agreement between all the Governments concerned.

Mlle. DANNEVIG asked whether it would not be cheaper and easier to settle the Assyrians in Syria rather than in Brazil or elsewhere.

M. CATASTINI drew Mlle. Dannevig's attention to the fact that a Committee of the Council was at that very moment dealing with the question, and he asked whether the Commission would not prefer to leave it in the Committee's hands.

M. VAN REES had noticed in the same passage of the report an account of the circumstances in which certain Assyro-Chaldeans had taken refuge in Syria in August 1933. The majority of them had found an asylum in the territory, but had not yet been joined by their families.

Some of them were employed on work, for which they received the wages current in the district. Did that statement refer to the hundreds of Syrian workers who, according to the newspaper *La Syrie*, of April 12th, 1934, had been engaged by the Syrian Government for the construction of the railway line between Damascus and Iraq ?

M. DE CAIX replied that, in the first place, there was no railway in course of construction between Damascus and Iraq, which proved that, to say the least of it, the report was mistaken. He had already stated that the men in question were employed on improving desert trails, and some of them, indeed, were working, or had been working recently, in Syrian territory on the trail from Damascus to Baghdad.

M. VAN REES asked whether they were employed on the pipe-line.

M. DE CAIX replied that a certain number of them might perhaps have been employed on this work, but that many of the workers were of a different origin. It was stated in the report that the number of workmen engaged in laying the pipe-line had at one time been nearly 3,000 (page 31).

M. VAN REES noted that a whole chapter had been devoted (pages 50 to 52) to assistance to refugees. It was thus possible to form an idea of the remarkable results achieved thanks to the co-operation of the mandatory Power with the Nansen International Office. The tables showed that refugees, and especially Armenians, had settled in the cities and countryside in very large numbers. What was their position as regards nationality ? Were they without nationality, like the majority of immigrant Ottoman nationals, or had they acquired Syrian nationality ?

M. DE CAIX replied that a great many of them had been naturalised. The Armenian vote had not been the least important factor in the recent elections in Beirut.

M. VAN REES asked whether the acquisition of Syrian nationality had been automatic, or whether it was the result of a form of procedure under which the Syrians had the right to oppose naturalisation ?

M. DE CAIX said that natives of Ottoman territories domiciled in Syria at the time of the ratification of the Treaty of Lausanne automatically become Syrians ; many Armenians who had taken refuge in the country at the beginning of the French occupation came under these provisions.

As regards naturalisation in the ordinary sense of the word, a decision by the Government was required, and the Syrian Government, like the Lebanon Government might refuse it. In point of fact, however, the vast majority of Armenians living in the country had passed through the gate and were now installed within the city.

Mlle. DANNEVIG asked whether the Armenian refugees were on good terms with the Syrians.

M. DE CAIX thought that, generally speaking, there was not much love lost between them, but they lived together in peace.

Mlle. DANNEVIG asked whether any serious difficulties might be anticipated in regard to the Armenian refugees if the mandate were terminated.

M. DE CAIX replied that their competition with native labour, in the strict sense of the term, was not very popular, and that there might perhaps be trouble. It should, nevertheless be borne in mind that the rivalry of workmen caused conflicts even in Europe, especially when men wanted to work in spite of a strike being declared. Such conflicts might be experienced in Syria, and their importance magnified, as was only to be expected in that atmosphere.

PRISONS : JUDICIAL ORGANISATION.

M. SAKENOBE gathered that the prison system in Syria was not very satisfactory. All the prisons were congested. The report said that no system of labour by the prisoners had been organised in the prisons (page 75). Certain administrative departments, such as the Departments of Public Works, Agriculture and Archæology, and certain municipalities employed prisoners to a certain extent. What was the policy of the Syrian Government in regard to this labour by prisoners outside the prison ? Was there any intention of organising prison labour inside the prisons ?

M. DE CAIX replied that the prison organisation was indeed unsatisfactory. The prisons were too small and inadequately organised, although improvements had been made in sanitary conditions. It was certain that prisoners received attention ; and the prisons were disinfected.

There was no organisation of prison labour, and it would undoubtedly be the intention of the authorities to organise it within the prisons. But, apart from the difficulty due to the nature of the premises, there was the further difficulty that, in a country of this kind, it was not very clear how the proceeds of prison labour were to be marketed. They might prejudice the local artisans. On the other hand, there was work outside the prisons for which there was less competition and where prisoners could be very useful. At Latakia, for example, the only place in which there was a really modern prison, prisoners were employed outside the prison walls unless their sentences were too heavy—that is to say, unless the premium on escape was too high.

M. SAKENOBE enquired as to the treatment of juvenile offenders and asked if there were any Borstal or reformatory institutions.

M. DE CAIX replied that, generally speaking, efforts were made to keep young offenders separate from adults ; but no organised reformatories were, at present, in existence. The budgetary situation did not yet permit of their being established. The country in itself was not rich, and it had just passed through a very serious depression, like all other countries ; it was therefore not surprising that reforms were crippled for lack of funds.

M. SAKENOBE pointed out that reference was made (on page 108 of the report) to the establishment of an administrative tribunal in the Jebel Druse. What was the competence of this tribunal ?

M. DE CAIX replied that it was to settle difficulties between individuals and the Administration. It was an organ on a small scale with the same object as the French Conseil d'Etat.

M. SAKENOBE asked if there were similar tribunals in Syria and the Lebanon.

M. DE CAIX replied that there were.

The CHAIRMAN pointed out that the Commission had drawn attention at a previous session to the fact that native litigants in Syria were resorting increasingly to the mixed courts—that was to say, courts composed in part of French judges—as offering them greater safeguards (see Minutes of the Twenty-third Session, page 142). It appeared from the annual report for 1933 that this preference for French rather than native judges had not diminished : on the contrary, it was accentuated. It would also be found on page 73 that the High Commissioner had extended the competence of the mixed courts to offences against public order, “ even where no foreign interest is involved ”. Could the accredited representative give reasons for this action, and tell the Commission what reception it had met with in the territory concerned ?

M. DE CAIX explained that there was no connection between civil litigation, where the plaintiffs resorted to the jurisdiction of the mixed courts of their own accord, and criminal proceedings, where it was imposed on the offenders. It was imposed on them for the reason that it had been found that the local connections of native judges were apt to lead either to excessively indulgent or to excessively severe judicial sentences. The mixed courts were considered to be more detached from local influences than those which had dealt with offenders up to the present.

LEGISLATION RELATING TO THE RIGHT OF INHERITANCE.

The CHAIRMAN pointed out that the report referred (page 14) to the Order of the High Commissioner dated October 3rd, 1933, fixing the respective powers of consuls on the one hand and the local authorities on the other in cases of inheritance. He observed it was stated that the Order in question “ determined the method of inheritance, which is the same as that of the law governing the property of deceased persons, movable or immovable ”. Was the accredited representative able to say whether steps had been taken, or at any rate taken into consideration, with a view to giving effect to the Commission's comments in the previous year in connection with its examination of the Sagiati and Dallal petitions ?¹

M. DE CAIX said that legislation had been promulgated in the Lebanon of a more liberal character than that of any other oriental country in these matters. It allowed non-Moslem Lebanese nationals to follow rules of succession other than those established under the Koranic law. They were free to make wills, subject to the rights of certain natural heirs. This legislation had been introduced, he believed, in the Lebanon in 1929. It had not been introduced without giving rise to protests on the part of the patriarchates, and it had been necessary to exclude the Moslems. The fact that this difficulty had been encountered in the Lebanon showed the impression that would be created in Syria by a similar reform.

The CHAIRMAN said he gathered that the Order nevertheless introduced a new state of things.

M. DE CAIX replied that this was so ; but the purpose of the Order was to regulate the conditions under which consuls had to intervene in the removal of seals, the taking of the inventory, etc., or in acts for which their intervention was unnecessary in western countries. But the fact had been taken into account that, until recently, these countries had had the system of capitulations, which created habits that could not immediately disappear and should be taken into consideration.

The CHAIRMAN, continuing his observations in regard to the rights of inheritance of foreigners, observed that the report (page 73) in the paragraph dealing with the Sharia courts said that :

“ The Sharia court is competent to adjudicate between non-Moslems in matters of inheritance, if the deceased met his end when travelling, or if the heirs are minors, or absent, or incapacitated, or if the real estate of the inheritance is Mirieh or Wakf.

“ In all other cases relating to an inheritance between non-Moslems, the Sharia court is competent only if the parties do not agree to have recourse to the religious jurisdiction of their Confession.”

¹ See Minutes of the Twenty-third Session of the Commission, page 194.

He asked how the question of competence was determined in the case of inheritance between Syrians of different confessions.

M. DE CAIX explained that the Sharia court was competent, unless the parties agreed to bring the case before one of their patriarchs.

EXERCISE OF THE PROFESSION OF ADVOCATE IN SYRIA AND THE LEBANON.

The CHAIRMAN observed that, at the twenty-third session (see Minutes, pages 142 and 150), the accredited representative was invited to give details as to the conditions attaching to authorisation to exercise the profession of advocate in Syria and the Lebanon. The Commission was then told that there was no discrimination on grounds of nationality, and M. de Caix had added that he would furnish additional details subsequently in regard to the qualifications required, after looking into the matter. Was he now in a position to give the Commission the details in question ?

M. DE CAIX said that he had with him, and would read to the Commission if desired, the text of the conditions required relating to the Lebanon and those relating to Syria ; the same rules existed in the Government of Latakia.

The CHAIRMAN said he only wanted to know what was new in the matter.

M. DE CAIX replied that, in principle, the profession of advocate was reserved for nationals of the country, but it was open to foreigners who possessed certain qualifications.

M. RAPPARD enquired whether the expression " nationals " included Frenchmen.

M. DE CAIX replied in the negative. There were certain French advocates at Beirut ; but their position there was on the same footing as that of any other foreigner. Frenchmen were not in any respect regarded as nationals.

He then read the following statement :

" In derogation of the principle above indicated, the Chief of State may, by decree in Council, authorise foreigners who are nationals of one of the Powers signatory of the Covenant of the League of Nations or nationals of the United States of America, to register at one of the Bars established in connection with juridical bodies sitting in the State. Nevertheless, such authorisation may not be granted unless the candidates can prove that they possess the moral qualifications . . . and that they possess an adequate knowledge of one of the official languages in the States of the Levant under French mandate. . . . "

The question was not therefore a question of university education, but of knowledge of one of the languages used in the courts.

The CHAIRMAN asked whether the passage quoted had been communicated to the Commission and, if so, when.

M. DE CAIX replied that the text had never been communicated to the Commission. The dates on which it came into force were as follows : In the case of Syria, under Order of June 2nd, 1930, and, in the case of the Lebanon, under Order of May 26th, 1921, as amended in 1926.

ORGANISATION FOR THE CONTROL AND ADMINISTRATION OF THE WAKFS.

M. PALACIOS pointed out that, at the twenty-third session (see Minutes, page 145), the accredited representative had stated that elections would be held to the Wakf Councils in Aleppo and Damascus when the people calmed down. He added that the reform establishing the autonomy of the Wakfs was being applied. The annual report (page 55) stated that the elections had had to be postponed in view of the maintenance of the opposition already referred to. The situation was therefore unchanged. This—at first sight abnormal—extension of a purely provisional situation must surely involve some inconvenience from the standpoint of the Wakfs. It would seem from the information furnished in the report that this was not the case ; but to what then was the opposition in question due ?

M. DE CAIX did not think that the position involved any administrative inconvenience—that was to say, in connection with the collection of revenue or the upkeep of the Wakf institutions. The difficulty had been explained two years earlier.¹ It was due to the fact that Mohammedan religious personages considered that officials who were Government agents had been given too large a place in the composition of local Councils. Syrian policy, as the Commission had been told, was grafted on this claim ; the Wakf elections had been regarded as a means of agitation. He did not know how the matter exactly stood at the moment. But he knew that a scheme for adapting the system in such a manner as to take account of the various needs and desires was at present being studied.

M. PALACIOS asked why the activities of the corporate bodies in the Lebanon, the study of which had been undertaken in 1931, had not yet begun (page 56 of the report).

M. DE CAIX could not give M. Palacios information on this point. There were non-Moslem communities on which he did not possess the documents necessary for giving a reply.

¹ See Minutes of the Twenty-second Session of the Commission, page 284.

SHIITE COMMUNITY.

M. PALACIOS pointed out that, at the twenty-third session (see Minutes, page 145), the accredited representative's attention had been drawn to the fruitless efforts made by the Shiite community in Syria to obtain jurisdictional and religious autonomy, separate from that of the Sunnite community. The accredited representative then replied that the recommendations made in this sense by the agents of the mandatory Power had met with resistance on the part of the Sunnites, who were the dominant element in Syria. The report stated (page 56) that the Shiite Moslems of Syria had expressed the wish to be attached to the Shiite community in the Lebanon. Could it be said that the advantages of such a solution were such as to outweigh the disadvantages resulting from the attachment of a Syrian minority group to a community whose headquarters were outside Syria proper ?

M. DE CAIX replied that the situation was governed by the fact that there were very few Shiites in Syria. They constituted small and scattered groups ; and there were no large groups of Shiites in the territories under French mandate except in the Lebanon. Under these circumstances, it could be understood that the Syrian community should endeavour to attach itself to the community in the Lebanon, which was an organised body and had, for example, its own special religious courts applying its own special rites.

PILGRIMAGES.

Count DE PENHA GARCIA observed that, according to the report (page 67), the number of pilgrims had largely fallen off in the past year. The report attributed this to the general economic conditions ; but it would seem that there might be another explanation. The newspaper *Filastin*, of December 21st, 1933, quoted in the *Oriente Moderno* of February 1934, stated that a Moslem Association had submitted to the High Commissioner a number of points on which reform was desired in connection with the conditions under which pilgrims went to the Hejaz (freedom of choice in regard to steamers, reduction of fares—which were stated to be exorbitant in comparison with those paid by pilgrims coming from other countries—comfort, health and police arrangements on board the vessels, visa charges for passports and so on). It was added that, the concessions made by the " Pilgrimage Commission attached to the High Commissioner's Office ", not having been considered sufficient by the representatives of the parties concerned, the latter had resigned their positions as members of this Commission. The article added that a number of persons had foregone making the pilgrimage that year owing to the high cost of transport. How did the matter stand ? Had any attempt been made to meet these demands, which would appear to be well founded ? He did not press for an immediate reply.

M. DE CAIX could only reply that, so far as pilgrim vessels were concerned, the Administration insisted on certain sanitary requirements, which might have affected the cost of the passage. The information requested would appear in the next report.

JEWISH IMMIGRATION.

Count DE PENHA GARCIA said that, according to the *Temps*, of October 13th, 1933, the authorities of the mandatory Power had been led to take measures for limiting the immigration of German Jews into Syria, for fear of a seditious movement in the country. As the annual report was silent on this point, he asked whether the accredited representative could supply the Commission with information.

M. DE CAIX replied that there had been no measures against the immigration of Jews, but there had been an agreement with the Palestinian authorities to prevent immigrants to Palestine who landed at Beirut with a British visa from being turned back by the Palestine authorities. Information on that agreement would be found on page 16 of the report.

PRACTICE OF MEDICINE AND PHARMACY BY FOREIGNERS.

Count DE PENHA GARCIA drew attention to a statement in the *Echos de Damas* of June 10th, 1933, that Syrian public opinion had been disturbed by the menace of the arrival of doctors and pharmacists who had immigrated from Germany. Had there really been such immigration and had measures been taken under the pressure from the professional organisation concerned ?

M. DE CAIX replied that no such invasion could take place, because doctors and pharmacists wishing to practise in the country would require certain qualifications which these German doctors and pharmacists would not possess ; they would have to acquire them.

Count DE PENHA GARCIA asked if there were any restrictions in respect of nationality.

M. DE CAIX did not think so or, if there were, they referred only to the diplomas required. A foreign diploma was only accepted after a *colloquium*. Moreover, unless such foreigners brought their patients or customers with them, they would not succeed in a country where there were so many doctors and chemists. Far from increasing, the number of foreign doctors, including Frenchmen, was tending to decline, owing to the excellent technicians that were turned out by the faculties of the country. There had been a scheme for the settlement of German Jews near the Euphrates ; if it had led to anything, those immigrants might perhaps have brought doctors with them, but the scheme had been dropped.

ECONOMIC EQUALITY : MINES ; OIL PROSPECTING : IMPORTS OF CERTAIN OILS.

M. ORTS noted that, on page 59 of the report, the High Commissioner was stated to have signed an Order instituting a new mining system. Did the new legislation take account of the principle of economic equality, under which all States Members of the League of Nations were placed on a footing of equality in regard to mining research rights and mining concessions ?

M. DE CAIX replied in the affirmative, and furnished M. Orts with the text.

M. ORTS said that reference had been made to petroleum prospecting in the Nissibine district. Was there not a large petroleum deposit in this district, extending from beyond the frontier into Turkish territory ?

M. DE CAIX replied that petroleum had not yet been found in this district, though the geological indications were promising. The ground there seemed to continue the Irak petroleum zone. A firm had taken out a licence for prospecting.

M. ORTS asked what was the nationality of the company to which this concession had been granted.

M. DE CAIX replied that it was a French company, or, to be more exact, a French combine.

M. ORTS asked whether it had begun prospecting.

M. DE CAIX replied that, at the moment, there were geologists on the spot, who were making a very detailed survey of the land.

M. ORTS asked whether the concession had been given under the former regime or under the regime of the new Order.

M. DE CAIX replied that it was granted under the regime referred to in the document which M. Orts had before him. There was a special paragraph on hydro-carbons.

M. VAN REES referred (page 19 of the report) to two Decrees by the High Commissioner, of November 24th and December 30th, 1933, regulating the imports of certain oils into the territory. The first of these Decrees provided that certain oils of vegetable or animal origin could only be imported into Syria and the Lebanon under a special authorisation, unless they were destined for soapworks and denatured under conditions laid down in the existing Customs regulations. The reason for this prohibition was stated in the Preamble to the Decree and read : "Whereas it is essential to prevent fraud in the form of the adulteration of locally produced butter and oil, which injures the good reputation of such products." The object was, therefore, not to combat the competition of imported foreign oils, but to prevent adulteration injurious to the good reputation of local products. This motive gave rise to a question. If it were considered that a system of import permits could not be dispensed with, why was this system applied only to a small number of oils, and not to all oils which might be used for adulterating local oils ? Groundnut oil, olive oil, palm oil and coconut oil, which were not mentioned in the Decree, could also be used for this purpose quite as well as the oils referred to in it. This would appear to be a discrimination which might be interpreted as a violation of the principle of economic equality if it was a fact, as would appear to be the case according to information which had reached him from private sources, that they were chiefly the oils which were imported by the French producers, under the names of vegetaline, cocoline, cocose, etc., while the others referred to in the Decree in question generally came from foreign countries.

He added that that interpretation would be strengthened by the fact that, according to his information, the import permits were regularly refused, especially in the case of soya oils intended for food, although these oils were universally recognised as perfectly edible. What was more, consignments sent before the Decree was promulgated appeared to have been unable to obtain the import permit, so that certain foreign consignors had suffered considerable loss. Could the accredited representative give any information on the question thus raised ?

M. DE CAIX replied that he would find it difficult to express an opinion on the respective merits of the several oils, or on the reasons for which the Customs discriminated between them. He could only assure the Committee that the mandatory Government or the High Commissioner, if asked to consider measures infringing economic equality, would certainly put matters right.

M. VAN REES observed that his intention had been to obtain particulars as to the reasons why the Decree was limited to the three categories of vegetable oils mentioned—cotton, soya and sunflower—with the object of preventing adulteration, when it appeared to be incontestable that those were not the only oils that lent themselves to that purpose.

M. DE CAIX was unable to reply on this subject. M. Van Rees's question would be recorded in the Minutes, but he would bring the matter to the attention of the Beirut authorities without delay, in order that its effects on economic equality might be studied and the necessary action taken, if there had been an attempt to violate that principle.

M. VAN REES pointed out that, besides the Decree of December 30th, 1933, to which he had referred, there was a third Decree, of January 11th, 1934, not mentioned in the report.

Those two Decrees considerably increased the import duties on all kinds of liquid or solid oils. He supposed that the Decrees, the object of which was not defined in the preambles, had been promulgated, in particular, with a view to protecting local products against foreign competition. If that were really the reason, the question arose as to why hydrogenated oils, not to mention certain other oils, had been subjected to an import duty which seemed quite prohibitive. The hydrogenisation of oils was simply a solidifying process which merely served to give consistence to oils which in hot countries remained liquid and were liable to run. That process was without effect on the edibility of the product, as he had indeed been assured by persons particularly competent to express an opinion on the matter. He wondered, then, what pressing reason there had been to impose such a duty on hydrogenated oils, when the duty was so much lower for other liquid oils. Further, in view of the practical effects of the provision to which he had just referred, he wished to know whether there were any hydrogenated oils recognised as such and imported by French producers, or whether those oils were generally of foreign manufacture.

M. DE CAIX said that he was not, in fact, in a position to reply. But, as M. Van Rees had pointed out that the Decree might affect economic liberty, the fact would have to be reported to the authorities so that they could enquire of the Customs administration the reasons why the Decree had been drawn up.

EXPORTS AND IMPORTS : INDUSTRIES.

M. MERLIN said that, judging by the economic position and the tables on the movement of trade, Syria was not very greatly affected by the crisis ; even exports had increased in weight, though they had fallen in value, a fact which was explained by the drop in prices. It should be pointed out that the mandated territories suffered because they did not enjoy reciprocity from foreign Powers. Economic equality was imposed on them, but was not granted in return by the other Powers. In the case of Syria, this fact was felt all the more seriously because Turkey had entered the League, and Syria, in its relations with that country, got the worst of the bargain.

M. Merlin noted that, among the countries from which imports were received, France, as was normal, ranked first, though it had fallen to the fifth place as regards exports. Could the accredited representative give the reason for the inferior position thus held by the mandatory Power in the country under its mandate ?

M. DE CAIX said this was obviously explained to a large extent by the considerable decrease in the purchase by France of silk from Syria and especially from the Lebanon. France formerly purchased almost all the Lebanese production, but, as a result of the crisis, now purchased practically nothing.

M. MERLIN noted (page 19 of the report) that Syria and the Lebanon had imported 66,000 tons of grain and flour and had exported 22,000 tons, or one-third, almost entirely to Palestine. What were the reasons for this movement ? Should it be assumed that cereals destined ultimately for Palestine were sent by the indirect route through Syria instead of being imported direct into Palestine ?

M. DE CAIX did not think that any of the imports of cereals into Syria or the Lebanon were intended for Palestine. The explanation was geographical ; in the extreme south of Syria, in the Hauran, there was generally a large output of grain, and it was very probable that all the grain bought by Palestine in Syria was purchased from growers in that frontier region.

M. MERLIN remarked (page 22) that the wheat crop had amounted to 3,273,000 and the barley crop to 2,731,000 quintals. Had it all been absorbed by local consumption or had some been exported, and, if so, to what district ?

M. DE CAIX replied that the only export was to Palestine.

M. MERLIN noted (page 19) that the export of citrus fruits was in difficulties because certain competing countries, such as Palestine, had a better organisation or enjoyed privileges in the consuming countries. The make-up was important, especially in the case of luxury products, such as citrus fruits. Was the mandatory Power taking the necessary action with Syrian producers to ensure that their products might be as highly prized by consumers as the Palestine products ?

M. DE CAIX replied that efforts had been made in two directions; orange and lemon orchards were being improved by means of treatment, formerly quite unknown, to cope with insects and parasitic diseases, and attempts were made to persuade the exporters to grade and pack the fruit so that the Lebanese citrus brands might be appreciated. Progress had already been made. As a result of an agreement with the Union of Soviet Socialist Republics, considerable exports were made to that country.

M. MERLIN noted (page 19) that the duties on foreign wheat and rye flour had been increased by 100 per cent. What was the reason for this huge increase ? Was it purely fiscal ? What were the effects on the wheat trade ?

M. DE CAIX replied that the purpose of the increase was essentially to protect the agriculture of the country, which experienced much difficulty in selling its products. There

were in the world enormous quantities of wheat which remained unused and could be sold at a very low price, so that it had appeared necessary to protect Syrian and Lebanon agriculture.

M. MERLIN pointed out (page 20) that steps had been taken to prevent the increase in cigarette and shoe factories. What kinds of products were manufactured? Were they intended for local consumption or for export and, in the latter case, to what countries?

M. DE CAIX replied that there were hardly any exports of cigarettes from the Lebanon. Certain Frenchmen who had come to Syria had perhaps become accustomed to these cigarettes, but no tobacco was yet produced there that could compete on the international market. As regards shoes, they were good and cheap, but there was no export trade.

M. MERLIN asked if, in that case, there was over-production.

M. DE CAIX replied that there was a general reason for the step taken: in Syria, when one manufacturer succeeded, four or five other people rushed to start a similar industry, oblivious of the fact that there was only room for one or two factories, so that a business which was promising for a time speedily found itself in difficulties.

M. MERLIN asked why cigarettes were not manufactured for export.

M. DE CAIX repeated that the local tobacco, which was liked by the population, was not of specially good quality.

M. MERLIN, referring to the decline in silkworm breeding (page 25), asked whether it was due to the fall in exports or to a decrease in local consumption or to foreign competition. On page 28 there was a reference to increased trade in silk stockings and socks. Did these articles come from Japan?

M. DE CAIX replied that the trouble was lack of markets. Lebanon silk had been purchased for a mere song from mills which had nearly all closed down, depriving the silk-growers of markets. That was due in part to the competition of artificial silk, which was largely used by the weavers in the country. He understood that the stockings sold on the local market, which were woven on the looms in the Syrian towns, were mostly made of artificial silk.

ESTABLISHMENT OF FREE ZONES IN CERTAIN PORTS.

M. MERLIN observed (page 21) that free zones had been established in certain harbours—for instance, Beirut. Had that experiment already produced results?

M. DE CAIX said it was much too early to pass an opinion on such a new departure. Presumably, good results were expected, since all the ground had been immediately leased and a start made in building warehouses.

M. MERLIN asked whether, if the experiment were successful, it was proposed to open free zones in the other Syrian harbours.

M. DE CAIX replied that this would doubtless be done.

DEVELOPMENT OF THE PORT OF LATAKIA.

M. MERLIN, referring to the commerce of the chief ports (page 38), asked the accredited representative if he could give any information about the harbour of Latakia.

M. DE CAIX replied that there was a little trade through Latakia, where the local Government had had the harbour of the old Laodicea dredged. Latakia had no railway, but, in view of the growth of motor transport, it could tap a comparatively large and fertile region, and the facts no doubt justified the improvements carried out there by the autonomous Government.

M. RAPPARD observed (page 62) that, by a decree of May 16th, 1933, Latakia had been included in the *régime de l'entrepôt réel*, which was already operating in the main commercial ports and centres of the States under mandate.

INTERNAL AND EXTERNAL COMMUNICATIONS.

M. MERLIN, referring to transport by the desert route to Iraq and Persia, noticed that steps had been taken by the authorities to encourage such transport, particularly by exempting certain goods from duty. Were the roads and tracks, particularly between Damascus and Baghdad, satisfactory? Was the road system in Syria expected to develop?

M. DE CAIX replied that it could, in general, be said that the Syrian road system was now complete, as the country could not afford to maintain a larger number. Any extension of the system would, moreover, be unnecessary, since, in a country where production was low and the dry season lasted six to seven months, tracks were an adequate means of transport—their upkeep requiring very little outlay—and it would be a mistake to replace them by other highways. The cost of transport by road and by tracks was very low, permitting of easy competition with railways, and those costs would be further reduced by the use of heavy oil engines.

PIPE-LINE.

M. VAN REES wanted to know the position regarding the pipe-line. He had found nothing on the subject in the report except some particulars of the number of labourers (page 31).

M. DE CAIX replied that the pipe was all laid. The pumping plant had not been finished when M. de Caix was in the country, but it might by now be completed and operations about to begin. The members of the Commission had received a hypsometric map of Syria showing the route followed by the pipe-line.

FRONTIER BETWEEN SYRIA AND PALESTINE.

M. ORTS recalled that the Council had asked the Commission for its opinion on the Franco-British Agreement of March 7th, 1923, delimiting the frontier between Syria and Palestine. Had this Agreement, which was more than ten years old and which, as he believed, had been put into effect, given rise to complaints or protests on the part of the Syrian Government or Syrian opinion?

Secondly, under this Agreement, Syria had acquired north of Lake Tiberias more territory than she gave up in the south-east. Had this territory any special value for Syria?

Lastly, a study of the text of the 1923 Agreement showed that the frontier had been steadily kept at some distance east of the watercourses: 50 metres away from the Jordan and 10 metres away from Lake Tiberias. That seemed to suggest the other party's wish to have complete control of the water system.

M. DE CAIX replied as follows:

1. There had been no local complaints in the sense that the frontier agreements had been so concluded that landowners had hardly noticed the change. If Syria had had cause for complaint it would have been in 1920, at the time of the Convention giving Palestine the Hulé.

2. The 1923 Agreement was really only a topographical arrangement to give effect to the 1920 Convention concluded during the peace negotiations. The 1920 Convention had been distinctly advantageous to Palestine by giving the latter the plain of Hulé. Before putting that Convention into force, it had been necessary to delimit the frontier on the spot, care being taken, by means of provisions governing the frontier regime, to prevent the frontier from injuring the agricultural and pastoral interests of the local population.

3. The Zionists had always made a point of securing that Palestine should have the use of all the waters of the Jordan. The latter, owing to the mountainous character of the country, could hardly be used to irrigate the part of the territory under French mandate, where the upper course of the Jordan lay.

FRONTIER BETWEEN SYRIA AND TRANS-JORDAN.

M. ORTS, referring to the Frontier Agreement with Trans-Jordan, dated October 31st, 1931 (page 17), noticed that the United Kingdom Government had asked for some amendments on points of detail. Had difficulties arisen?

M. DE CAIX replied that they were difficulties of detail not affecting any important interest.

ADJOURNMENT OF THE EXECUTION OF THE CONVENTION BETWEEN SYRIA AND EGYPT FOR THE ENFORCEMENT OF JUDGMENTS.

M. ORTS observed that the execution of the Convention between Syria and Egypt for the enforcement of judgments (page 17) was still postponed. Was the difficulty due to Egypt?

M. DE CAIX said that he had no information on the subject.

COMMERCIAL RELATIONS WITH IRAQ.

M. ORTS, referring to trade relations with Iraq (page 17), remarked that the negotiations for establishing a special regime had not been resumed. Had the Iraqi Government raised objections?

M. DE CAIX replied that Iraq showed not great desire to come to an understanding with Syria.

M. ORTS noted that, in default of a commercial agreement, the minimum tariff continued to be applied. The question was interesting in view of the importance of the trade relations between the two countries.

M. DE CAIX said it was mainly transit with Persia which was important. This transit, however, was not hindered by the absence of a commercial agreement which would practically apply only to sales in Iraq itself.

PRO-TURKISH MOVEMENT IN THE SANJAK OF ALEXANDRETTA.

M. ORTS had read in the *Echos de Damas* an article concerning a so-called Turkish movement in the Sanjak of Alexandretta. A number of Turks in that district were said to regret the Turkish regime, but the majority of the inhabitants, although Turkish in speech, were not, it appeared, Turkish in sentiment. Should this political movement be taken into account ?

M. DE CAIX did not think the movement important. The Turks in the Sanjak were not disloyal to Syria, and they were, above all, interested in preserving their language. At the Antioch Lycée, it might be noted, the courses for the Turkish language were better attended than those for Arabic. Undoubtedly, there was a close community of culture with Turkey. The mandatory Power's policy had always been to see that the rights of the Turkish minority were scrupulously respected as regards education and the use of its language.

M. ORTS added that, according to the same newspaper, the Shiites sent their children to the Arab section while the Sunnite children all attended the Turkish section.

M. DE CAIX did not know whether there were no Sunnite children at all in the Arab section, but the fact that the Sunnites went chiefly to the Turkish section was explained by the circumstance that the Sunnite population of the Sandjak was largely Turkish, the people of Arab speech being mostly Alaouites.

M. ORTS had read in the *Orient*, of Beirut, for May 24th, 1934, that, owing to this pro-Turk movement, the heads of the Antioch municipality had been relieved of office and officials of the Lycée had been penalised. That would seem to show that the movement had caused the authorities some concern.

M. DE CAIX said that he had not yet received any information on that point. The mandate must, when necessary, safeguard the integrity of the country, just as it must ensure respect for the rights of the minority groups.

ANTIQUITIES.

COUNT DE PENHA GARCIA had already had occasion to draw the mandatory Power's attention to the lack of grants for archæological work and its importance in mandated territory.¹ This year's report seemed to him more satisfactory on that point (pages 52 to 54). It mentioned the general principles of the latest reform as regards regulations for excavations, the classification of historical monuments and sites, etc. From the legislative standpoint, the progress had thus been remarkable. Generally speaking, the report gave fuller information and there was great archæological activity in the territory, an interesting fact, not only from the scientific, but also from the tourist standpoint for the future. The peculiarity of Syria was that in it could be found, at times, remains of several civilisations superimposed on one another. On page 53, the report stated that the Latakia Government had ceded to France the Castle of the Knights (Kraak des Chevaliers). Under what circumstances had this taken place ?

M. DE CAIX replied that it was simply a transfer of property to a foreign Government such as had occurred in a number of other cases. France, for instance, owned a mansion in the Street of the Knights at Rhodes, but that did not imply any sovereign right ; it was simply the private property of the Government. The operation had not been profitable to the French Government, which would have to spend large sums on the restoration and upkeep of the old fortress. The sum paid to the Latakia Government would have to be employed in the first place in transferring and finding other homes for the hundreds of persons who had settled in the castle and were tending to damage it.

The expenditure on archæology was more generous than appeared at first sight. The Lebanon, for instance, had spent five hundred thousand francs on appropriating the ground necessary for the Byblos excavations, which was a considerable amount in a budget of one hundred millions. Syria had also incurred large expenditure on archæology. The fact should be realised that, if the Syrian antiquities were to be saved, the proper way was to encourage other countries to send archæological expeditions. As soon as a site was marked as interesting it was immediately exploited by illicit searchers who not only removed objects but disturbed and destroyed the different strata.

COUNT DE PENHA GARCIA wondered whether this damage could not be prevented, seeing that it was known where the illicit searchers would go to work.

M. DE CAIX replied that the sites were often in the desert, in very isolated spots ; it would take a large staff, very much on the alert, to guard them properly.

¹ See Minutes of the Twenty-third Session of the Commission, page 156.

ELEVENTH MEETING.

Held on Wednesday, June 6th, 1934, at 10.30 a.m.

Syria and the Lebanon : Examination of the Annual Report for 1933 (continuation).

M. de Caix came to the table of the Commission.

LABOUR : CO-OPERATIVE SOCIETIES : GUILDS.

Lord LUGARD asked if, as in other countries, there had been friction between the various races with regard to labour, wages, etc.

M. DE CAIX replied that there was nothing like that in Syria and the Lebanon, for the simple reason that there had been no large-scale immigration of foreign elements. It should, however, be pointed out that some slight dissatisfaction had been displayed among the population at the arrival of the Armenians, who worked at least as well as the natives and whose competition had led to a fall in wages.

Lord LUGARD asked if the difficulties in the labour market had arisen among the skilled artisans or among the ordinary workers.

M. DE CAIX replied that they were to be found mostly among artisans in the old crafts and skilled workers who had much more trouble in finding employment than the others.

Lord LUGARD asked if the Government was experiencing any trouble from unemployment.

M. DE CAIX said that he had not the same difficulties to report as those encountered in Europe. It was a habit of the natives to be patient and to cut down expenditure. They could therefore more readily adjust their lives to inevitable conditions and complained less. He added that unemployment occurred mainly in the old crafts in the towns of the interior.

Mr. WEAVER said that the report brought out the improvement that had occurred in certain traditional industries as a result of Government measures of protection. In other cases, there was a continued falling off, with serious consequences to the workers. The report suggested as a solution (page 29) the mechanisation of industry, the utilisation of electricity, etc., but pointed out that those measures had their disadvantages, inasmuch as there was a risk of their rendering unemployment worse.

The report also spoke of the steps taken for the improvement of vocational training (page 80). In this connection, Mr. Weaver asked if any other measures were contemplated. In particular, did the Government intend to encourage the organisation of co-operative societies for credit purposes, for the purchase or sale of products, mortgage loans, etc. ?

Lord LUGARD also asked if efforts were being made to save the cottage industries which were seriously threatened by the competition of cheap imported goods.

M. DE CAIX, replying first to Lord Lugard, said that the only way of protecting small industries seemed to be a considerable increase in Customs duties. In particular, it had been necessary to place prohibitive tariffs on Japanese goods in order to prevent them from competing with local products even in the towns in which such products were manufactured.

In reply to Mr. Weaver, he said that the introduction of electric power in the four towns of the interior would certainly have the effect of transforming the conditions of work. At Aleppo, he had had word of a scheme for the sale, by instalments, of electric looms to artisans working in their own homes, but that was a double-edged weapon ; it allowed some workers to produce more and increase their profits, but it deprived others of work. There had certainly been progress in the matter of vocational training ; at Aleppo and Damascus there were crafts schools. He had recently visited the Damascus Arts and Crafts School for Boys, and its pupils had made a very good impression on him.

As to co-operative societies and credit, it must be admitted that it was difficult to make loans to small artisans whose property consisted only of primitive tools of trifling value. There could be no guarantee other than their signature, but their position was so precarious that any credit operation would be extremely problematical. Co-operative societies might be organised for the sale of foodstuffs, in order to combat the general indebtedness of the population ; for workpeople obtained practically everything on credit from small dealers, to whom they thus became indebted. Nevertheless, in view of native habits, would a regularly administered co-operative society, in the matter of credit, display the same flexibility as the existing lenders and usurers to whom the people were accustomed ? It was open to doubt, and, in any case, the people would have to be educated up to the idea.

Mr. WEAVER said that he was glad to note that a certain amount of interest was beginning to be displayed in the question of co-operative societies. He recommended the mandatory Power to study it, as had been done in the neighbouring countries—notably in Palestine—where an ordinance on co-operative societies had been promulgated and the services of an

expert secured. The mandated territory might thus profit by the experience acquired in countries where conditions were more or less similar. He was willing to give M. de Caix any information which he might need.

The report mentioned a tendency for unemployed workers to be absorbed by new industries. Although it was stated on page 27 that, with one exception, scarcely any new industries had been created, there was, on page 20, a list of some thirty new undertakings already created or on the point of being created. Was there any evidence that those undertakings were absorbing unemployed labour ?

M. DE CAIX replied that this tendency had been definitely observed, especially in the Lebanon and at Aleppo. Unfortunately, the question continued to arise in the case of a certain number of workers, as soon as it was solved in the case of others.

Mr. WEAVER asked whether, in the circumstances, a policy of a return to the land was contemplated.

M. DE CAIX admitted that this would be the only complete solution, but agriculture was still in a rudimentary state ; it was difficult to find land owing to the fact that landed property was for the most part in the form of latifundia. Lastly, town handicraftsmen did not seem to have much enterprise or energy and would only resign themselves to a change of work and habitat as a very last resort.

Mr. WEAVER observed that the questions asked about labour legislation year after year had had no effect, and no progress had been made in this respect. That was an especially serious matter, as the protection of the worker was becoming more necessary than ever in view of the creation of fresh undertakings. Were there any hopes of Government action ?

M. DE CAIX replied that nothing had yet been done if he excepted what existed in the Lebanon and the law on child labour in Syria. The High Commissioner had decided to entrust the study of this question to persons experienced in sociology. The almost insurmountable difficulty, however, was to discover some solution for craftsmen practising the ancient crafts. These craftsmen had, nevertheless, a definite sense of solidarity and discipline which would enable them to be led if it became possible to know whither to lead them. They followed the opinions of their master-craftsmen, whom they regarded as their district chiefs. It should not therefore be supposed that they were completely unorganised. On occasions, they were quite capable of putting forward their claims ; at Aleppo, for instance, the weavers had obtained their desiderata by going on strike.

M. PALACIOS referred to the Massignon enquiry into the guilds and asked whether it had finally been published. If so, might it not be desirable for the Commission to be supplied with a copy ?

M. DE CAIX understood that this was an historical treatise on Mohammedan guilds rather than an economic study. He would ask for a copy to be sent to the Commission.

M. PALACIOS associated himself with Lord Lugard's and Mr. Weaver's apprehensions at the absence of labour legislation or of a more advanced social policy.

Mlle. DANNEVIG asked if the accredited representative had anything fresh to report with regard to unemployment among women, and child labour.

M. DE CAIX replied that there was no difference between women's unemployment and men's ; as the workshops were mainly family concerns, unemployment affected the whole family.

There were very few factory workers. In the Lebanon, there was a fair number in the spinneries, which employed the daughters of countryfolk. But this was only seasonal labour and families did not rely on it as their sole resource. Most of the spinneries had been closed owing to the crisis.

Lord LUGARD asked if there were in Syria, as in Palestine, mulatto women who were daughters of former negro slaves.

M. DE CAIX did not think there were many of them. A certain number worked as servants in big Damascus families. Some were perhaps engaged as workers, but they did not form a distinct category of labour.

DRUGS.

COUNT DE PENHA GARCIA noted on page 50 of the report a slight discrepancy between the statements concerning respectively the trade in and the consumption of narcotics. After declaring that consumption was very small, the report admitted the existence of a fairly large trade in drugs across the mandated territory. He also had the impression that the laws were inadequate. In its report to the Council in 1933, the Advisory Committee on Traffic in Opium and Other Dangerous Drugs (document C.385.M.193.1933.XI, page 12) had said that, in spite of the energetic measures taken by the Syrian authorities to suppress the cultivation of Indian hemp, " large stocks still existed in the country, and their possession, it was explained by the French representative, was not an offence under the existing law ". Could the accredited representative give any further information ?

M. DE CAIX did not believe that hashish was still being produced in the mandated territory, because the regions in which it was cultivated were easy to supervise. It must not, however, be forgotten that, near the territory, there were countries which produced hashish, of which a certain quantity was successfully smuggled across the frontier. As stated in the mandatory

Power's report, this smuggling was very difficult to deal with, owing to the configuration and extent of the country, much of which was desert.

Count de Penha Garcia's quotation of the statement made by the French delegate to the Advisory Committee on Traffic in Opium surprised him, because, in Syria, pharmacists alone were allowed to stock drugs, and then only provided they declared them. There must therefore be some mistake because, for a long time past, the illegal possession of drugs had been an offence at law.

COUNT DE PENHA GARCIA, in reply, read the statement made some days ago at a public meeting of the Opium Advisory Committee by the French delegate, M. Bourgois, to the effect that, under a new decree, the illicit possession of narcotics, and in particular hashish, had now been declared in Syria to be an offence which justified police search on mere suspicion, and that, at the same time, a series of measures had been taken to tighten up control; in particular, to facilitate the search for and destruction of stocks or crops.

He would be glad if the details of this legislation could be given in the next report; he hoped that the measures now taken would be more effective.

M. DE CAIX repeated that a punitive law had been long in existence. Possibly, further steps had been taken to improve it.

EDUCATION.

Mlle. DANNEVIG thanked the mandatory Power for the very full and interesting replies to the questions raised in the previous year¹ and for the very valuable information concerning the reforms which had been carried through in various parts of the territory. In the matter of elementary and higher education, and in technical schools, the percentage of children not attending school and illiterate adults was still very high. On page 79 of the report it was said that, in Syria itself, numerous requests for enrolment had had to be refused owing to lack of school accommodation. How many requests had actually been refused? Did this mean that there was an increasing desire for instruction?

The greatest difficulty, from the point of view of the mandatory Power, seemed to be the lack of qualified teachers. Was that mainly due to financial stringency or to the fact that young persons were not attracted to the teaching profession?

M. DE CAIX did not know how many requests had had to be refused. In Syria, parents were generally eager to have their children educated, provided education did not interfere with farm work. That was why, under the school reform of the previous year, arrangements had been made for elementary instruction of a shorter duration than primary instruction. The distances between the villages were often great, and it would be necessary to increase the number of schools. But that, owing to budget difficulties, could only be done gradually. Very appreciable progress had, however, been made within the last few years.

With reference to Mlle. Dannevig's last question, so far from noting any repugnance among the young people for the teaching profession, the large number of certificated persons made even the small posts sought after; many school-teachers were now recruited from among graduates. The real difficulty was the financial impossibility of maintaining numerous schools and a large teaching staff.

Mlle. DANNEVIG noted on page III a reference to the frequency of trachoma amongst school-children. Although the percentage of this disease had fallen from 60 to 40 per cent, it was still very high. Was the disease hereditary or due to dirt? Were child patients treated at school? On page 142 there was a reference to a school for blind children. Was blindness very common?

M. DE CAIX replied that all children attending school were subject to medical inspection; those suffering from trachoma were given special treatment. The disease was mainly due to contagion. Thanks to the care bestowed, the number of serious cases continued to decrease and blindness was less frequent among the young than among the generation which had grown up before the various health measures had been applied at the instigation of the mandatory Power.

M. MERLIN, referring to supplementary general occupational and technical training mentioned on pages 80 and 139 of the report, the importance of which he would emphasise, asked whether the accredited representative could give any information regarding the results obtained and the mandatory Power's policy in this matter.

M. DE CAIX replied that the Adviser on Education attached to the High Commissioner's Department was endeavouring to perfect the course of instruction with a view to obtaining practical results. That was the aim of the Syrian Law of July 6th, 1933. There was a very decided tendency to develop handicrafts. Numerous schools of arts and crafts had been established and seemed to be giving excellent results. There were schools of this kind at Beirut, Damascus, Aleppo and Latakia, not to mention private schools where the same sort of training was provided.

M. MERLIN hoped that active steps would be taken to encourage young people to enter these schools rather than others. It was highly desirable to avoid swelling the ranks of the "blackcoated workers", who, when they failed to obtain employment, often became agitators.

¹ See Minutes of the Twenty-third Session of the Commission, page 152.

M. DE CAIX said that many ingrained habits, including a traditional dislike, had to be overcome before young people could be persuaded to choose a manual occupation. The best solution was to organise education in such a way that one of its important branches would lead to manual labour naturally ; that was what the education authorities were trying to do in Syria.

PUBLIC FINANCE.

M. RAPPARD did not wish to cause any offence to M. de Caix and his collaborators, since he knew how anxious they were to give all possible information on this point, but he was bound to admit that he could not easily find his way through the chapter on finance, on account of its extreme complexity. First, there were five States and Governments : Syria, the Lebanon, Alexandretta, Latakia and the Jebel Druse, and, further, a number of joint services. Each of these major divisions was subdivided into four chapters : accounts for 1932, estimates for 1933, results for 1933 and estimates for 1934. To these had to be added numerous budgets, reserve funds, local reserve funds, joint interest funds and the Ottoman Debt Fund. There was also the Treasury of the High Commissariat, the accounts in connection with the quarantine service, etc. Moreover, as shown in the first paragraph on page 168, there were instances in which one budget merged into another. All this made, even on a most careful reader, an impression of extreme complexity if not confusion.

Though he realised the immense pains which had clearly been taken in drawing up the chapter on finance, he could not help feeling that much of the work had really been lost ; it was impossible to say for certain whether the financial situation was prosperous or critical and whether the territory was in debt or not. He would be obliged if M. de Caix could indicate the main lines of the financial administration of the country, in order that the Commission might obtain a clearer view of this situation.

M. DE CAIX explained that the five major State budgets were each divided into two parts, the ordinary budget consisting of the annual resources of the Government or the State, and the extraordinary budget maintained out of a reserve fund. These funds were composed either of surpluses paid to the State's or Government's own reserve fund, or of current year surpluses, not yet allocated, from the working expenses account of the services of joint interest, or from funds previously paid into the Ottoman public debt which had become available. The mandated territories had, over a long period, continued to pay into the Ottoman public debt sums which finally much exceeded the payments due under the agreements concluded with the holders under the Treaty of Lausanne. The sums thus freed made it possible to meet exceptional requirements.

These were the resources of which the reserve funds were composed. The interpenetration of the ordinary and extraordinary budgets was an exception to the standing rules, as the report itself stated. This was a situation peculiar to the last financial year, during which the effect of the crisis had been seriously felt.

Certainly, the submission of so many different points might seem to be complex ; but, when the machinery was properly understood, it would be seen that the obscurities of the system were more apparent than real.

Moreover, in order to facilitate the comprehension of this chapter, he had asked the competent services to prepare a table of total expenditure, set out on page 159. This would be given in each annual report.

In the case of services of joint interest, surpluses were allocated between the States either direct or, as had been stated, by constituting reserves for subsequent allocation.

The receipts of the quarantine services had only been included in the joint budget for a certain time and for purely accountancy reasons, because these services were, under international agreements, bound to use all their surpluses for their own improvement. Their revenue was mainly derived from duties levied on the inspection of ships.

M. RAPPARD asked for explanations regarding expenditure which was normally chargeable to the budgets relating to reserve funds and had been assumed by the High Commissariat (page 175).

M. DE CAIX replied that this was an expedient used to meet an exceptional difficulty and not a normal procedure in the budgetary practice which in principle should keep within the limits indicated in the reports submitted to the League of Nations.

M. MERLIN asked why there were a number of reserve funds instead of the single fund into which all surpluses should be paid. If all the occasional amounts (Ottoman debt, Customs, taxation yield, etc.) were paid each year into the reserve fund of the country, the system would be less complicated.

M. DE CAIX admitted this and said that there would be an increasing tendency every year in the direction suggested by M. Merlin. There was, however, another consideration to be borne in mind : prudence required that a balance should remain in the hands of the High Commissioner, so that it would not be a temptation to Governments whose sense of economy and financial acumen had not yet been put to the proof.

M. RAPPARD wondered whether the mandatory Power, in all other respects so favourable to decentralisation and local autonomy, did not show excessive zeal for uniformity in the fiscal regime applied to territories which were very different from each other in their economic structure. How was it that the need for autonomy had not also been expressed in an adaptation of the fiscal system to meet the diversity of requirements ?

M. DE CAIX replied that the nomenclature of the taxes had led M. Rappard to think matters were more uniform than they were in reality. There was certainly a tendency towards uniformity in taxation, but the total for land tax given in various tables included elements which were not everywhere identical and the taxes varied according to region and the progress of the cadastral survey both as regarded assessment and rate. It would therefore be seen that it was not the same throughout the mandated territory; this was not clear from the tables because it was impossible to include too many details.

M. RAPPARD asked what was the general financial position of the mandated territory.

M. DE CAIX replied that, in reality, the position was not very brilliant, because the reserves were to a great extent exhausted and the crisis had greatly reduced the yield of the taxes. It was, however, hoped that the 1934 budgets would be normally balanced by means of economies.

M. RAPPARD asked for details of the economies of which M. de Caix had spoken.

M. DE CAIX explained that a law authorising a reduction in the number of posts had been voted by the Syrian Parliament.

M. RAPPARD pointed out that such a vote on a question of principle was easy to obtain but difficult to apply.

M. DE CAIX replied that it was the duty of the Executive to apply it.

M. RAPPARD had learned in this connection that the Syrian Government had made great reductions in the expenditure of the legislature. Had that any ulterior political motive?

M. DE CAIX did not think so. The measures had been general, but had perhaps been most loudly complained of in parliamentary circles.

The CHAIRMAN was somewhat surprised that Parliament was not free to legislate on its own resources.

M. DE CAIX pointed out that Parliament had legislated while admitting by its vote the principle of certain general reductions which it could not evade. Like all reforms of this kind, this reduction in the remuneration of deputies and in the number of posts was disliked by the deputies but satisfied public opinion.

The CHAIRMAN asked M. de Caix's opinion on the following point. The mandated territory which had formerly been a single vilayet had been divided by the mandatory Power's policy of autonomy into five parts with a complete bureaucracy, two parliaments, several separate administrations, etc. Had not this division, which had always been encouraged by the mandatory Power, helped to aggravate the financial situation of the country?

M. DE CAIX had himself gone into this question. In point of fact, there had been not one vilayet, but three vilayets—Aleppo, Damascus and Beirut—one autonomous Sanjak (Deir-ez-Zor) and, lastly, the Lebanon under a special regime. The present governmental machine at Damascus would not appear to be larger than the country could normally support. As regards the Governments of Latakia and the Jebel Druse, the administrative and other machinery was as simple as possible and did not amount to more than a provincial organisation. In the Lebanon, the increase had been greater in comparison with the former regime; but it was also in the Lebanon that the most rigorous economies were at present being made.

Taking into consideration the fact that it was possible thus to supervise more closely the budgets of the various countries, there was reason to believe that the multipartite position in the mandated territories was more likely to lead to economies than expenditure. He did not believe that this system was more costly than any other; but, in his opinion, it was very desirable that expenditure should be incurred in close proximity to the organ which decided upon the expenditure, and under its supervision.

The CHAIRMAN, in thanking M. de Caix for his explanations, pointed out that, when a guardian administered the interests of four or five minors, it was inevitable that all should not be in agreement. In this case, the aspirations of the whole community should rank before those of its component parts.

M. DE CAIX, while admitting the legitimacy of this view, said that the mandatory Power had tried at the same time to please everybody and to serve the general interest. If France, the centralised country *par excellence*, had preferred to apply a system of autonomy in the mandated territory, it was because she had admitted its undoubted advantages and recognised that there was no magic virtue or necessary superiority in a centralised system.

The CHAIRMAN thought that it would have been more consonant with the spirit of the mandate to unify. He was surprised at such division, particularly when carried out by a country which, as M. de Caix had just said, was "the centralised country *par excellence*". Was the idea not to show rather too much favour to regional tendencies?

M. RAPPARD noted on page 166 an Item III, "Debt". What did this mean? Had each territory a debt or did they all share in one common debt?

M. DE CAIX replied that it was the current debt of the States, plus pensions, and not the service of the Ottoman public debt, which was borne on the working account of the joint

interests. The pensions payable to retired officials constituted one of the biggest items in the item "Debt" in Syria, where there were still a number of retired Ottoman officials.

M. RAPPARD asked M. de Caix to be good enough to supply in the next report still clearer information regarding the various points which had been raised.

M. DE CAIX agreed that several passages in the report were obscure, because they were drafted by people who, though possessing great technical skill, were not versed in the art of "presentation".

PETITIONS : (a) DATED SEPTEMBER 1ST, 1933, FROM DR. A. KEYALI, AND (b) DATED JANUARY 17TH AND FEBRUARY 1ST, 1934, FROM M. SAMI SLIM.

Count DE PENHA GARCIA asked for particulars regarding Dr. Keyali, the writer of a petition (document C.P.M.1521) for which he was rapporteur.

M. DE CAIX replied that the petitioner was very much in the limelight and was one of the leaders of the Aleppo Nationalist Party.

Count DE PENHA GARCIA asked whether the Syrian Congress held at Aleppo in 1933 had been an important gathering.

M. DE CAIX replied in the affirmative.

Count DE PENHA GARCIA, referring to the petition by M. Sami Slim (document C.P.M. 1507), asked for particulars of the Lebanon elections.

M. DE CAIX replied that they had led to some disturbances, but that, on the whole, the excitement had not been very acute, and had not been in excess of what always happened in such cases. It could not be said that there had been much force used.

Count DE PENHA GARCIA admitted that there was one fact which would reassure the Commission—namely, that there had been no resort to the statutory right of appeal.

COMPOSITION OF THE SYRIAN CABINET AND THE ATTITUDE OF PARLIAMENT THERETO.

M. MERLIN, who had been absent from the last meeting but one, recapitulated the changes which had been made in the Government since the beginning of last year and asked how the present Cabinet was composed and how it stood towards public opinion and towards Parliament.

M. DE CAIX gave the following summary of the position. There had first been a Cabinet of concentration, including nationalists and moderates, until April 1933, when the nationalists had left under the pressure of the anti-participationists who had carried the day in the party. Hakki Bey el Azem had then formed a Cabinet consisting only of moderates, in which changes were made resulting in the formation of a second Hakki Bey Cabinet, also of moderate tendencies. This Ministry, greatly weakened by the divisions of its members, had been replaced, by the President of the Republic, by another Ministry chosen outside Parliament, its President being Sheikh Tageddine, who had obtained the assistance of experienced men like Jemil Bey Oulchy and Atta Bey el Ayoubi, who had long kept aloof from office and was one of the most esteemed citizens of Damascus.

The CHAIRMAN asked how this Cabinet, which contained no members of Parliament, could be accepted by Parliament.

M. DE CAIX thought that this Ministry contained men of worth who should be able to lead the country. There was no reason to suppose that the Chamber would not accord them its confidence.

M. de Caix withdrew.

South West Africa : Report for 1933.

After an exchange of views, the Commission adopted its observation on the transmission and examination of the report for 1933 (Annex 20).

TWELFTH MEETING.

Held on Wednesday, June 6th, 1934, at 4 p.m.

Syria and the Lebanon : Treaty of Friendship and Alliance between France and Syria (continuation).

M. PALACIOS said that personally he had no questions regarding the Treaty to put to M. de Caix, whose replies to M. Orts, M. Rappard, the Chairman, etc., had cleared up the position. Though certain points of detail might remain unexplained, they were of no importance from the point of view of the course which the Commission should adopt. In his opinion, it should consider its attitude towards the Treaty and it could not avoid transmitting observations on this subject to the Council. Such would be the case if it were dealing with an

actual treaty ; but, even if the instrument in question were nothing more than a draft—the expression of a policy—some observations would still have to be submitted, though these might not be the same as in the former case. Such a discussion, moreover, should not be held in the presence of the accredited representative. He thought the Commission could not avoid the discussion, which should, however, be conducted with all due tact so as not to increase the difficulties of the mandatory Power.

M. ORTS reminded the Committee of the opinion he had expressed on another occasion—namely, that the document was not a mere draft but a veritable treaty signed by the representatives of the French and Syrian Governments who had been duly invested with the necessary powers for the purpose.

The instrument, however, did not yet exist from the standpoint of third parties. It would only be of value from an international point of view when—having been approved by the Syrian Parliament, since it had been said that its approval by the French Parliament was not necessary—it had been ratified by the two Governments concerned. For the moment, the Treaty had only been “initialled”.

Was it desirable for the Commission to examine this Treaty forthwith ? M. Orts did not think so. He thought that the Commission should even refrain from asking any questions, because questions would lead to an exchange of views which must reveal the feelings of the members of the Commission, and that would be premature.

It looked as though matters would evolve along much the same lines as in the case of the last Anglo-Iraqi Treaty, which formed a precedent—namely, in the first place the Council would ask the Commission to express an opinion as to whether Syria fulfilled the conditions which, generally speaking, were held to be necessary to entitle a mandated territory to obtain full independence.

If the reply to the first question were in the affirmative, the second step would be for the Commission to examine the Franco-Syrian Treaty with a view to deciding whether that Treaty fulfilled the required conditions, and, in particular, whether it really established the independence of Syria.

He strongly felt that the Commission should refrain from expressing any views which might prejudice the opinion it would have to give to the Council on this last point, when so requested. Personally, he intended to reserve his opinion, particularly as anyone who had watched the political life and atmosphere in Syria since the establishment of the mandate could clearly see that the country was not yet ripe for full independence. The desire of the Syrian nationalists to see that day dawn was not accompanied by the evidence of political wisdom and maturity and a spirit of toleration which would justify their desire. If the question of the termination of the mandate arose at present, all those who were determined to take into consideration only the interests of the whole of the population and, without entering into political considerations foreign to the subject, to base their conclusions solely on the rules laid down *in abstracto* by the Council, would be obliged to reply in the negative.

To examine the Franco-Syrian Treaty forthwith would be by implication tantamount to replying affirmatively to the previous question—namely, whether Syria was politically mature. He therefore thought that any such examination should be avoided, and proposed that the Commission should, until further notice, ignore the existence of the Treaty.

True, this Treaty had been communicated by the mandatory Power. That Power could hardly have refrained from doing so, the instrument having been made public by its submission to the Standing Committee of the Syrian Chamber. The fact that the Treaty had been communicated did not make it necessary for the Commission to examine it, or, in other words, to acknowledge implicitly that the present situation in Syria justified contemplating the termination of the mandatory regime in the near future.

M. PALACIOS was in agreement with M. Orts on the premises of his argument. He could not follow him, however, when, after recognising the fact that the Treaty existed, he concluded that he was unaware of its existence. For was it not the Treaty which informed the Commission of a plan for the possible independence of part of the mandated territory ? The firm and solid logic of M. Orts' speech seemed to come to grief in the conclusion.

M. ORTS reminded the Committee that, in his view, the Treaty would only exist, as far as the Commission was concerned, after it had been adopted in due form—that was to say, after its ratification by both parties.

The CHAIRMAN said that, in any case, the Treaty had been communicated to the Commission in an Annex to the report.

M. PALACIOS said that the Treaty was there, printed in the annual report. It was a great event ; there had even been petitions regarding it and it would have to be considered if only to formulate reasons for the Commission's silence.

M. ORTS explained that the Treaty had no existence from an international standpoint. If the Commission were of opinion that Syria was not ripe for independence, then any discussion of a treaty which would terminate the mandate was putting the cart before the horse. Believing as he did that the Commission would be committing an act of culpable weakness if it handed over this country, without supervision, to political personages whose incompetence was manifest, he regarded the Treaty as devoid of all interest.

The CHAIRMAN considered that, in that case, the more friendly course would be to notify this fact to the mandatory Power without delay instead of leaving it to commit itself still further.

M. ORTS said that personally he had no objection.

M. RAPPARD considered M. Orts's argument entirely logical, provided that the Commission informed the mandatory Power through the Council of the reasons for its silence. M. Rappard would therefore be prepared to accept a text stating that the Commission had had cognisance of the Treaty and also of the incidents which had followed its publication, and that, if it refrained from an immediate expression of opinion, that was because it preferred to reserve its opinion on the whole question of the wisdom of recognising the independence of the territory, which was the purpose of the Treaty. That procedure would dispose of the logical weakness which M. Palacios had discerned in the arguments put forward by M. Orts. If the Commission were to remain silent without stating its reasons in its report, its attitude would be misunderstood.

M. ORTS and M. PALACIOS concurred in the suggestion made by M. Rappard.

M. VAN REES, though he also approved this suggestion, wished to express his view as to the desirability of discussing the details of the Franco-Syrian Treaty at this juncture. He would be brief. After hearing the very clear statements and information supplied by M. de Caix, he felt that a discussion of this Treaty would be unfortunate, premature and likely to tempt the Commission to embark on a forbidden path. Unfortunate, because M. de Caix had on several occasions told the Commission what regrettable effects this discussion, as soon as it had been made public, would undoubtedly produce in Syria. The task of the mandatory Power would thereby be vastly complicated. Premature, because the Commission would be discussing a document in respect of which negotiations between the High Commissioner and the Syrian Government had led to no result and which would at a suitable moment have to be examined anew by the two parties concerned, so that the Commission would be discussing a treaty without knowing what its final form would be, and which, moreover, was incomplete because the agreements provided for in Protocol B, which was an integral part of the Treaty, were still lacking. Lastly, there would be a risk that such a discussion would lead the Commission to exceed its powers, as its functions were not *preventive*, and as, by failing to keep that fact in mind, it would inevitably assume a responsibility which did not properly belong to it and which was fundamentally alien to both the letter and the spirit of its activities under the Covenant and its own constitution. For these reasons, he thought it would be undesirable to discuss the Treaty unless the discussion was not to be reported in the Minutes.

COUNT DE PENHA GARCIA thought the mandatory Power had explained its policy in 1933 in the preface to the report, and as documentary evidence had added the text of a treaty signed between it and the Syrian Government. This document, having been submitted to the Commission, might therefore call for reflections from the latter. What was this Treaty in point of fact? The Commission was confronted by the mandatory Power with the problem of the termination of the mandate. It was difficult to separate the Treaty from the policy of the mandatory Power as a whole. It was also a very delicate matter to take up a position which might make the mandatory Power's situation very difficult. That its situation was difficult was clearly stated in the report and also emerged from the statements of the accredited representative.

Was Syria capable or not of governing herself? It was not an easy matter to give a definite reply to such a question. The conclusions that could be drawn this year showed that, from the political standpoint, institutions worked badly in Syria, the parliamentary system was not operating properly and authority took the place of the elected bodies by peaceful or violent means.

What should be the attitude of the Commission to this state of affairs? What would be the scope of its observations? It would be useless to discuss the Treaty article by article, since the text, somewhat similar to that of the Anglo-Iraqi Treaty, was in suspense. A discussion might give rise to difficulties in the territory, for the members of the Commission knew that in Syria, and particularly in nationalist quarters, the Commission's reports were widely read. On the other hand, the Commission must tell the League of Nations the truth—namely, that the political situation in Syria had not improved and that the constitutional organs were working badly. The mandatory Power was clearly meeting with difficulties in carrying through the scheme on which it had embarked in signing the Treaty and which would lead to the termination of the mandate. Perhaps the problem had been broached a little hastily.

Count de Penha Garcia thought that the formula suggested by M. Rappard might be satisfactory, provided its terms were carefully considered from the twofold standpoint of the Commission's duty to the League of Nations and the need to make allowance for the difficult position of the mandatory Power. The concern of the Commission was not that the mandate should not be terminated, but that it should terminate in favourable circumstances. It was necessary, not only to ensure the protection of minorities, but also to remedy the defects of certain administrative and political institutions which at the moment were working badly. There were four territories which had to a certain extent common interests but which were separated by racial or religious or even economic differences. The problem was thus extremely delicate for the mandatory Power and for the Commission itself, as the Council would obviously ask what was to be done about admitting Syria to the League. As in the case of Iraq, each case should be examined separately to ensure that the mandate would be terminated in satisfactory circumstances.

M. PALACIOS agreed with M. Van Rees that it would be both unfortunate and useless to examine the Treaty. Unfortunate, because it was often unfortunate to do what was strictly one's duty. Useless, because—much as he regretted to have to say so from the point of view of the Mandates Commission—events often occurred quite beyond the Commission's means of

control. He disagreed with M. Van Rees, however, as to the powers of the Commission. The latter spent its time discussing small points of detail, but when it was faced with a serious political problem, when a critical moment had arrived for a mandated territory, it would not be competent. While recognising M. Van Rees's authority on mandates questions, M. Palacios did not see why the Commission should not, as occasion arose, exercise a truly essential part of its functions according to Article 22 of the Covenant. Moreover, what did this expression "preventive" mean in the case of the treaty? Here was an instrument submitted to the Syrian Chamber which expressed the policy of the mandatory Power and appeared in the annual report. The Commission, while not perhaps examining it in detail, could not ignore it. He agreed with Count de Penha Garcia that the Commission should approach the question with the utmost discretion. He had not yet said in what way; for the moment, therefore, it was only a question of procedure. He thought that M. Rappard's formula might perhaps satisfy all the members of the Commission.

M. RAPPARD wondered whether there was any need to continue the present exchange of views. If the substance of his formula were satisfactory, there was no need to be in agreement on every point of the introductory considerations.

M. VAN REES, replying to M. Palacios, explained that the Commission's duty was to supervise and did not include an examination of the unfulfilled intentions of the mandatory Powers, nor the power to give it advice, suggesting a line of conduct other than those which the Mandatory had laid down and of which the Mandatory itself must be the sole judge. That was what M. Van Rees had meant when he had said that the activity of the Commission had not and could not have a preventive character. He had added that a discussion of the Treaty, at the present moment, might lead the Commission in a direction which would inevitably take it beyond the limits of its powers, and that was what he wanted to avoid. It would perhaps be objected that if, at a particular moment, the Treaty, supplemented by the agreements provided for in Protocol B, and ratified by the two Governments and the Syrian Chamber, were laid before the Commission, the Commission might find itself faced with an accomplished fact, so that it would then have nothing more to say. That was not so, because the Commission had not to consider whether this Treaty, accepted by the two parties concerned, was satisfactory from every point of view, but whether, on the basis of this Treaty, the mandated territory might possibly be emancipated and become independent. That was quite another question. What the Commission would be called upon to consider one day was whether the Levant territories under French mandate fulfilled the general conditions laid down in 1931 for the termination of the mandatory regime in a mandated territory. Then—and not at present—the Commission would be able to discuss the contractual relations established between the two parties and intended to come into force after the emancipation of the mandated territories.

M. MERLIN expressed the same view as M. Orts and M. Van Rees. It was not for the Commission to express an opinion on a treaty which was not final. M. Orts had made a statement of pure international doctrine; the document in question had been initialled by the two parties, but had not yet obtained the necessary ratifications. So long as it had not been ratified, it might be altered or even caused to disappear. The Commission did not know. Should it then consider a treaty which might in the near future be dropped?

The Commission could, of course, do so if the Treaty were laid before it for discussion. That was not the case. The mandatory Power, placing its full confidence in the Commission, had very honestly said to it: "Here is an instrument which has been negotiated between the two authorities, submitted to Parliament and, for reasons that we know, not approved by that Parliament". Thus, the instrument was at the moment in suspense, and it would, to say the least, be premature for the Commission to start examining an instrument which was so incomplete. Furthermore, as M. Orts had said, at the moment when a similar instrument, but on that occasion in its final form, came before the Commission it would then be of significance, as it would denote the end of the mandate. The Commission would then devote itself to studying the conditions to be complied with on the cessation of the mandate: maturity of the territory, safeguards for its independence, properly guaranteed protection of minorities, observance of the general clause of economic equality. That moment, however, had not yet come.

Furthermore, what was the duty of the Commission? As M. Van Rees had very wisely remarked, the Commission, as set up by the Covenant and the Council, was a supervisory body, and supervision in practice applied only to past, not to future actions. Doubtless, its observations on the administration of the territories, taken as a whole, formed a body of doctrine by which the mandatory Powers should be guided in doing or omitting to do a given act, but the Council had very wisely invested the Commission with the exclusive duties of a supervisory body. Were it not so, the Commission, with the best will in the world, might have ventured to advise mandatory Powers to take certain steps. That would have been a regrettable transfer of responsibilities, committing the Commission on the one hand and exonerating the mandatory Power on the other, whereas the latter should bear the full responsibility. The Commission's sole task was that of criticism, in the etymological sense of the term—namely, to examine the acts of the mandatory Power and point out any mistakes made.

Both from the standpoint of theory and from the standpoint of the Commission itself, it would certainly be out of place for the Commission to examine a document which had not yet been finally established. By expressing opinions which would take the place of the acts of the mandatory Power, it would risk committing itself, and, as Count de Penha Garcia had said, would complicate the elaboration of the texts to be concluded between the mandatory Power

and the mandated territory for achieving what was the aim of all—namely, the cessation of the mandate with safeguards for all the interests involved.

Count DE PENHA GARCIA drew attention to the fact that the Treaty, as submitted to the Commission, was, from one point of view, an essential document which it could not refuse to consider and of which it would have to take account. The mandatory Power's idea in adding this text to its report was to show the Commission the state of mind of the parliamentary representatives of the country. The Treaty, signed by the two Governments, had not been accepted by the nationalist elements. The Commission should therefore ascertain which clauses in the Treaty had caused so much disturbance and what were the real reasons which had prevented the Syrian representatives from approving a treaty accepted by the Syrian Government after long negotiations.

M. ORTS believed that the provisions concerning the protection of minorities were largely responsible for the refusal.

Count DE PENHA GARCIA replied that that was not the only point. There was the fact that the nationalists did not recognise the mandate and feared that the Treaty would be a sort of continuation of the mandate. There were other questions like unity, military clauses, payments, etc., all of which the Commission would have to consider.

Lord LUGARD agreed with what he thought was the general opinion of the Commission. It would be premature to discuss the Treaty, as it would lead the Commission to the consideration of a wider problem, the end of the mandate, which was not at present within its province. He felt strongly, however, that the Commission should state clearly, as suggested by M. Rappard, its reasons for acting in this way.

The CHAIRMAN observed that no general opinion of the Commission had emerged from the discussion.

Lord LUGARD replied that he shared the opinions expressed by M. Orts, M. Van Rees and M. Rappard.

THIRTEENTH MEETING.

Held on Thursday, June 7th, 1934, at 10.30 a.m.

Syria and the Lebanon : Treaty of Friendship and Alliance between France and Syria (continuation) ; Observations of the Commission.

M. SAKENOBE said that he was one of the few members of the Commission who was in favour of examining the Treaty. It had been pointed out that this Treaty was incomplete in itself, that there were certain conventions to be concluded and that therefore it was not necessary to examine it at the present stage. But if the Treaty, when signed, had followed its normal course—that was to say, had been ratified and promulgated and then inserted in the annual report—what would the Commission have done? Would it have postponed its examination because certain conventions had not yet been concluded? Surely not. The Commission would certainly have examined the Treaty, and the accredited representative of the mandatory Power would have answered all the questions put to him. The argument that this Treaty was part of a whole, and could therefore wait until all was complete, was not at all convincing.

Another opinion had been expressed—namely, that it was useless to examine the Treaty because it had not yet been ratified and there was uncertainty whether it would remain as it stood or would be altered. If this uncertainty existed, would it not be better for the Commission to start from the premise that the signed Treaty would—as was normally the case with signed treaties—not be altered? He thought that this Treaty would probably take its normal course; it would duly be submitted to Parliament, would be ratified and promulgated without alteration. That was the most natural way to look at the matter, particularly in view of the very special circumstances in which the Treaty had been withdrawn. The Government had merely been taken by surprise. It was not difficult to foresee that one day the Government would submit the Treaty to Parliament and that all would end well. He could hardly, therefore, subscribe to the argument that the Treaty was useless.

A very powerful argument in favour of not examining the Treaty was that such examination might cause difficulties to the mandatory Power. The Mandates Commission, however, should not look at matters from the standpoint either of Syria or of France, but from its own standpoint. The Commission had received the text of the Treaty; that Treaty was public property and everybody had a right to discuss it. Could the Commission pass it over without even looking at it on the pretext that it had only been signed and had not yet been ratified, that it might undergo certain alterations and that its examination might embarrass the mandatory Power? If by any chance the Treaty contained any clause or article which was indisputably inconsistent with the independence of a State—which, of course, he did not imagine to be the case—and if the Commission let that fact go unchallenged, would it be faithfully discharging its duty? The Treaty was a fact, a clear expression of the intention of

control. He disagreed with M. Van Rees, however, as to the powers of the Commission. The latter spent its time discussing small points of detail, but when it was faced with a serious political problem, when a critical moment had arrived for a mandated territory, it would not be competent. While recognising M. Van Rees's authority on mandates questions, M. Palacios did not see why the Commission should not, as occasion arose, exercise a truly essential part of its functions according to Article 22 of the Covenant. Moreover, what did this expression "preventive" mean in the case of the treaty? Here was an instrument submitted to the Syrian Chamber which expressed the policy of the mandatory Power and appeared in the annual report. The Commission, while not perhaps examining it in detail, could not ignore it. He agreed with Count de Penha Garcia that the Commission should approach the question with the utmost discretion. He had not yet said in what way; for the moment, therefore, it was only a question of procedure. He thought that M. Rappard's formula might perhaps satisfy all the members of the Commission.

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M. VAN REES, replying to M. Palacios, explained that the Commission's duty was to supervise and did not include an examination of the unfulfilled intentions of the mandatory Powers, nor the power to give it advice, suggesting a line of conduct other than those which the Mandatory had laid down and of which the Mandatory itself must be the sole judge. That was what M. Van Rees had meant when he had said that the activity of the Commission had not and could not have a preventive character. He had added that a discussion of the Treaty, at the present moment, might lead the Commission in a direction which would inevitably take it beyond the limits of its powers, and that was what he wanted to avoid. It would perhaps be objected that if, at a particular moment, the Treaty, supplemented by the agreements provided for in Protocol B, and ratified by the two Governments and the Syrian Chamber, were laid before the Commission, the Commission might find itself faced with an accomplished fact, so that it would then have nothing more to say. That was not so, because the Commission had not to consider whether this Treaty, accepted by the two parties concerned, was satisfactory from every point of view, but whether, on the basis of this Treaty, the mandated territory might possibly be emancipated and become independent. That was quite another question. What the Commission would be called upon to consider one day was whether the Levant territories under French mandate fulfilled the general conditions laid down in 1931 for the termination of the mandatory regime in a mandated territory. Then—and not at present—the Commission would be able to discuss the contractual relations established between the two parties and intended to come into force after the emancipation of the mandated territories.

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The Commission could, of course, do so if the Treaty were laid before it for discussion. That was not the case. The mandatory Power, placing its full confidence in the Commission, had very honestly said to it: "Here is an instrument which has been negotiated between the two authorities, submitted to Parliament and, for reasons that we know, not approved by that Parliament". Thus, the instrument was at the moment in suspense, and it would, to say the least, be premature for the Commission to start examining an instrument which was so incomplete. Furthermore, as M. Orts had said, at the moment when a similar instrument, but on that occasion in its final form, came before the Commission it would then be of significance, as it would denote the end of the mandate. The Commission would then devote itself to studying the conditions to be complied with on the cessation of the mandate: maturity of the territory, safeguards for its independence, properly guaranteed protection of minorities, observance of the general clause of economic equality. That moment, however, had not yet come.

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Another opinion had been expressed—namely, that it was useless to examine the Treaty because it had not yet been ratified and there was uncertainty whether it would remain as it stood or would be altered. If this uncertainty existed, would it not be better for the Commission to start from the premise that the signed Treaty would—as was normally the case with signed treaties—not be altered? He thought that this Treaty would probably take its normal course; it would duly be submitted to Parliament, would be ratified and promulgated without alteration. That was the most natural way to look at the matter, particularly in view of the very special circumstances in which the Treaty had been withdrawn. The Government had merely been taken by surprise. It was not difficult to foresee that one day the Government would submit the Treaty to Parliament and that all would end well. He could hardly, therefore, subscribe to the argument that the Treaty was useless.

A very powerful argument in favour of not examining the Treaty was that such examination might cause difficulties to the mandatory Power. The Mandates Commission, however, should not look at matters from the standpoint either of Syria or of France, but from its own standpoint. The Commission had received the text of the Treaty; that Treaty was public property and everybody had a right to discuss it. Could the Commission pass it over without even looking at it on the pretext that it had only been signed and had not yet been ratified, that it might undergo certain alterations and that its examination might embarrass the mandatory Power? If by any chance the Treaty contained any clause or article which was indisputably inconsistent with the independence of a State—which, of course, he did not imagine to be the case—and if the Commission let that fact go unchallenged, would it be faithfully discharging its duty? The Treaty was a fact, a clear expression of the intention of

the mandatory Power on the most important point of its future policy. The Commission could surely not ignore this on any consideration ; it was the Commission's duty to look into the matter and satisfy itself at least that the Treaty contained nothing open to criticism. The Commission could not avoid this duty. After the duty had been discharged, it might consider whether it should or should not express an opinion on the Treaty and, if it decided that it should pronounce an opinion, it would then have to consider the tenor of that pronouncement. Then—and not until then—it might consider the delicate situation of the mandatory Power. The Commission might then say that it had examined the Treaty, but that, in view of the fact that, etc. But it could not say that it had refrained from examining the Treaty in view of the fact that, etc. The question was a serious one. He hoped his colleagues would reflect very carefully before taking their decision.

M. ORTS reminded the Commission that he had already put forward the following argument : If the Commission examined the Treaty, it would, by doing so, implicitly reply in the affirmative to a previous question which it had not yet discussed—namely, whether Syria was or was not ripe for independence. He would like to ascertain M. Sakenobe's opinion on that point.

M. SAKENOBE replied that he was not yet contemplating the question of Syria's matureness for independence. He thought that, in the present case, the Commission could examine the Treaty without committing itself on the question of maturity.

M. ORTS replied that, nevertheless, it was difficult to discuss the Treaty without virtually expressing an opinion as to the maturity of Syria. For instance, when the Chairman had questioned the accredited representative with regard to Article 2 of the Treaty, he had—as was inevitable—asked whether the fact of Syria's undertaking to allow herself to be represented in certain cases by French diplomatic agents was consonant with her complete independence. That point led straight to the query whether Syria was ripe for independence. It should be remembered, moreover, that it was for the Council, when it deemed that the moment had come, to ask the opinion of the Commission regarding Syria's maturity. The Commission should not, by stating its views regarding the Treaty at the present time, make a premature pronouncement on this previous question.

M. VAN REES pointed out that the Commission did not know when the mandate would be terminated. It should at least take into account the fact that four years would be required for the preparation of Protocol B and its adoption. One might agree with M. Orts that the territory was not yet ripe for independence ; but that was not a reason for stating that opinion now. The Commission would have been entitled to express its views on this point only if the mandatory Power had now been submitting Syria's candidature for independence, which it was not.

M. PALACIOS agreed with M. Orts's reasoning, but that reasoning led him to conclusions of a diametrically different nature. If M. Orts's reasoning were sound, the difficulties of the Mandates Commission became still greater and the question was far from being simplified. It was therefore necessary to say that the Commission had been informed of a treaty by which the mandatory Power was endeavouring to bring about the independence of part of the mandated territory. According to M. Orts's reasoning, the Commission *must* examine the Treaty ; it was obliged to do so.

Lord LUGARD said that, in reply to the argument that, if the Commission did not discuss the Treaty, it might be put in force, and the Commission might then be told that it had lost its opportunity for criticism, he wished to repeat and to emphasise that the Commission should state very clearly its reason for not examining it—namely, that, if the Commission did so, it might be argued that it had admitted that Syria had reached the stage for a treaty as a preliminary to independence. Moreover, the accredited representative had deprecated any examination of the Treaty, which he had refused to discuss.

Mlle. DANNEVIG wished to reserve her decision in case a vote were taken as to whether the Treaty should be examined or not, until she had before her the text prepared in accordance with M. Rappard's suggestion, and had heard the discussion thereon. She thought that the Mandates Commission should proceed with great care in this matter in order to avoid causing difficulties either to the mandatory Power or to the Government and people of Syria. After the experience acquired since the proclamation of the independence of Iraq, she felt that the Mandates Commission should take every possible precaution before declaring a mandated territory mature for complete independence, particularly as, in the present difficult circumstances, it might be deemed an advantage for a young State to have the privilege of the advice and support of a friendly State under the supervision of the League of Nations.

The CHAIRMAN thought that the Treaty could not be ignored ; in the first place, because the accredited representative had stated that the document was the expression of the mandatory Power's policy, and, secondly, because he could not help thinking of the interests of the mandated territory—the safeguarding of which had been entrusted to the League of Nations—just at the most important period of this territory's existence ; namely, when the possibility of its emancipation was under contemplation. He therefore felt bound at the present juncture to tell the Commission that he experienced some anxiety with regard to certain, in his opinion fundamental, points of the Treaty.

(1) He could not understand why the mandatory regime should continue for the Lebanon when it had ceased for Syria. Up to the present, the Lebanon had given proof of social and

political maturity at least as great as that attained by Syria. M. de Caix did not dispute this nor did the Chairman imagine that anyone would be able to do so. Why, then, was the emancipation of the Lebanon being contemplated? He had questioned M. de Caix on this point and M. de Caix had not given a clear reply; he had simply said that the Treaty only contemplated for the present the emancipation of Syria.

With regard to the Jebel Druse and the Alaouites, he recollected that, at the time when certain petitions were being examined, the Commission, at its previous session,¹ had noted that the fundamental charter, the mandate, excluded, not only the creation in Syria of a unitary State—that was to say, of a State in which no part enjoyed local autonomy—but also the granting of full independence to any part of the mandated territory which was not Syria or the Lebanon.

According to this principle—which had, it should be noted, been approved by the Council—the Alaouites and the Druses could obtain autonomy, but only within the framework of the Syrian State.

(2) The Commission would certainly remember that, when the Anglo-Iraqi Treaty was being examined, he had said—and his remarks had been endorsed by several of his colleagues—that the provisions of this Treaty might be regarded as the extreme limit of what could be done without infringing the independence of a sovereign State.²

He wished to draw the special attention of his colleagues to this notion of a limit, which he thought must be considered even before a first impression were gathered concerning the Treaty.

The Franco-Syrian Treaty, as it emerged from all the documentary material communicated to the Commission, seemed to him to be based on a desire to maintain for twenty-five years a system of assistance in all the essential spheres of the State's political life—a system which was very similar to guardianship of the "A" mandate type, with one difference—namely, that it seemed, at first sight, that, in place of the guardianship under the mandatory regime, there would be a guardianship under which several prerogatives of the mandatory Power would be maintained but all supervision by the League of Nations would be excluded.

The Commission took cognisance of the following text drawn up by M. Rappard after the previous meeting, as a basis for the Commission's observations to the Council:

"The Commission has taken note of the text of the Treaty of Friendship and Alliance between France and Syria and the Protocols relative thereto which are annexed to the report.

"Being desirous of entirely reserving its opinion as to the political maturity of the populations under mandate and, therefore, as to the manner and date of their emancipation, the Commission has deliberately refrained from any comment upon the Treaty. This instrument, which is not yet finally binding upon the two parties, is intended only to regulate relations between the mandatory Power and the Syrian community after the termination of the mandate, the proposal for which, the Commission observes, has not yet been communicated to it."

Lord LUGARD agreed with this text, which entirely reflected his own views. On the other hand, he saw no objection to adopting the Chairman's proposal to state briefly some of the salient objections to the Treaty as drafted.

M. SAKENOBE said that, from this text, it was not clear whether the Commission had examined the Treaty or not. Since a treaty existed and its text had been communicated to the Commission, and since the Commission had received the mandatory Power's report, to which this Treaty was an annex, the Commission must state the reasons for which it had not examined the Treaty, if it decided not to examine it.

M. MERLIN proposed, in order to meet M. Sakenobe's views, to modify the first sentence as follows: "The Commission has taken cognisance of the text of the Treaty . . .", which would mean that the Commission had read the Treaty but had preferred to express no opinion. The essential fact was that the time had not yet come to consider the Treaty; in that respect, M. Rappard's text was excellent. The mandatory Power had included the Treaty as an annex to its report in order that no one might be able to say that it was keeping anything back. He thought that the text had been supplied as information, and not for consideration. This view seemed to be borne out by M. de Caix's statements and M. Orts's decisive comments on the previous day. If the Commission decided to examine the text, it would be discussing a treaty that postulated a first decision—namely, whether Syria was ripe or not for independence. The answer to that question, however, was unknown. When the mandatory Power, who was alone qualified to estimate accurately the territory's degree of maturity, put forward a proposal for its independence, the Commission would still have time to examine the Treaty with a view to deciding whether the real independence of the country, the interests of minorities and the principle of economic equality were respected. He noted that the Commission had before it a treaty which, except in certain details, was copied from the Treaty concluded between the United Kingdom and Iraq. The Commission should be very careful to refrain from entering on a dangerous course which would amount to a surrender of its right to examine facts in being and not future facts. Would the Commission not find itself in a very difficult position if the Treaty were withdrawn?

Lord LUGARD, in reply to the Chairman, said that he was quite prepared to adopt M. Rappard's text without alteration. If, however, some members of the Commission felt

¹ See Minutes of the Twenty-fourth Session of the Commission, page 137.

² See Minutes of the Twenty-first Session of the Commission, page 76.

strongly that the principal objections to the Treaty should be stated, he thought that, to meet their wishes, the words "has deliberately abstained from any comment upon the Treaty. This instrument which . . ." might be replaced by "considers that the time has not yet come to examine the Treaty in detail since it . . ." At the end of the text a further sentence might then be added as follows: "The Commission desires, however, to mention several points to which at the proper time it will call attention", and then state the points. Lord Lugard added that he made this suggestion only in order to reconcile, if possible, the opposing views of different members. For his own part, he would prefer to adopt M. Rappard's text as it stood.

M. ORTS hesitated to follow Lord Lugard's suggestion; it would be contradictory to say that the Commission had not examined the Treaty in detail and then to formulate certain observations.

The text proposed by M. Rappard completely satisfied him except on one point. Instead of "the proposal for which, the Commission observes, has not yet been communicated to it" it would be better to say "which the Commission has not yet been requested by the Council to discuss". In accordance with the way matters had developed in connection with the Iraq precedent, the Council would instruct the Commission, in the first place, to express its opinion regarding maturity, and then to examine the Treaty, which would establish the independence of the country, comparing its provisions with the conditions recognised as necessary in order that a mandated territory might be considered as independent.

M. PALACIOS said he would accept M. Rappard's text if the Commission adopted it, but only by way of conciliation. The text did not give him satisfaction because it certainly stated an opinion quite contrary to his own and even contrary to what he had understood to be the views of the majority of the members of the Commission. Personally, he thought that the time had come to examine the Treaty as a fundamental element of the mandatory Power's policy. He was bound at least to make this reservation. In this connection, he was rather disposed to agree to Lord Lugard's proposal, which seemed to him to have the advantage of being somewhat milder.

He was also opposed to the amendment suggested by M. Orts. There was no need for the Council to entrust to the Commission a task which had already been entrusted to it under Article 22 of the Covenant. The Commission did not need to ask the Council's permission to express its opinion on a treaty which was not merely appended as an annex to the mandatory Power's annual report, but also formed the subject of petitions brought before the Commission.

He wished therefore to repeat that he would accept M. Rappard's text solely because he did not wish to be an obstacle to unanimity.

COUNT DE PENHA GARCIA thought the Commission ought not to give the impression that it was walking warily round the examination of the Treaty as if there were some danger lurking in it. The Commission ought, therefore, to examine the Treaty, particularly as it contained only two controversial clauses. The most important question was that of unity, which it would doubtless be inopportune to discuss now, because the Treaty was at present incomplete, lacking as it did certain protocols or supplementary conventions which might introduce fresh elements. Furthermore, the statements of the representative of the mandatory Power made it inadvisable to discuss this point. The Minutes of the meetings devoted to this question would suffice to draw the attention of the mandatory Power and the Council to the difficulties which this question had raised. He was therefore inclined to support M. Rappard's text as modified by Lord Lugard's amendment. He must admit, however, that he did not see the necessity for the last sentence from the words "the proposal for which . . ."

M. ORTS thought the idea contained in the last sentence was important because it clearly marked the proper course of events. To meet M. Palacios's objection, he was prepared to omit from his amendment the words "by the Council", so that the amendment would read, "a subject which the Commission has not yet been requested to discuss".

M. PALACIOS said that this would not satisfy him. He thought that the truth was just the contrary; by the very way in which things had happened, the Commission and, through the Commission the Council, whose advisory organ it was, had been asked to discuss the question. In actual fact, the matter was laid before the Council and the Commission automatically, and *ipso facto*. If it expressed no opinion, the Commission might lay itself open to reproach by the Council, because that body might think it strange that the Commission had decided not to draw its attention to such an important document that had been submitted to it. If the Commission abstained from comment, he would bow to its decision, but he felt that the Commission should at least state its reasons for such abstention.

M. RAPPARD raised an objection to M. Orts's first amendment; the Commission should not seem to be inviting the Council to ask it to discuss this point. He therefore preferred M. Orts's second suggestion, provided the word "proposal" were maintained as in the original text. It was necessary strongly to emphasise the point that the mere fact that the Treaty had been appended to the mandatory Power's report was not sufficient in itself to constitute a proposal by that Power. Proof of this could be found in the fact that the accredited representative had refused to discuss the text of the Treaty with the Commission.

M. VAN REES agreed with M. Rappard's text. He thought, however, that the first sentence might be amended as suggested by M. Merlin.

After further discussion, *the following final text* (Annex 20) was adopted :

“ The Commission has taken note of the text of the Treaty of Friendship and Alliance between France and Syria, and the Protocols and letters relative thereto which are annexed to the report for 1933.

“ Being desirous of entirely reserving its opinion as to the political maturity of the populations under mandate and, therefore, as to the date and manner of their emancipation, the Commission has deliberately refrained from any comment upon the Treaty. This instrument, which is not yet finally binding upon the two parties, is intended only to regulate the relations between the mandatory Power and the Syrian community after the termination of the mandate, no proposal for which, the Commission observes, has yet been brought before it.”

Syria and the Lebanon : Petition, dated April 30th, 1934, from M. Réchid Mélouhi.

M. RAPPARD, after explaining briefly the contents of the petition, said that he desired to ask the accredited representative a few questions concerning it.

M. de Caix came to the table of the Commission.

The CHAIRMAN said that the Commission, making an exception to the rules it had established, had decided to examine M. Réchid Mélouhi's petition—which had been received from the mandatory Power during the present session—instead of adjourning it to a later session. As the mandatory Power had not sent with it any detailed observations, the Commission had decided to ask the accredited representative for further explanations.

M. DE CAIX said that he was prepared to answer any questions that the Commission might wish to ask him.

M. RAPPARD enquired whether M. de Caix could give any information concerning the “ Committee for the Defence of Parliamentary Institutions ”.

M. DE CAIX said that he knew no more than was stated in the French Government's covering letter, which noted that no body established under this title and for this purpose had been registered.

M. RAPPARD enquired whether any parliamentary body had been holding sittings since the suppression of the official activities of Parliament.

M. DE CAIX replied in the negative. He added that there had been at least one meeting, but not of an official character.

M. RAPPARD asked whether the order of events as described in the petition was correct. The Syrian Government maintained that the President of the Chamber should not have authorised the opening of the discussion on a question that had not been referred to a committee, to which the President had replied that the High Commissioner's representative should have intervened earlier at the sitting in question.

M. DE CAIX was in a position to explain. When the sitting had been declared open, the question not being yet on the agenda, a member of the Opposition had risen to attack the Treaty. The Minister of Finance had then intervened, not to speak on the substance of the matter, but in order to insist that the rules of the Assembly must be respected by referring the Treaty to a Committee. A member of the Government had thus attempted to arrest the debate, while the President of the Chamber had not felt himself called upon to intervene. As these irregular proceedings continued, their irregularity being heightened by the reading of a motion prepared and signed outside Parliament, the High Commissioner's delegate was forced to act. It was curious that the President of the Chamber should be blaming the High Commissioner's delegate for having done what he himself as President ought to have done from the outset.

M. RAPPARD asked for explanations on the following paragraph of the petition, in which the author seemed to be speaking in his own name :

[*Translation.*]

“ The economic policy, or, in other words, the economic schemes that the authorities promise the country, can be explained in one word : heavy concessions, concessions to be granted to French companies, to the detriment of the country, on the lines of the Bank of Syria and the Lebanon. The authorities, fearing lest the Chamber might object to the renewal of the concession of the Bank of Syria, the tobacco *régie*, the asphalt development scheme, the draining of the Arnouk plain, etc., and alleging as a pretext the refusal to accept the Treaty, ordered the suspension of the deliberations of the Chamber, as if the Chamber had nothing to do but consider the Treaty and as if, when the Treaty had been refused, its functions would cease.

M. DE CAIX replied that those allegations were not relevant. In point of fact, the most important of the affairs mentioned—namely, the Bank of Syria, which had the right to issue the paper money, had a contract which would expire only some years hence. As to the various concessions, those already existed and there was no question of modifying them or

granting new ones. There was no justification at all for trying to establish a connection between those concessions and the adjournment of the Chamber.

M. RAPPARD referred to the letter from the President of the Council of Ministers informing the President of the Syrian Chamber of the budgetary cuts affecting members of Parliament. M. de Caix had already furnished the Commission with explanations on the subject. M. Rappard was not surprised that the deputies should have attributed those cuts to motives other than economy, but desired some assurance that the reductions in question were simply part of a general programme of reductions.

M. DE CAIX replied in the affirmative. The endeavour to secure economies was not limited to Syria; Parliamentary allowances had been drastically reduced in the Lebanon also. He was unaware that any economies had been effected outside the general plan or which could be described as special measures aimed against the Syrian Chamber.

M. RAPPARD was also interested in the fact that the Government accused the President of the Chamber of having allowed the discussion to continue; whereupon the President appeared to have replied that the Government, being present at the sitting, could simply have intervened sooner. That was a strange view of parliamentary procedure.

M. DE CAIX said he had just explained this point and how the events had happened. The Government had taken action when the President had done nothing to stop an irregular discussion. He had apparently disregarded all the rules of Parliamentary procedure and particularly the duty to refer Bills to a Committee.

M. RAPPARD suggested that, in many Parliaments, a general discussion was possible before reference to a Committee. Was that the case in the Syrian Parliament, and were there any precedents in the matter?

M. DE CAIX did not think so. He believed that the rules of the Chamber, as well as customary procedure both in Syria and in the Lebanon, were opposed to such a course.

M. RAPPARD enquired whether the general programme of reductions or only the part relating to Parliament had been communicated to the President of the Chamber.

M. DE CAIX did not know in what manner the economies decided upon had been communicated to the President in so far as they concerned, in particular, the Chamber and its Secretariat. The Government, however, had merely given effect to a law passed in the spring authorising the Government to make large reductions in staff and consequently in expenditure.

It seemed difficult to admit that anyone so correct as Hakki Bey el Azem, the President of the Council, had not observed the customary forms in making his communications.

M. RAPPARD concluded that, normally, the Government could not promulgate the budget. Attention should, however, be drawn to Article 116 of the Syrian Constitution, which was quoted on page 20 of the petition and which he proceeded to read. When the Chamber re-assembled, would it have to examine the draft budget framed in its absence?

M. DE CAIX said it should be remembered that the High Commissioner had, on November 30th, provisionally empowered the President of the Republic to promulgate, especially in budgetary measures, decrees having force of law. The reductions had, moreover, been authorised by the Chamber.

M. RAPPARD asked whether the 1934 budget would or would not be discussed by the Chamber.

M. DE CAIX said it might be, but was not bound to be, owing to the powers accorded to the President of the Republic.

M. RAPPARD thought that, in all probability, directly the Chamber met, a deputy would propose the restoration of the parliamentary allowances.

M. DE CAIX agreed that this might happen, but the steps taken, to which he had referred, might prevent any such attempt.

M. RAPPARD confessed that he did not think it very wise of the President of the Council, in his letter of January 31st, simply to have informed the President of the Chamber of the cuts in the Parliamentary budget without adding that those reductions formed part of a general programme. It was quite understandable that Parliament should have interpreted that as an act of ill-will against it. Some other method might have been adopted.

M. DE CAIX observed that there might have been previous correspondence on this subject which he did not remember. The President, however, knew what was happening as a result of the adoption in the spring of the law authorising the Government greatly to reduce staff and consequently expenditure.

CLOSE OF THE HEARING OF THE ACCREDITED REPRESENTATIVE.

The CHAIRMAN thanked M. de Caix for his collaboration and for the courtesy and competence with which he had assisted the Commission.

M. DE CAIX thanked the Chairman and the members of the Commission for the friendly welcome they had accorded him, as at all previous sessions.

M. de Caix withdrew.

Syria and the Lebanon : Petition, dated April 30th, 1934, from M. Réchid Mélouhi
(continuation).

M. RAPPARD said that he, personally, would be inclined to attach only limited belief to the petitioner's statements, but that, on the other hand, he had not received a very favourable impression of the way in which the whole matter appeared to have been handled. True, the dissolution of the Chamber had been ordered in virtue of a provision of the Syrian Constitution, but one could not help feeling, all the same, that that act had, in many respects, approximated to a *coup de force*. The existing Constitution did not, after all, appear to have provided for or authorised such interventions. The fact of promulgating a budget might, in itself, be questionable. Moreover, a letter like that of the President of the Council to the President of the Chamber, communicating only those provisions which related to cuts in the budget of the Chamber, was calculated to irritate those concerned.

M. ORTS said that, on the first point—the action of the mandatory authority in stopping the discussion—he had been satisfied by M. de Caix's explanations. Indeed, the President of the Chamber, in neglecting to stop the debate, had permitted a breach, not only of the rules of procedure, but of the Constitution itself. The Minister of Finance had attempted to suspend the debate, but had not succeeded, and it was only then that the representative of the mandatory Power had intervened. He could not be criticised for that.

As regards the second point, M. Orts was inclined to think that it would have been better, in the circumstances, not to have made any cuts in the budget of the Chamber and thus avoided damaging the latter's prestige. An additional reason for refraining from such cuts was that, in point of fact, they would not effect any very considerable saving. The action taken was such as might lead members of Parliament to think that it was an act of reprisal. It complicated matters quite unnecessarily. Lastly, the actual form of notification was rather unfortunate. M. de Caix had said that there had perhaps been some previous correspondence, but the Commission had not seen that correspondence. In short, it would seem that the Government had not displayed as much tact as might have been desirable in exercising general authority to cut down the budget, with which it had been invested by a vote of the Chamber.

Frontier between Syria and Palestine (Western Section) : Opinion of the Commission.

The Commission adopted the text of its opinion for submission to the Council (Annex 20).

FOURTEENTH MEETING.

Held on Thursday, June 7th, 1934, at 3.30 p.m.

Tanganyika Territory : Examination of the Annual Report for 1933.

Mr. J. A. Calder, Colonial Office, accredited representative of the mandatory Power, came to the table of the Commission.

WELCOME TO THE ACCREDITED REPRESENTATIVE.

The CHAIRMAN welcomed the accredited representative on behalf of the Commission and enquired whether he wished to make a general statement on the position of the territory.

STATEMENT BY THE ACCREDITED REPRESENTATIVE.

MR. CALDER.—It is a pleasure for me to have this early opportunity of coming to Geneva to assist the Permanent Mandates Commission in its examination of the report on Tanganyika for 1933. It is not quite a year since I became responsible for the department at the Colonial Office which includes Tanganyika. I have found it most interesting to revive my acquaintance with the affairs of a territory with which my previous contact was in 1924, when I visited it as secretary of the Parliamentary Commission of Enquiry under Mr. Ormsby-Gore. There has been substantial progress in the territory since 1924, and many of the recommendations made by the Ormsby-Gore Commission have been carried into effect.

The normal practice of His Majesty's Government is to send as its accredited representative a high official from Tanganyika, but, on this occasion, recent changes in the personnel of the Tanganyika Administration made an alteration desirable. Since the last report on Tanganyika was examined, both the Governor and the Chief Secretary have been changed. Lieutenant-Colonel Sir Stewart Symes has been appointed Governor-General of the Sudan, and has been succeeded in Tanganyika by Sir Harold MacMichael, who has had long and distinguished service in the Sudan. Mr. D. J. Jardine has been appointed Governor of British North Borneo, and has been succeeded by Mr. P. E. Mitchell, whose previous experience as Secretary for Native Affairs should be most valuable to him in his new post. Sir Harold MacMichael arrived in

Tanganyika in February, so, at this date, he has been only a few months in the territory. I know, however, that it is his wish to make the acquaintance of the Permanent Mandates Commission at the first suitable opportunity, and it is very probable that, when the 1934 report is being examined, Sir Harold will be accredited representative of His Majesty's Government.

I trust that the report for 1933 will be found clear and detailed. For the greater part of the year the financial position continued to give cause for anxiety, and every possible economy in administration had to be observed. Nevertheless it is possible to repeat with confidence the assurance, which was given by Sir Stewart Symes last year,¹ that the public services have been maintained, and that no vital organ of the administration has suffered unduly.

In many ways, 1933 was a year of substantial achievement in Tanganyika. Despite the world depression, the continuance of low prices for primary agricultural products, adverse weather conditions and some locust damage, the official efforts to increase production were remarkably successful. Record production figures were reached for sisal, coffee, cotton, gold, groundnuts, hides, rice and beeswax—eight of the nine main products of the territory. In the case of sisal, the export showed an increase of 15 per cent in volume and 26 per cent in value over 1932, which was itself a record year. In cotton the increase over 1932 was 58 per cent in quantity and nearly 51 per cent in value. Coffee showed an increase of 12 per cent in quantity, hides and skins an increase of 52 per cent in quantity and beeswax an increase of 74 per cent, as compared with 1932.

In the last few months of the year, the increased production which had resulted from the Government's efforts began to be reflected in the public revenues. Thus, under the two revenue heads of Customs and licences and taxes, the receipts for the year exceeded by £63,000 those for the twelve months ended December 31st, 1932. The actual revenue and expenditure figures for 1933, which are now available, show that the revenue was £1,564,538, and the expenditure, excluding loan expenditure, was £1,651,794. The actual deficit on the year was therefore £87,256 and it is hoped that, in the current year, the budget will be balanced.

The railway figures for 1933 are : Revenue, £532,092 ; expenditure, excluding loan expenditure, £644,728 ; deficit, £112,636. There are few possibilities of further economies in railway expenditure. The position can be improved only by increased traffic. One reason for loss of traffic is uneconomic competition by motor-lorries, and the Government has assisted the railways by enacting the Carriage of Goods by Motor (Prohibition) Ordinance, which prohibits motor traffic operating in competition with the railways. The Ordinance came into force on April 20th, 1934.

In accordance with the request made at the examination of the 1932 report,² papers giving details of the postal union between Kenya, Uganda and Tanganyika have been forwarded to the Commission. These papers show clearly the various advantages which were expected from the scheme of unification, and it will be observed, from page 109 of the 1933 report, that the results of the first year's working have justified the union. The actual expenditure on Posts and Telegraphs in 1933 was £80,973.

There has been an interesting development in connection with postal matters since the 1933 report was prepared. It will be seen from the notes of the discussion at Dar-es-Salaam on May 20th-25th, 1932, between the Postmaster-General, Kenya, and the Acting Postmaster-General, Tanganyika, that, although it appeared desirable to adopt a common stamp for all three territories, the two officials decided that, for the present, no change need be made. That decision was taken over two years ago, and the union has now been functioning with different stamps for a year and a half. It became clear that some of the advantages of the postal union were being sacrificed thereby, and, for other reasons, it became desirable to have a new stamp issue in Kenya and Uganda. In the circumstances, His Majesty's Government decided, after careful consideration, to approve of the issue of a common stamp for all three territories. The names of all three territories will appear on the new stamps. Prizes were offered for the best designs, and it is expected that the new stamps will be issued in the course of a few months. The decision to issue a common stamp has been based solely on considerations of public convenience.

As regards Customs policy, it will be noted from page 21 of the report that, in February 1933, the Governors were in agreement that a continuance of the present Customs union, which has now been in force since August 1927, was to the advantage of all three territories. Tanganyika finds a convenient market in Kenya and Uganda for her surplus production of rice, copra, manufactured tobacco, ghee and other products. It is estimated that, in 1933, products of Kenya and Uganda to the value of £180,160 were consumed in Tanganyika, and products of Tanganyika to the value of £153,055 were consumed in Kenya and Uganda. The detailed statistical memoranda on the general results of the Customs union, which were called for by the Governors' Conference in October 1933, were examined by the Governors' Conference in

¹ See Minutes of the Twenty-third Session of the Commission, page 44.

² See Minutes of the Twenty-third Session of the Commission, page 191.

May 1934, and the conclusion was reached that the division of inter-territorial trade between the three territories had reached substantial parity.

It is regretted that certain of the documents to which reference is made in the report—*e.g.*, the annual reports of the Provincial Commissioners for 1933 (page 20) and the Blue Book for 1933 (page 54)—are not yet available. Many of the departmental reports for 1933 are also not yet printed. These reports cannot be compiled until the full figures for 1933 are available. It is not possible for many of them to be printed and published within five months of the end of the calendar year.

Finally, attention may be called to the excellent map which is enclosed with the report. It is a map which had been prepared for the Tanganyika Education Department for use in schools in the territory. It is more elaborate (and incidentally more expensive) than it would normally be possible to include in an annual report. It was decided, however, that special arrangements should be made on this occasion in order to place such a useful map at the disposal of the Commission.

DEPARTURE OF SIR STEWART SYMES.

M. RAPPARD enquired whether the transfer of Sir Stewart Symes, after so short a term of office as Governor of the territory, was due to accidental circumstances or whether it indicated a change of policy on the part of the mandatory Power. The Commission had noted in previous years the great advantage derived by the territories under British administration from the permanency of the regime.

Mr. CALDER replied that the transfer had been due to quite accidental circumstances, which had made promotion desirable.

MAP OF THE TERRITORY.

The CHAIRMAN observed that the Commission was particularly grateful to the mandatory Power for having appended to its annual report a new map of the mandated territory.

M. ORTS pointed out a slight inaccuracy in the map of the territory : the frontier line between Tanganyika Territory and Nyasaland, instead of following the eastern shore, should be equidistant from the eastern and western shores of Lake Nyasa.¹

DATE OF TRANSMISSION TO THE COMMISSION OF DEPARTMENTAL REPORTS AND OTHER DOCUMENTARY MATERIAL.

The CHAIRMAN observed that the mandatory Power had forwarded to the Commission, as in the past, reports on the work of the various Departments of the Tanganyika Government (Education, Posts and Telegraph, Mines, etc.), all referring to the period 1932. The Commission had always found such reports of great assistance in the examination of the annual report. Clearly, however, reports and publications were of less use if they reached the Commission after a year's delay. The Commission would be grateful if the mandatory Power could arrange for them to reach it in time to examine them with the annual report.

Mr. CALDER said that he would forward the request, but that it would be difficult for the Government to get out all the departmental reports within five months of the end of the year.

Lord LUGARD asked whether it would be possible for the Commission to receive Government ordinances as they were enacted (as was formerly the case), instead of waiting until they were collected in one volume.

ISSUE OF A COMMON STAMP : GOVERNORS' CONFERENCE.

M. RAPPARD said that the Commission would like to be better informed on the subject of the Governors' Conference. The report was very discreet on the matter. The Commission would like to know what type of questions were discussed.

M. PALACIOS said that he would go even further ; he would like to have before him the Minutes of the meetings and any other documents that might enlighten the Commission on the subject. The Commission had received certain information when the Governors' Conference was first constituted. It was only right that it should continue to receive all sorts of official information when the competence of the Conference had been extended and the latter had become more important.

He would like to ask the following question :

It appeared from the *East-African Standard*, of January 27th, 1934, that the Dar-es-Salaam Chamber of Commerce was still in favour of the closer union scheme as set forth in the Wilson report. Did the closer union movement, which had been abandoned by the mandatory Power, still find supporters in the three territories, and in Tanganyika, in particular ?

¹ Mr. Calder, while revising the record of his interventions on the provisional Minutes, stated the following :

“ The map is correct in showing the boundary following the shore of the lake ” (see Article 2 of the Agreement between the British and German Governments of July 1st, 1890).

Mr. CALDER replied that the Commission's request concerning the Minutes of the Governors' Conference would be brought to the notice of the Tanganyika Government. The meetings were informal and the Minutes were brief and confidential. Nothing was published except a brief *communiqué*. When the Governors were unanimous that a certain course of action should be adopted, each Governor, on his return to his own country, took action to implement the decision reached.

He stated that, while parties still existed in the territory in favour of closer union, that fact had not affected the Government policy.

M. PALACIOS said that the Commission had, however, received from the mandatory Power an extract from the Minutes of the Conference of East-African Governors in April 1932, to the effect that "the Conference agreed that the Postmasters-General of Kenya, Uganda and Tanganyika should consult and report on" various questions relating to the amalgamation or further unification of Posts and Telegraphs.

Mr. CALDER replied that that extract confirmed what he had said. The Governors were in agreement, and the Postmasters-General would be instructed on the general lines agreed upon by their respective Governors. Whatever agreement was come to by the Conference, the final decision as to the action to be taken rested in every case with the Governor of each territory.

M. PALACIOS said that it was exactly that kind of information that he had asked for as being of the greatest interest to the Commission.

He commented on the accredited representative's statement that it had been decided to issue a common stamp for the three East-African territories. He doubted whether that was compatible with the status of the mandated territory. It was the Commission's duty to see that the separate identity of Tanganyika as a mandated territory was safeguarded.

Mr. CALDER replied that, in the opinion of His Majesty's Government, the fact of there being a common stamp was quite compatible with the status of Tanganyika. Since 1911, Kenya and Uganda had had a common stamp and no one had suggested that their separate identity was compromised thereby.

The CHAIRMAN pointed out that there was no analogy between the international status of Tanganyika and that of the other two territories.

M. PALACIOS emphasised his doubts as to whether a common stamp was compatible with Tanganyika's status as a mandated territory, and thought that its issue might perhaps be symbolic of a trend of affairs contrary to what the Commission had stipulated on several occasions, more particularly during the discussion on closer union.

NATURALISATION.

Lord LUGARD enquired when there was likely to be a final settlement of the question whether residence in mandated territories should qualify for naturalisation.¹ The matter had been under discussion for some six or seven years. The question had been raised in the House of Commons in April and in May 1933 and Mr. Thomas had stated that, while "agreement had been reached in principle at the last Imperial Conference that the power of granting certificates of naturalisation should be extended so as to cover persons resident in mandated territories, there were other minor points on which it was thought that amendment of the British nationality law might be desirable" and on which consultation with the Dominions would be necessary.

Mr. CALDER replied that those points were still under discussion between the Dominions Office and some of the Dominions.

QUESTION OF THE SETTLEMENT IN TANGANYIKA OF JEWISH FAMILIES FROM EASTERN AND CENTRAL EUROPE.

Lord LUGARD enquired whether there was any foundation for the Press report that a scheme had been submitted by the leaders of the Jewish community in Kenya for the settlement of 1,000 Eastern and Central European families in East Africa, some of them in the Usambara and Iringa areas of Tanganyika.

The telegram from Nairobi added that the scheme was now before the Resettlement Committee in London and the League Refugees Commission—from which it would be inferred that it was taken seriously.

Mr. CALDER replied that he had no detailed information on the subject, but said that any scheme for settlement in Tanganyika would have to be submitted to the Government of Tanganyika.

SECOND CONFERENCE OF CHIEFS IN THE LAKE PROVINCE.

M. ORTS, referring to the second conference of chiefs in the Lake Province, noted that the main resolutions concerned the "verification and consolidation" of native law and custom,

¹ See Minutes of the Twenty-third Session of the Commission, page 55.

particularly with regard to marriage with a view to the standardisation of the customs of the several tribes, that another important decision had been taken in connection with the maintenance and treatment of lepers and that it had been resolved that, in order to get the maximum results, Native Treasury funds should be pooled and one central leper settlement and treatment centre maintained for the whole area (annual report, paragraph 17).

He enquired whether effect had been given to those recommendations by the Administration, and whether such Conferences were held in any of the other provinces.

Mr. CALDER replied that, so far as matters related to native law and custom, there was no occasion for Government intervention. Native marriage laws and the segregation of lepers were dealt with by the native administrations. The latter, however, could take no action in regard to the pooling of native funds for leper treatment without Government sanction. It was an interesting symptom that the chiefs in the Lake Province should wish to meet and formulate a common policy to be followed in their chiefdoms. Fuller particulars would doubtless be found in the reports of the Provincial Commissioners for 1933.

FEDERATION OF NATIVE ADMINISTRATIONS AND TREASURIES.

Lord LUGARD enquired whether any further progress had been made in the matter of federation of "native administrations" and treasuries.

Mr. CALDER replied that there had been no big move in the direction of federating separate native administrations since the 1932 report. Occasionally, a small native unit was transferred for greater convenience of administration.

QUESTION OF THE CREATION OF A LOCAL CIVIL SERVICE.

M. VAN REES enquired whether anything further had been done with regard to Sir Stewart Symes's proposals for the creation of a local civil service for Tanganyika.

Mr. CALDER replied that the proposals had been approved by the Secretary of State and that full particulars would be given in the 1934 report.

AGREEMENT BETWEEN TANGANYIKA GOVERNMENT AND WILSON AIRWAYS, LTD.

M. ORTS desired further information concerning the agreement between the Tanganyika Government and Wilson Airways, Ltd. (annual report, Appendix V). The company in question was, it appeared, working on parallel lines with Imperial Airways. Article 15 of the agreement, he noted, provided that Government aeroplanes should not be employed for the transport of private individuals without the consent of the company. Had the company been granted a monopoly for the transport of passengers, or did it share some such privilege with Imperial Airways?

Mr. CALDER replied that no monopoly had been granted. Any other company was free to carry passengers and freight in Tanganyika and to use the Government aerodromes on payment of fees. The agreement referred to permitted of cutting down the number of Government planes and restricting their use to surveying, inspection of aerodromes, etc. The Wilson company was registered in Nairobi and operated in Kenya, Tanganyika and Zanzibar. Replying further to M. Orts, Mr. Calder stated that subsidies were granted under Article 2 in return for services rendered. It was estimated that the Government saving under the scheme in 1933-34 would be £2,700.

RAILWAYS : THE GIBB REPORT.

M. RAPPARD noted, both in the accredited representative's statement and in the annual report, references to the railway position, which appeared to be a source of serious worry. The poor receipts were attributed to lack of traffic and "uneconomic" lorry competition. The Administration had now regulated the position to safeguard the railways. Was it at the expense of the lorry-holders? What did road-users think of the measures? What exactly was meant by "uneconomic", used to define the character of the competition made by the lorries?

Mr. CALDER thought that it was generally agreed that competition between railways and motors was uneconomic when motors were allowed to pick and choose the best paying traffic, while leaving the bulky and unprofitable traffic to the railways. The 1933 Ordinance imposing heavy licence duties on motor vehicles had not worked satisfactorily, owing to the difficulty found by the licensing board in fixing rates. It had accordingly been decided to introduce the practice of prohibiting motor-lorries on certain routes. The Ordinance would expire in December 1935, unless it was renewed.

M. RAPPARD wondered whether the Government enactment was explained by the fact that the railways were owned by the Administration.

Mr. CALDER replied that the railways were an essential means of transport for the territory as a whole; he thought that Government would have been prepared in any case to take measures to prevent their running at a loss.

Lord LUGARD enquired whether the Mandates Commission had received copies of "Sessional Paper No. 4 of 1933—Memorandum setting out the Views and Conclusions arrived at by the Railway Advisory Council of the Tanganyika Territory on Certain Questions raised by Mr. Roger Gibb's Report". He asked also that the Commission might be given information concerning "the zone-rating system" on the Kenya railway and the "rate war" referred to at the November meeting of the Legislative Council.

He noted the remarks of the Chairman of the East-African Section of the London Chamber of Commerce (who, he believed, was himself an authority on railway matters) to the effect that "the Tanganyika railways were suffering severely from the loss to the Uganda Railway of much traffic originating in their territory which they had a natural right to carry". This opinion was expressed on the occasion of an address by an official of the Tanganyika railway in February 1933, and he would be glad to know whether it was shared by the Tanganyika Government.

Mr. CALDER replied that those requests would be duly noted.

M. RAPPARD enquired what had become of the Lindi Railway.

Mr. CALDER said that it had been sold some years previously to a sisal undertaking for use as a tramway; it was, he thought, no longer in use.

PUBLIC FINANCE : TAXATION.

M. RAPPARD observed that, but for the railway budget, the finances of the territory would be flourishing.

He noted the distinction between "recurrent and special" expenditure and "extraordinary" expenditure (annual report, page 34).

Mr. CALDER replied that "extraordinary" expenditure was on public works, while "special" expenditure was some unusual departmental expenditure.

M. RAPPARD noted (page 35) that the accumulated Railway surplus balance of £42,259 at March 31st, 1932, was reduced by the item "Add Railway share of guaranteed loan, 1952-1972" and the further item "Less deficit for the period April-December 1932"; he pointed out that there was a surplus balance at the end of the year but only thanks to the loan, which meant, of course, an increase in the debt.

Mr. CALDER said that the £77,443 representing the Railway share of the guaranteed loan was a refund of capital expenditure which had previously been defrayed from revenue.

M. RAPPARD, referring to pages 37 to 39 of the report, noted that, for Posts and Telegraphs, expenditure had always exceeded revenue since 1929-30. There seemed to be an indication that, since 1932, when it was £68,829, the expenditure on that item had been going up. He enquired how the expenditure on Posts and Telegraphs was allocated as between the several territories, and what proportion was borne by Tanganyika.

Mr. CALDER replied that local expenditure was borne by the various territories, each of which was responsible for a certain proportion of the expenditure at headquarters and on outside transport of mails.

M. RAPPARD directed attention to the statement in the annual report (page 41) that :

"An instalment of £500,000 on a further loan of £750,000 guaranteed by the Imperial Government under the Tanganyika and British Honduras Loans Act, 1932, was raised in June 1932 for the purpose of refunding to the accumulated surplus balances of the territory sums expended from revenue on capital works undertaken before the passing of that Act".

What was the purpose of that operation? The revenue had been sufficient to pay for the capital expenditure during the preceding period. The territory now incurred a debt, and increased its surplus balance—where was the profit to the territory?

He was not questioning the wisdom of the operation, but thought that a short-term bank overdraft would have been cheaper.

Mr. CALDER replied that, without the operation in question, there would not have been a sufficient balance for the working capital of the territory. It would have been necessary to borrow from the banks, possibly at a higher rate. The objects on which the loan was expended were recognised as being suitable for such expenditure.

M. RAPPARD noted that the Standard Bank of South Africa, Ltd., acted as bankers to the Government (paragraph 47), though most of the trade of the territory was with the United Kingdom.

Mr. CALDER pointed out that the Standard Bank had been established in the territory before any of the other banks ; Barclays Bank was a newcomer and was gradually extending its operations.

M. RAPPARD said that he was glad to see that, owing to a sound financial policy adopted, the position of the territory was not disquieting.

He added, further, that quite the most interesting features in the matter of finance were, in his view, the native treasuries and the poll tax. Tanganyika was unique in that the hut or poll tax constituted a very large part of its revenue (larger even than Customs), and that income was spent partly by the native treasuries. He enquired whether the native treasuries had any other source of income. He noted that in one district of the Northern Province they were engaging in agricultural credit operations (annual report, paragraph 28).

Mr. CALDER said that the native treasuries derived some additional income from court fees and local market fees. The District Officer in the Mbulu district of the Northern Province had sanctioned the desire expressed by the natives of that district that the native treasuries should advance small sums to responsible applicants. These sums were not so large as to endanger the credit of the treasuries, practically all of which were carrying forward more than one year's revenue.

M. RAPPARD noted that the Administration allowed natives to pay their taxes in instalments, by means of a special one-shilling and two-shilling stamp (paragraph 13). The money, he understood, was paid into the Post Office ; did the latter know whether the stamp was used for postal or for fiscal purposes ?

Mr. CALDER replied that the instalment system had been introduced in certain districts where the native taxpayers were wage-earners. One reason for the special stamp was to ensure that the taxes should not be credited to the postal revenue.

Lord LUGARD said that the Commission would be glad to know what exactly was the difference between an income tax and the graduated poll tax adopted by both Kenya and Tanganyika. Did commercial companies pay their fair share of tax under the latter system ? What reply had been received to the Acting Governor of Kenya's enquiries (reproduced in the *Times* of August 3rd, 1933) as to whether Tanganyika intended to adopt the other forms of non-native taxation introduced by Kenya ?

Mr. CALDER replied that Tanganyika had adopted a graduated non-native poll tax and also a package tax (page 56). The poll tax did not apply to companies—the real objection to the levying of income tax on companies in Tanganyika was that, if it were imposed, large numbers of companies might cross the border and establish themselves in Kenya, where it was not in force. The graduated poll tax was simpler to collect than income tax, as there were no complications in the matter of rebates, etc. It had brought in increased revenue from individuals.

Lord LUGARD asked that fuller details might be given in the next annual report. Referring next to the payment of taxes by non-officials and by officials, he observed that the total salary cut was estimated at £40,000 on the salaries of some 1,000 officials, whereas the 3,480 adult male non-officials paid only £29,400 by the poll tax (page 45). He asked when the Commission would receive Mr. Kitching's report on the native hut and poll tax (page 126).

Mr. CALDER replied that it was generally agreed that the levy on official salaries was high, and that tax would be discontinued as soon as the financial position permitted.

M. RAPPARD directed attention to the Salt Consumption Tax Ordinance enacted during the year (annual report, paragraph 79). One object of that ordinance, it was stated, was to legalise the tax on salt which had been collected previously without lawful authority, and to indemnify those responsible for such collection. Could the accredited representative state since when the tax had been collected and what were the sums involved ? It seemed strange that a tax should have been collected without lawful authority.

Mr. CALDER replied that a tax on salt had originally been imposed by the Germans and that the Salt Consumption Tax Ordinance had been judged necessary to regularise the position under the new Administration. The receipts from the tax were included under " Licences, Taxes, etc. ".

CUSTOMS POLICY.

Lord LUGARD desired information on Customs policy. The Governors' Conference had debated the question of Customs tariffs, etc., in October 1933, and decided to ask the various Governments in East Africa to submit detailed statistical memoranda. Could the Commission have copies of those memoranda or be informed of their contents ? He noted further that the May agenda of the Governors' Conference, as reported in a telegram to the *Times*, " included

examination of the incidence of the consumption tax, excise and trade licences and similar taxes coming within the orbit of the East-African Customs union, with a view to possible inequities affecting individual territories, particularly Tanganyika". What were those "inequities" affecting Tanganyika in particular? Were any further steps being taken in accord with the memoranda which Governors had been asked to submit (pages 21 and 22 of the annual report)?

Mr. CALDER replied that details had been given in the 1932 report of the reasons for the levy of a consumption tax on sugar. The Government was now assured a revenue from sugar manufactured in Kenya and Uganda and consumed in Tanganyika. It had been suggested that commodities other than sugar—wheat and butter, for instance—might be suitable objects for consumption duties. From Press reports of the Governors' Conference, however, it appeared that no adequate grounds existed for taking action in respect of such commodities. The request for copies of the statistical memoranda would be forwarded to the Tanganyika Government.

M. RAPPARD referred to the estimated commercial movement between the territories, of which mention had been made. He enquired on what that estimate was based. Was there any "inter-colonial" control of the movement, in the form of a check at the frontiers?

Mr. CALDER replied that the figures were set out in full in the trade report for 1933. Statistics of the trade between Tanganyika and Kenya and Uganda were based on shipping documents at the ports and, at the land frontiers, on railway documents; there was no doubt a check on such small quantities as were carried by motor.

The CHAIRMAN observed, as to the Customs, that the resolution adopted by the Commission at its twenty-third session¹ concerning closer union read as follows:

"The Mandates Commission asks the mandatory Power to continue to furnish complete and detailed information regarding the Customs system, and to supplement . . ."

The report for 1933 now stated (page 22) that, as regards the Customs service, the Governors' Conference had considered the expediency of "a fair inter-State division of revenue advantage".

The Commission would be interested to have fuller information and details, particularly as to the allocation of Customs receipts between the several territories. It would not be consistent with the mandate that the Customs revenue of Tanganyika should be used for the benefit of the Administrations of the other territories.

Mr. CALDER said that fuller information would be found in the trade report for 1933, which contained an analysis of imports, exports, re-exports and transit trade.

M. PALACIOS said that a question had been asked in the House of Commons concerning the Customs regime, and the Government had replied that the decision in the matter would depend on the conclusions of the Governors' Conference. The annual report now appeared to confirm the maintenance of the existing regime. The Governors' Conference, while accepting Sir Sidney Armitage-Smith's recommendations on other questions, had not endorsed his proposal for a revision of the Customs regime.

Mr. CALDER said that the Governor of Tanganyika had agreed with the other Governors in rejecting Sir Sidney Armitage-Smith's strictures on the Customs regime. Tanganyika had not accepted that part of the report but had, by means of the sugar consumption tax, taken action to remedy the loss of Customs revenue from sugar.

The CHAIRMAN asked whether the Tanganyika Customs revenue was kept in Tanganyika.

Mr. CALDER replied in the affirmative. Each Government kept the Customs duties collected at its ports, subject to a system of reciprocal duty credits in respect of inter-territorial transfers of imported goods.

The CHAIRMAN asked that figures might be given showing the distribution of Customs revenue as between Tanganyika and Kenya.

M. RAPPARD asked that figures might also be given showing the imports into Tanganyika through Kenya. That point, he said, had some bearing on the question of closer union.

Lord LUGARD, referring to Mr. Runciman's statement in the House of Commons last May that His Majesty's Government proposed to introduce quotas on certain imports in some British colonies and protectorates, enquired whether the proposal applied also to mandated territories.

Mr. CALDER stated that it did not apply to Tanganyika.

¹ Page 189.

IMPORTS AND EXPORTS.

M. MERLIN noted that the total volume of trade in 1933 had exceeded that for the previous year by £444,000, or 10½ per cent, and that domestic exports had increased in value from £2,190,148 in 1932 to £2,543,162 in 1933 (annual report, paragraph 58). Record production figures had been reached for sisal, coffee, gold, etc.

In the case of sisal, he noted, the number of establishments had increased : in 1932, there were twenty-four establishments employing 4,521 persons, and, in 1933, there were eighty establishments employing 13,334 persons (page 51). That increase, he suggested, was excessive and might lead to disappointment in the future, as the present sisal rates did not justify such enthusiasm.

Mr. CALDER replied that the sisal industry was conducted by Europeans, and the increased sisal production was not directly due to Government action.

Lord LUGARD expressed his surprise that grain (including maize) should constitute a considerable item both in the territory's imports and in its exports (annual report, pages 47 and 48).

Mr. CALDER thought that the imports and exports probably applied to different regions of the territory.

M. RAPPARD referred to two statements in the annual report (paragraph 35) : (1) " The favourable trade balance of nearly half a million pounds allowed . . . the liquidation of part of the losses and liabilities of the two preceding years ", and (2) " On the whole year's trading, the balance available to redeem the economic overdraft was £780,000, representing a 40 per cent surplus over the value of the imports ". What exactly was meant by an " economic overdraft " ?

Mr. CALDER agreed that the wording was loose ; what was meant was that exports exceeded imports—a reversal of the trade position in 1929, 1930 and 1931.

AGRICULTURAL AND TRADE EXHIBITION.

M. RAPPARD, referring to the Agricultural and Trade Exhibition (paragraph 16), asked how that would tend to stimulate native production, as the annual report suggested.

Mr. CALDER replied that, on seeing the exhibition of goods, the natives were impelled to greater efforts in the matter of production, in order that they might have money to purchase.

JUDICIAL ORGANISATION : PRISONS.

The CHAIRMAN directed attention to the statement in the annual report (paragraph 68) that " the Commission appointed by the Secretary of State to enquire into the administration of justice in criminal matters in East Africa has concluded its enquiries and has reported to the Secretary of State ". He enquired whether the mandatory Power had taken any decision on that report, whether the document had been published and, if so, what were the conclusions in regard to the mandated territory. At the twenty-third session, the accredited representative (Minutes, page 61) had said that a report of that nature would be sent to the Commission, if desired.

Mr. CALDER replied that the Secretary of State had decided not to publish the report in question until the Governments had been consulted ; it would be published at an early date with their comments.

The CHAIRMAN referred to the statement in the 1932 report (page 50) that statistics of the number of civil cases heard by the High Court and subordinate courts during 1932 were not available in time for inclusion in that report, but that it was hoped to include them in the next one. The statistics for 1933 were given on page 54 of the 1933 report, but those for 1932 did not appear there.

Mr. CALDER replied that that was an omission in compiling the 1933 report.

The CHAIRMAN referred to the statement on page 54 of the annual report that copies of the Tanganyika Territory Blue Book for 1933, containing further criminal statistics, would be supplied to the Mandates Commission. Could the accredited representative say when they would be forwarded ?

Mr. CALDER replied that the Blue Book would probably not be available for two or three months.

The CHAIRMAN referred to a statement on page 55 of the annual report (paragraph 78) that the recommendations contained in the report on the question of imprisonment in the territory had received the consideration of the Government. It was added that those recommendations had been carried out where possible, but that the question of making special provision for juvenile offenders had been held over owing to lack of funds. He enquired what were the chief recommendations adopted by the Government, and whether the important question of young offenders would be settled in the near future.

Mr. CALDER replied that the chief recommendations adopted had been the introduction of prison camps and the system of employing convict leaders (paragraph 76). The question of juvenile offenders would, he added, be settled as soon as finances permitted.

Lord LUGARD directed attention to an extract from the *Times*, of November 23rd, 1933 :

“ The Tanganyika Government announces that seventy-three natives, imprisoned for rioting in the Mwanza Province, have been released before their sentences were completed. Influenza had broken out among them, owing to the overcrowded condition of the gaol.”

The overcrowding of the gaol appeared to be a serious reflection on the administration of the prisons.

Count DE PENHA GARCIA asked whether the native subordinate courts had been working satisfactorily.

He noted that, according to the report (page 54), there had been a substantial increase in criminal cases in 1933. He enquired whether there had actually been an increase in criminality or whether the laws had been more strictly enforced. Did the convicts placed in charge of others receive any remuneration ?

Mr. CALDER replied that the native courts had been working very satisfactorily. He was not aware of any increase in criminality. He thought that convict leaders probably received remission of sentence.

POLICE.

Count DE PENHA GARCIA reverted to the apparent increase in crime and asked whether that was due to a shortage of police, who, judging by the budget, should, he thought, be adequate for the territory. There were 1,600 constables in addition to officers.

The CHAIRMAN, referring to the annual report for 1932 (page 54), pointed out that, the previous year, the African police had been decreased by nineteen details—twelve railway and seven harbour police. In 1933 (annual report, paragraph 80), the harbour police had been further reduced by thirteen details. What was the reason for that further reduction ?

Mr. CALDER said that it formed part of the Administration's scheme to balance the budget. The economies in the police force were not such as to impair their efficiency.

The CHAIRMAN urged that, if the establishment of the police were not regarded as excessive, in view of the size of the territory, the Government might economise on some other item of the budget.

Mr. CALDER replied that the Government would probably not admit that there had been any serious increase in crime ; very likely the police had been displaying increased activity.

Count DE PENHA GARCIA pointed out that very satisfactory results were obtained in other native territories with fewer police. Large regions of the territory could be patrolled by motor and by mounted police, though a larger force was required in the towns.

M. SAKENOBE thought that the information given in the report (page 57) on the police was too brief and asked that fuller details might be given in the following report. The Commission wished to know how the police were recruited, instructed and trained, and the conditions of discipline. He enquired whether there were any Indian police.

Mr. CALDER stated that full details were given in the police reports each year. He would note M. Sakenobe's request. There were thirty-two Indian sub-inspectors in the force, and a number of Indian clerks.

M. SAKENOBE pointed out that the number of constables in the territory was actually much higher than 1,600, since that figure did not include the native police in the native administration.

MILITARY : EXPENSES FOR THE UPKEEP OF TROOPS.

M. SAKENOBE noted that the health of the Southern Brigade, King's African Rifles, had been excellent, except for an outbreak of measles at Tabora (paragraph 84). He enquired whether there had been any deaths.

Mr. CALDER replied in the affirmative ; there had been a number of deaths in the measles epidemic, chiefly of children of the soldiers.

M. SAKENOBE noted that the discipline of the units stationed in Tanganyika was stated to be very satisfactory. He observed that the previous year there had been sixty-nine cases of imprisonment.

The CHAIRMAN noted the statement on page 57 of the annual report that the defence of the Tanganyika Territory and Nyasaland was undertaken by the Southern Brigade, King's African Rifles. He enquired what was the total of those troops. It appeared from page 39 that the estimates for 1934 amounted to £85,763 for military expenditure. He enquired how much Tanganyika contributed towards the upkeep of the troops, and what was the proportion of troops used for Tanganyika only.

Mr. CALDER replied that the total expenditure on the Southern Brigade for 1933 was £102,585. The whole of that expenditure was borne by Tanganyika, one-sixth of the amount being subsequently repaid by Nyasaland. The figure of £85,000 shown on page 39 of the 1933 report represented Tanganyika's final expenditure after one-sixth of the cost had been deducted.

The CHAIRMAN enquired whether a proportion of the troops corresponding to that contribution were stationed in Tanganyika.

Mr. CALDER replied that the only detachment stationed outside Tanganyika—at Zomba in Nyasaland—did not amount to one-sixth of the total.

ARMS AND AMMUNITION.

M. SAKENOBÉ commented on the increase in the number of firearms registered (page 59). He enquired whether the figures included the rifles of the troops and police.

Mr. CALDER said that he could not answer that question without consulting the Arms Registration Ordinance.

SITUATION ON THE FRONTIERS.

M. SAKENOBÉ enquired whether calm reigned on all the frontiers of Tanganyika. He asked whether frontier disputes were settled by the Administration or by special courts.

Mr. CALDER said that when a case arose on the frontier of Kenya, Uganda or Northern Rhodesia, it was no doubt decided in consultation with the officers of those territories which officer should try it. When cases arose on the frontiers of the Belgian Congo and Portuguese East Africa, similar informal consultation between the respective district officers probably took place.

M. SAKENOBÉ asked that further details might be given in the next year's report.

FAMINE.

Mlle. DANNEVIG, referring to the organisation of famine relief, pointed out that, according to the annual report (page 18), "not more than about 7½ per cent of the population affected" had received relief and that "food distribution commenced a little before it was really necessary". She noted, further, that relief had been given by the native treasuries (page 20) and thought that no better use could be made of such money than to help to relieve famine conditions.

Mr. CALDER said that it had been necessary for both the Government and the native administration to organise relief. He agreed that it should not be implied that famine relief was necessary, only if the natives would otherwise die of starvation.

CAMPAIGN AGAINST SLEEPING-SICKNESS.

M. VAN REES referred to the energetic measures taken to combat sleeping-sickness in the west of the territory (annual report, paragraph 14). Whole tribes had been evacuated and transported to other regions. He enquired whether that evacuation was a permanent or a provisional measure.

Mr. CALDER replied that it was intended that it should be permanent, on the ground that the natives were better off in closer settlements, which afforded protection from the tse-tse fly.

M. ORTS enquired whether the inhabitants evacuated from the infested regions had been given any assistance, in order to facilitate their settlement elsewhere.

Mr. CALDER replied that a full description was given in Appendix VI of the report. The natives were given help in the form of motor transport, free distribution of seed and financial grants to their native treasuries. The Uha native treasury received a grant-in-aid of £400.

Count DE PENHA GARCIA thought that that was not a very large sum. He understood that the Government policy was to develop agriculture and clear the forest land, with the object of eliminating the tse-tse fly. Had the scheme proved satisfactory from that point of view? He enquired whether the new settlement land became tribal or individual property.

Mr. CALDER replied that the concentrations were in the Western Province, where the population was very small and scattered. The tse-tse fly had flourished there because the

land was not sufficiently cultivated, but more and more bush country was now being cleared and the natives were being encouraged to go in for a rotation of crops. He stated (in reply to Count de Penha Garcia), that the land employed for the concentrations became tribal land, (to M. Orts) that it was land over which no other tribes had any claim, and (to Lord Lugard) that, though the natives were unwilling to leave their own locality, they were perfectly happy once they got settled in the new one.

Lord LUGARD enquired whether all or any of the four solutions referred to in the annual report for dealing with the tse-tse fly had been successful (annual report, page 31).

Mr. CALDER replied that all the methods described on pages 31 and 32 had been successful in varying degrees in different areas. The Research Department was, he said, continually experimenting and was now assured of funds. He stated, in reply to Lord Lugard, that the tse-tse fly was only found in scrub areas and that it had not been necessary to sacrifice big forest trees.

M. SAKENOBE referred to the Lindi Province (annual report, page 16, paragraph 20), which contained more than half a million population and was described as infested with tse-tse fly throughout its extent, with the exception of Songea District, and wished to know what progress had been made with the programme of concentration of the natives.

WITCHCRAFT.

M. ORTS enquired whether the particular form of benevolent witchcraft reported in the Lindi Province was causing any agitation (annual report, paragraph 19).

Mr. CALDER replied that the only additional information besides what was given in the annual report would be found on page 31 of the Provincial Commissioners' reports for 1932.

Mlle. DANNEVIG noted that the Mchape medicine employed as a cure was believed by some natives to come from America. There must be very few natives who knew of the existence of that country.

Mr. CALDER said that the Nyasaland natives were more advanced in education than those in Tanganyika ; many of them had some knowledge of the American negroes.

POLYGAMY.

Mlle. DANNEVIG noted with reference to the native courts (annual report, paragraph 25) that there was an increasing desire among the tribal authorities to punish adultery by imprisonment. The same difficulties existed as in West Africa with regard to polygamy. She observed, at the same time, that " no plural-wives taxes were collected in the Western Province, except in the Ufipa District " (annual report, paragraph 50). Could the accredited representative give any information on the subject? Was the explanation that the older men were growing richer, so that the young men had more difficulty in finding wives and got themselves involved in adultery? She asked that fuller information might be given concerning the remission of plural-wives taxes.

Mr. CALDER said that it was a grievance with the tribal authorities that the Government would not allow offenders in the type of case mentioned by Mlle. Dannevig to be put in prison, and the young men concerned were not able to pay fines. He added that the Western District was very poor and that tse-tse fly was prevalent ; the tax on plural wives had accordingly been remitted for one year.

Mlle. DANNEVIG hoped that the Administration would decide to look into the question, and that further information would be made available for the Commission.

FIFTEENTH MEETING.

Held on Friday, June 8th, 1934, at 10.15 a.m.

Tanganyika Territory : Examination of the Annual Report for 1933 (continuation).

Mr. Calder came to the table of the Commission.

AGRICULTURE.

Lord LUGARD noted that the Administration was encouraging agricultural production. He feared lest the tax on cotton (page 56) would restrict production of an industry which the Government was specially anxious to foster.

Mr. CALDER replied that this tax had replaced the excise duty which had been levied previously. It was very small, and the proceeds were used exclusively for the benefit of the cotton-planting industry.

Lord LUGARD read on page 124 of the report that measures had been taken to facilitate the marketing of native produce. Had the produce rates on the railways complained of in the Gibb report been abolished?

Mr. CALDER replied that some changes had been made in railway rates, but that the main recommendations in the Gibb report were still under consideration.

ORGANISATION OF THE PROVINCIAL STAFF.

Lord LUGARD, referring to page 113 of the report, asked whether reductions in the provincial staff had had any adverse effect.

Mr. CALDER considered that the retrenchment had not had any seriously adverse effect. Provision had been made in the 1934 estimates for three new administrative posts.

AFRICAN CIVIL SERVICE.

M. SAKENOBE asked for further information regarding the constitution of the African Civil Service (paragraph 130, page 81) and the "efficiency bar" examination.

Mr. CALDER replied that the African Civil Service was in process of re-organisation. Details would be given in next year's report. The efficiency bar examination had to be passed before a prescribed salary limit could be exceeded.

LABOUR.

Mr. WEAVER thanked the mandatory Power for having provided much fuller details regarding labour conditions, particularly as set out in an excellent Appendix VII to the report. He noted that much had been done to clear up the situation with regard to the withholding of wages. It was stated, for instance, on page 61 of the report, that the total number of persons charged with this offence had been 175, and the total number of persons convicted sixty-seven. That proved that a serious situation certainly existed. He calculated that the amount of money thus lost to the natives must be over £1,000. The report said the situation was now better. Could the accredited representative say whether matters had still further improved?

Mr. CALDER said that nearly all the cases in which a fairly large sum of money had been lost to the labourers were sudden bankruptcies in which the assets were practically nil. As business conditions had considerably improved in the course of 1933, he had a definite impression that the number of such cases would be less.

Mr. WEAVER asked whether the Administration was satisfied that the supervision of labour conditions was adequate to ensure the discovery of such cases. He noted, for instance, on page 153 of the report, that "arrangements have been made for the appointment of a Secretary of Labour in the Secretariat, who will be under the supervision of the Secretary for Native Affairs". Had that appointment been made?

Mr. CALDER replied that it had not yet been found possible to appoint this officer. On the other hand, the Government was satisfied that most of the cases in which wages were not paid eventually came to its notice.

Mr. WEAVER said there seemed to be no mention in the report of the present low rates of wages, which must make the collecting of taxes difficult. He noticed that the prices of sisal were improving. Did the accredited representative think that wages would soon improve proportionately?

Mr. CALDER said that the Government was bearing this possibility in mind, though, as far as he knew, there had been no increase in wages yet.

Mr. WEAVER asked what wages were paid in the goldfields. The general statement in paragraph 9, page 146, of the report did not throw much light on this point. Was any of this labour contract labour? With regard to contract labour in general, he noted that the number of desertions was small. In Annex VII, a rough percentage was given of the number of contract labourers in the sisal industry. Would it be possible in future reports to give the total number of contract labourers in the territory?

Mr. CALDER said that he had no detailed information regarding Mr. Weaver's first question. With regard to his second question, there was practically no contract labour except in the sisal industry. It might be possible to supply the required information in the next report.

Mr. WEAVER, referring to the rapid development of the new goldfields, gathered that labour conditions there were practically uncontrolled. Was any labour officer stationed in this area and what arrangements were made for medical attention?

Mr. CALDER replied that an Acting District Officer was stationed at Mbeya, one of whose principal duties was to supervise the labour market. With regard to medical attendance, all the mining was at present alluvial, and was conducted by small prospectors with a few labourers.

COUNT DE PENHA GARCIA asked whether these prospectors had any obligation to provide medical attendance for the native labourers.

Mr. CALDER replied that prospecting was so sporadic at present that it had been impossible for the Administration to lay down special regulations. It was the intention of the Government, as soon as any large enterprise was formed, to settle all these questions.

COUNT DE PENHA GARCIA asked whether, under the law, there was any arrangement under which part of the natives' wages were paid to Government officers in trust for the natives, and whether the Government agents had had to intervene in wages questions.

Mr. CALDER replied that, if the labourer wished to draw his wages in his home country, he could arrange that the employer should pay his wages to the local officer, who arranged that the money should be payable to the labourer or to his family in his home village. Otherwise, the Government agents did not intervene in wages questions unless there was reason to suspect some abuse. There was no system of holding wages in trust for natives.

MISSIONS.

M. PALACIOS noted on page 64, paragraph 96, of the report that two new missions had been established in the territory during 1933 : the Eldaha Pentecostal Mission and the Salvation Army. Of how many members were these new missions composed, of what nationality were they, and what work did they do?

Mr. CALDER replied that he had no details at present. The details would be forthcoming in the 1933 Blue Book, which would be forwarded to the Mandates Commission as soon as published.

Mlle. DANNEVIG noted that eighty new missionaries had come to the country in 1933. Were these engaged mainly in religious or in teaching work?

Mr. CALDER replied that probably the majority were mainly engaged in teaching.

Lord LUGARD observed that, after the war, the only missions allowed to work in the territory were the so-called " recognised missions ". Was this still the case?

Mr. CALDER said that, in Tanganyika, all such restrictions had now been abolished. Missionaries were merely subject to the ordinary immigration restrictions.

EDUCATION.

Mlle. DANNEVIG said it appeared, from page 65 of the report, that there had again in 1933 been a reduction (£5,342) in the expenditure on education. Was this reduction mainly due to retrenchment of staff, to the closing down of central and industrial schools, and to the reduction in the grants to various missions? Would the education grant be increased when general conditions improved?

Mr. CALDER said that there had been reductions under all the three heads referred to by Mlle. Dannevig. The financial position of the Government was improving, but it could hope to do little more than balance its budget in the current year. There would hardly be any surplus. He was sure, however, that when conditions further improved, education would be one of the first beneficiaries. The central schools had been closed partly for economic reasons and partly because it had been found very difficult to obtain employment for pupils leaving these schools. He did not think the central schools would be re-opened until it was probable that all pupils leaving them would be in a position to obtain employment.

Mlle. DANNEVIG noted, from page 72, paragraph 108, of the report, that the long overdue inspectorate for native schools had been organised during the year. She also noted in the same paragraph that the Government was intending to appoint an inspector for Indian education. How would the inspection of schools be carried out?

Mr. CALDER replied that the inspector in charge of each area would go round inspecting the schools. Inspection would cover all circumstances : teaching, the upkeep of buildings, school gardens, hygiene, etc.

Mlle. DANNEVIG asked whether the amount spent per head of population (page 67 of the report) meant the amount spent per child frequenting the European, native or Indian schools, or per head of the total population.

Mr. CALDER said that the calculations were based on the census report for 1931 (see page 102 of the report). The percentage spent per head of the population with regard to the Indians and natives was based on the total population. The figures did not, however, seem clear with regard to the basis of calculation of the European population, and he would ask the Tanganyikan Government to furnish an explanation on this point.

Mlle. DANNEVIG noted that the expenditure of 0.26 cents, or about a farthing, on the education of each native child (page 67) was exceedingly small, and was even less than in the preceding year. On the other hand, the amount spent on the education of European and Indian children had increased.

Mr. CALDER said that Mlle. Dannevig should bear in mind that the percentage of 0.26 cents was a percentage for the total native population, while it was an admitted fact that the bulk of the children of that population were not in receipt of education.

In reply to a further request by Mlle. Dannevig, the accredited representative said that, in the next report, information would be given concerning the native administration schools.

Mlle. DANNEVIG asked whether 10.58 per cent of the hut and poll tax was considered a reasonable amount to be spent on native education (page 67).

Mr. CALDER replied that the Government would like to spend more on native education but could not at present do so, unless it made further cuts under other heads.

Lord LUGARD asked whether the Government made any contribution to native elementary rural education. Was any education rate levied on the natives ?

Mr. CALDER said that elementary vernacular education was paid for by (a) direct payments by the Government to government schools, (b) Government grants to mission schools and (c) native contribution to native administration schools. These grants were not shown separately in the estimates.

Lord LUGARD noted that the European education cess had been abolished and asked what was the net cost to the Revenue of the education of a European child.

Mr. CALDER replied that it varied. In some cases, the education was completed in the territory ; in others, scholarships were granted for the continuation of studies outside the territory.

Lord LUGARD noted the statement on page 130 that the separation of the inspectorate from the teaching staff had been complicated by the possibility of establishing a Colonial Education Service common to all dependencies, and asked for information about this new scheme, and in what way it involved delay in creating the inspectorate.

Mr. CALDER replied that the reference was to the desire to create greater unity in the Colonial Service as a whole and not particularly in regard to the Education Department.

Mlle. DANNEVIG understood that part of the money provided for the education of European children came from the natives' pockets.

Mr. CALDER replied that that could not be admitted, but, of a total education expenditure of £88,000, only £5,800 was spent on the education of European children.

Mlle. DANNEVIG, with reference to paragraph 102 of the report, was glad to note the progress achieved in the education of native girls. The total amount spent on education was decreasing ; did therefore the increased expenditure on girls' boarding-schools (paragraph 104) adversely affect the education of boys, in that less money could be spent on that education ?

Mr. CALDER replied that the saving in respect of boys' education had been obtained partly by closing the central schools which had been found to be in advance of present requirements.

Mlle. DANNEVIG noted (page 65 of the report) that an Inter-Territorial Language Committee had met and that a Conference of Directors of Education had taken place. Which were the territories represented at this conference and what conclusions had been reached ?

Mr. CALDER replied that the Inter-Territorial Language Committee, consisting of representatives from Kenya, Uganda and Tanganyika, met to consider the possibility of standardising Swahili for use in schools throughout the three territories.

Mlle. DANNEVIG noted (page 130 of the report) that the possibility of the establishment of a Colonial Educational Service was being considered and hoped that the next report would contain more information on that subject. She further asked that the special sessional paper on the aims and policy of the Education Department, mentioned on the same page, should be communicated to the Commission.

Lord LUGARD asked whether the experimental school organised by Mr. Mumford at Malagali for the education of natives on native lines was still in operation.

Mr. CALDER said that it was, but that the curriculum had been modified, as it had been found desirable to give the boys some general industrial training.

CINEMATOGRAPH.

Lord LUGARD asked whether films were shown in Tanganyika and whether there was any film censorship.

Mr. CALDER replied that a number of films were shown and that there was a censorship. Full details would be given in the next report.

ALCOHOLIC LIQUORS.

Count DE PENHA GARCIA noted that the number of persons convicted under the Native Liquor Ordinance had increased from 190 in 1932 to 316 in 1933 (page 76). Could the accredited representative explain this increase? It was also to be noted that the importation of spirituous liquors had decreased that year (page 78) both in quantity and value.

Mr. CALDER explained that the increase of convictions under the Native Liquor Ordinance was due partly to better supervision. The liquor consumed was mostly native. The increase in offences was also partly due to an increase of native brewing.

Count DE PENHA GARCIA said that at the twenty-third session of the Commission¹ he had asked that information should be included in the annual report concerning the degree of alcohol and the harmfulness of certain native drinks. In reply (page 154, Appendix IX), the mandatory Power informed the Commission that it was not possible to calculate the alcoholic content of these drinks because it varied according to the quantity of sugar added. It was nevertheless stated that millet beer on analysis had been found in certain cases to contain 7 per cent alcohol. Did the accredited representative think that it would be possible to have similar analyses made of other beverages?

Mr. CALDER replied that it was quite possible to analyse samples, but there could be no guarantee that these samples would be representative. Their alcoholic content might vary.

Count DE PENHA GARCIA suggested that it might therefore be desirable to take samples frequently and provide in the Ordinance what the maximum alcoholic content could be.

Mr. CALDER thought it would be very difficult to enforce such legislation when the content could be so easily altered by varying the amount of sugar. Still, he would willingly pass on the suggestion.

Lord LUGARD was glad to see that a local brewery had been established. He had always advocated this course as a means of counteracting the consumption of spirits and even perhaps of potent native beverages. Did the natives appreciate this beer and what was its strength?

Mr. CALDER said he had no information on the subject. The brewery had only just been set up. He would ask that full details should be given in the next report.

PUBLIC HEALTH.

The CHAIRMAN said that from Appendix X, page 154 of the report, it would seem that the total number of doctors in Tanganyika Territory in December 1933 was 205. Could the accredited representative state whether he thought this was sufficient for the territory?

Mr. CALDER said that the question was very difficult to answer. The Administration felt that the best way to ensure adequate medical attendance throughout the territory was to train native subordinates in health work and thus spread a knowledge of hygiene farther afield. In this way also, the cost of employing a larger staff of European doctors could be avoided.

The CHAIRMAN noted the statement in the report on page 80, paragraph 128, that the number of persons admitted to hospital had increased during the year 1933 by 35,823 persons. Could the accredited representative explain this great increase?

Mr. CALDER said that it showed the native's appreciation of European medicine. There had been an even larger increase in the previous year as compared with 1931.

M. SAKENOBE said that, according to the statistics published in the report on page 85, the number of new cases of sleeping-sickness reported during the last six years seemed to be very small in comparison with the whole population. Were these statistics reliable?

Mr. CALDER replied that, though a number of early cases might not be brought to light, most of the advanced cases were discovered.

Lord LUGARD had seen a report in the *Times* in November to the effect that a series of annual conferences had been held at Entebbe with a view to co-ordinating research work in connection with the tse-tse fly. There was no mention of this in the report.

Mr. CALDER pointed out that it was referred to on page 32. A fuller reference to any similar conference could be made in next year's report.

Lord LUGARD, referring to page 129 of the report, noted with regret that some medical officers were still allowed to engage in private practice. Was such practice not likely to curtail the time left to them for their duties with the natives?

¹ See page 64.

Mr. CALDER explained that health officers were not allowed to engage in private practice and were consequently granted a compensatory allowance. This did not apply to ordinary medical officers, whose private practice often consisted in the attendance on the wives and children of other Government officers with or without fees. It would be impossible, on financial grounds, for the Government at present to grant these doctors an allowance in lieu of private practice, even if it were considered desirable to do so.

LAND TENURE.

M. VAN REES referred to the statement (paragraph 114, page 86 of the report) that "of the twenty-four new agricultural farms . . . in the Oldeani area, . . . twenty-one were sold during the year". Were these all purchased by Europeans, and did the purchasers obtain merely a right of occupancy or full ownership?

Mr. CALDER said that there was nothing to prevent Indians or natives purchasing these farms, but he believed that they had all been purchased by Europeans. The owners obtained only a right of occupancy.

EX-ENEMY PROPERTY.

Lord LUGARD had seen an extract from a German paper of March 24th last, in which it was stated that the final statement of the liquidation of the accounts of the ex-enemy properties was now available. The total realised was stated to be £1,344,600, and the percentage bought by different nationalities was given. Were the figures accurate? Further, what was the explanation of the item of £9,000 (paragraph 41, page 36 of the report) "Surplus on commission account of the custodian of enemy property"?

Mr. CALDER said that all ex-enemy property had now been definitely liquidated apart from a small sum which had been retained to meet unforeseen liabilities. He would see that the information required by Lord Lugard was included in the next report. The explanation of the item in revenue and expenditure to which Lord Lugard had referred was that the custodian charged a fixed sum for his services. Any surplus left over after expenses had been paid was handed over to the Government.

DEMOGRAPHIC STATISTICS.

M. RAPPARD said that the tables on pages 102 and 103 of the report were very interesting. He noticed that the number of Swiss (220) came immediately after the number of Germans (2,149) and Greeks (918), and well ahead of the French (199) and Dutch (141). In what occupations were the Swiss engaged?

Mr. CALDER said that some were planters, while others were engaged in trade.

M. RAPPARD, referring to the native census (paragraph 192), noted that the results were gratifying since they showed an increase of 6 per cent in five years and 22 per cent in ten years. Such an enormous increase in the last ten years was almost alarming, in that one might wonder, if the increase continued at this rate, whether the territory would be capable of sustaining its population. He supposed, however, that the increase was largely due to improved demographic methods.

Mr. CALDER could assure M. Rappard that the native population was still very far from congestion point. The increase was, as M. Rappard supposed, partly due to improved statistical methods.

M. SAKENOBE said he could not understand the meaning of the whole of paragraph 136 on page 84 of the report.

Mr. CALDER explained that special investigations had been begun in a number of native communities with a view to obtaining exact population statistics. It was hoped that, thus, useful vital statistics would be obtained year by year. As sleeping-sickness had caused heavy mortality in the selected area, the enquiry had been discontinued because the vital statistics no longer furnished an adequate criterion. It was probable that, in the circumstances, it had not been thought necessary to print the statistics which had been collected, but enquiry would be made.

CLOSE OF THE HEARING.

The CHAIRMAN thanked Mr. Calder for his assistance and for his assurance that such information as he had not been in a position to supply would be included in the next report.

Mr. CALDER thanked the Commission and withdrew.

Palestine and Trans-Jordan : Observations of the Commission.

After an exchange of views, *the Commission adopted the text of its observations concerning Palestine and Trans-Jordan* (Annex 20).

SIXTEENTH MEETING.

Held on Saturday, June 9th, 1934, at 10.30 a.m.

Syria and the Lebanon : Special Observations of the Commission.

After an exchange of views, *the Commission adopted the text of its special observations (Annex 20).*

New Guinea : Observations of the Commission.

After an exchange of views, *the Commission adopted the text of its observations (Annex 20).*

Nauru : Observations of the Commission.

The Commission decided that it was not necessary this year to submit observations to the Council.

Petitions rejected in virtue of Article 3 of the Rules of Procedure in respect of Petitions : Report by the Chairman.

The Commission approved the Chairman's report (Annex 4).

Togoland under British Mandate : Petition, dated April 4th, 1933, from the Chief and Inhabitants of Woamé, Togoland under French Mandate.

M. PALACIOS observed that, at the meeting on November 2nd, 1933 (Minutes of the Twenty-fourth Session, page 104), he had proposed adjourning the examination of the petition submitted concerning a frontier question by the inhabitants of Waomé (Klouto district, Togoland under French mandate). He had pointed out that, on that date, the mandatory Power against which the petition was directed—namely, the United Kingdom—had not forwarded any observations. Since then, a reply had been received in a letter dated London, February 22nd, 1934. It would, however, be necessary to ask the accredited representative of the mandatory Power and the accredited representative of France for further information, in order that the Commission might come to a decision with a full knowledge of the facts. M. Palacios proposed accordingly that the examination of the petition be further adjourned to the next session, when the two representatives would certainly appear before the Commission for the examination of the annual reports of the mandatory Powers concerned.

M. Palacios's proposal was adopted.

Palestine : Memorandum on the Development of the Jewish National Home in Palestine in 1933, accompanied by a Letter, dated April 30th, 1934, from the President of the Jewish Agency for Palestine.

After an exchange of views, *the Commission adopted the conclusions of Count de Penha Garcia's report (Annex 9).*

Syria and the Lebanon : Petition, dated September 1st, 1933, from Dr. A. Keyali (continuation).

The following note by Count de Penha Garcia, Rapporteur (document C.P.M.1530), was communicated :

“ On February 18th, 1933, the Syrian National Congress was held at Aleppo. It decided that Dr. A. Keyali, a former Member of Parliament and one of the leaders of the Nationalist Party, should draft a reply to the statement made by M. Ponsot, then High Commissioner of the French Republic in Syria and the Lebanon, to the Commission in 1932. This memorandum was drafted in Arabic, translated into French by Dr. Antaki, a professor at Aleppo, and forwarded to the High Commissariat for submission to the League of Nations.

“ When it sent this document to the Secretary-General of the League, the French Government requested that it should be transmitted to the Mandates Commission, and added :

“ ‘ The mandatory Government cannot, however, send observations at the same time, because the reply touches upon such a variety of subjects that observations could be formulated only after lengthy examination.’

“ The pamphlet which constitutes the petition comprises nearly 200 printed pages, being an introduction, four chapters, and conclusions. Despite the somewhat forcible language employed, there can be no doubt that, quite apart from the discussion of political questions, it contains assertions of which the Commission cannot properly judge without the observations of the mandatory Power.

“ In view of the importance of the subject with which it deals, I think we should intimate to the mandatory Power that the Commission is awaiting the observations mentioned in the covering letter of October 19th, 1933, before considering the petition in accordance with the rules of procedure in force.”

After an exchange of views, *the Commission adopted Count de Penha Garcia's proposal.*

Syria and the Lebanon : Petition, consisting of a Telegram, dated January 17th, 1934, and of a Letter, dated February 1st, 1934, from M. Sami Slim (continuation).

The Commission adopted the conclusions of Count de Penha Garcia's report, with a few drafting amendments (Annex 13).

Togoland under French Mandate : Petitions, dated February 2nd, March 28th, November 23rd, 1931, and May 22nd, 1932, from the “ Bund der Deutsch-Togoländer ”.

After an exchange of views, *the Commission adopted the conclusions of M. Orts's report (Annex 19(b)).*

South West Africa : Petitions, dated March 29th and April 5th, 1933, from Certain Members of the Rehoboth Community.

Mlle. DANNEVIG, Rapporteur for these petitions, said that she was obliged to postpone, until the next session of the Commission, the submission of her conclusions. She considered it necessary to obtain additional information during the hearing of the accredited representative of the Government of the Union of South Africa.

Petitions : Procedure with regard to Petitions received without the Observations of the Mandatory Power at the Opening of the Session.

M. VAN REES pointed out that, at the twenty-third session (Minutes, page 132), the Commission had decided that, when a petition reached it during the session, the discussion should be adjourned till the following session. He was of opinion that the Commission ought not to examine any petition that reached it unaccompanied by the observations of the mandatory Power at the opening of the session.

The Commission adopted M. Van Rees's proposal.

SEVENTEENTH MEETING.

Held on Monday, June 11th, 1934, at 3.30 p.m.

Syria and the Lebanon : Petition, dated April 15th, 1934, from M. Abdul Hamid al Djabri and Other Inhabitants of Aleppo.

The Commission adopted the conclusions of M. Sakenobe's report (Annex 15).

Syria and the Lebanon : Petition, dated March 7th, 1934, from M. Adib Safadi, M. Mounir Ajlani, and Other Inhabitants of Damascus.

The Commission adopted the conclusions of M. Sakenobe's report (Annex 14).

Syria and the Lebanon : Petition, dated December 7th, 1933, from Dr. Ouagih Baroudi and Other Inhabitants of Hama.

The Commission adopted the conclusions of M. Rappard's report, with a few drafting amendments (Annex 17).

Syria and the Lebanon : Petition, dated March 23rd, 1934, from Certain Inhabitants of Hama.

The Commission adopted the conclusions of M. Rappard's report, with a few drafting amendments (Annex 18).

Syria and the Lebanon : Petitions (Five in Number), dated November 20th, 21st and 26th, 1933, relating to the Franco-Syrian Treaty (continuation).

The Commission adopted the conclusions of M. Rappard's report (Annex 11).

Syria and the Lebanon: Petition, dated December 4th, 1933, from the Emir Chékib Arslan and M. Ihsan el Djabri.

The Commission adopted the conclusions of M. Rappard's report (Annex 10).

Syria and the Lebanon: Petition, dated April 30th, 1934, from M. Réchid Mélouhi (continuation).

After an exchange of views, the Commission adopted the conclusions of M. Rappard's report (Annex 16).

Palestine: Memorandum, dated May 1933, by the Executive of the General Council (Vaad Leumi) of the Jewish Community of Palestine; Memorandum, dated April 9th, 1933, by the Chief Rabbinate of Palestine; and Memorandum, dated May 11th, 1933, by the Central Agudath Israel (continuation).

After an exchange of views, the Commission adopted the conclusions of M. Rappard's report (Annex 5).

Date of the Next Session.

The opening date of the twenty-sixth session of the Permanent Mandates Commission was fixed for Thursday, October 18th, 1934.

EIGHTEENTH MEETING.

Held on Tuesday, June 12th, 1934, at 10.30 a.m.

Syria and the Lebanon: Petition, dated August 31st, 1933, from M. Mohammed Adib Haurani and Other Notables of Hama.

After an exchange of views, the Commission adopted the conclusions of M. Palacios's report (Annex 12).

Palestine: Petitions relating to the Incidents of October 1933 and to Jewish Immigration.

After an exchange of views, the Commission adopted the conclusions of M. Orts's report (Annex 8).

Palestine: Petition, dated May 25th, 1933, from M. Auni Abdul Hadi, Secretary-General of the Arab Independence Party, Jerusalem, communicating a Memorandum, dated January 8th, 1933 (continuation).

After an exchange of views, the Commission adopted the conclusions of M. Palacios's report (Annex 7).

Palestine: Petitions, dated June 12th and August 28th, 1933, from the Council Waad Adath Ashkenazim of Jerusalem.

The Commission adopted the conclusions of M. Rappard's report (Annex 6).

Tanganyika Territory: Observations of the Commission.

After an exchange of views, the Commission adopted its observations (Annex 20).

Syria and the Lebanon: General Observations of the Commission (continuation).

M. RAPPARD observed that the Commission had decided, quite rightly, not to express an opinion on the Franco-Syrian Treaty. There was, however, one important event, the suspension of the Syrian Chamber, which was mentioned in the annual report and which had been dealt with at length during the hearing of the accredited representative. That measure and the incidents preceding it had formed the subject of petitions on which the Commission had formulated conclusions after a full discussion.

In the circumstances, it would seem incomprehensible that the Commission's report should remain silent on the subject. He accordingly proposed, in agreement with several of his colleagues, whom he had consulted before the meeting, that the general observations adopted during the thirteenth meeting should be supplemented on that particular point.

After an exchange of views, *the Commission agreed upon the following additional text* (Annex 20) :

“ Further, the Commission has heard with interest the description given of the present political and parliamentary situation in Syria and the Lebanon. It regrets that the incidents which occurred in Parliament in connection with the publication of the Franco-Syrian Treaty obliged the mandatory Power to suspend the proceedings of the Syrian Chamber. The Commission hopes that the normal parliamentary regime—more particularly in the matter of the budget—will soon be restored.”

List of Works relating to the Mandates System and the Territories under Mandate.

The Secretariat distributed to members of the Commission the “ First Supplement of the List of Works relating to the Mandates System and the Territories under Mandate ” catalogued in the Library of the League of Nations.

Examination of the Draft Report to the Council.

The Commission adopted its draft report to the Council on the work of its twenty-fifth session, subject to a few drafting amendments (Annex 20).

Adoption of the List of Annexes to the Minutes of the Session.

The list of annexes was adopted.

During the exchange of views which took place, *the Commission, while deciding that it was not necessary this year to reproduce any texts of petitions as an annex to its Minutes, confirmed the principle which it has adopted from the outset—namely, that it reserves the right to publish as an annex to its Minutes any petition when it thinks fit.*

Representation of the Mandates Commission at the Council.

The Commission agreed that, in the event of the Chairman being unable to attend, it should be represented at the September session of the Council by M. Van Rees, Vice-Chairman, or, in the latter's absence, by M. Rappard.

Close of the Session.

After the usual thanks, the CHAIRMAN declared the session closed.

ANNEX 1.

LIST OF DOCUMENTS^{1 2} 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 the Lebanon.</i> | E. <i>New Guinea.</i> |
| C. <i>Tanganyika.</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 1933.
2. Ordinances, Annual Volume for 1933.
3. Proclamations, Regulations, Rules, Orders and Notices, Annual Volume for 1933.
4. Legislation enacted in Trans-Jordan during 1933 (English translation).

Various Official Publications.

1. Corrigenda to the Census Report, 1931.³
2. Reports on Agricultural Development and Land Settlement in Palestine, by Lewis French, C.I.E., C.B.E., Director of Development, Palestine.
3. Staff List of the Government of Palestine showing Appointments and Stations on September 30th, 1933, with an Appendix containing the Names of Officers of the Royal Air Force and Military Officers serving in Palestine and Trans-Jordan.
4. Report of a Commission appointed by the High Commissioner for Palestine to enquire into and report upon the Events immediately preceding the Disturbances which took place between October 13th and November 3rd, 1933, the Precise Sequence and Nature of Events within that Period, and the Resultant Casualties and Damage to Property.
5. Corrigendum to this Report.
6. *Palestine Official Gazette.*⁴

B. SYRIA AND THE LEBANON.

Annual Report and Legislation.

Report to the League of Nations on the Situation in Syria and the Lebanon, Year 1933.

Various Official Publications.

1. *Official Bulletin* of the Administrative Acts of the High Commissariat.⁴
2. *Official Journal* of the Syrian Republic.⁴
3. *Official Journal* of the Lebanese Republic.⁴
4. *Official Journal* of the Government of Latakia.⁴
5. *Quarterly Economic Bulletin* of the Countries under French Mandate (State of Syria, Lebanese Republic, Alaouite State, State of Jebel Druse).⁴
6. Map of Syria and the Lebanon prepared and published by the Topographical Bureau of the French troops stationed in the Levant ; Scale 1 : 1,000,000. Beirut, 1930 (2 sheets).

¹ Documents received by the Secretariat primarily for the use of any of the technical organisations (*e.g.*, Advisory Committee on Traffic in Opium and Other Dangerous Drugs) or other Sections of the Secretariat (*e.g.*, Treaty Registration) are not included in this list. Unless otherwise indicated, the members of the Permanent Mandates Commission should have received copies of all the documents mentioned in this list.

The annual reports and copies of laws, etc., are available only in the language in which they have been published by the mandatory Powers.

The communications forwarded in reply to the observations of the Permanent Mandates Commission and certain other documents have been translated by the Secretariat and are available in both official languages. The titles of these documents are followed by the official number under which they have been circulated.

² 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.

³ See Minutes of the Twenty-third Session, Annex I, page 161.

⁴ Kept in the archives of the Secretariat.

7. Geological Map of Syria and the Lebanon prepared by M. Louis Dubertret, Head of the Geological Section of the High Commissariat of Beirut, with the assistance of M. H. Vautrin, Assistant Geologist, and Mr. S. Blake, Head of the Geological Service of the Palestine Government ; Scale 1 : 1,000,000. 1933 (2 sheets).

C. TANGANYIKA.

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 1933.
2. Tables of Amendments to the Laws of the Territory as a Consequence of Legislation published during the Period January 1st to December 31st, 1932, and for the Quarter ending March 31st, 1933.
3. Tables of Amendments to the Laws of the Territory as a Consequence of Legislation published for the Quarter ending June 30th, 1933.
4. Table of Amendments to the Laws of the Territory as a Consequence of Legislation published during the Quarter ending September 30th, 1933.
5. Table of Amendments to the Laws of the Territory as a Consequence of Legislation published during the Quarter ending December 31st, 1933.
6. Ordinances enacted during the Year 1933.

Various Official Publications.

1. Annual Medical and Sanitary Report for the Year ending December 31st, 1931.
2. Land Development Survey, Fourth Report, 1930, Mbulu District.
3. Land Development Survey, Fifth Report, 1931, Eastern Province.
4. Department of Agriculture : Annual Report, 1932.
5. Twelfth Annual Report of the Forest Department, 1932.
6. Mines Department : Annual Report, 1932.
7. Geological Survey : Annual Report, 1932.
8. Annual Report of the Department of Veterinary Science and Animal Husbandry, 1932.
9. Game Preservation Department : Annual Report, 1932.
10. Annual Reports of the Provincial Commissioners on Native Administration for the Year 1932.
11. Annual Report on the Administration of the Tanganyika Railways and Port Services for the Nine Months ended December 31st, 1932.
12. Annual Report of the Posts and Telegraphs Department, 1932.
13. Notes of a Discussion between the Postmaster-General, Kenya, and the Acting Postmaster-General, Tanganyika, at Dar-es-Salaam on May 20th to 25th, 1932.
14. Extract from the Minutes of the Conference of East African Governors, held in April 1932, containing the Terms of Reference to the Postmasters-General.
15. Memorandum by the Postmaster-General, Kenya and Uganda, circulated by the Government of Kenya to the Conference of East African Governors, 1932.
16. Report by the Treasurer for the Period April 1st to December 31st, 1932.
17. Annual Report of the Education Department, 1932.
18. Annual Report of the Land Department, 1932.
19. Annual Report on the Administration of the Prisons, 1932.
20. Annual Report on the Administration of the Police, 1932.
21. Proceedings of the Indian Merchants' Conference, held at Dar-es-Salaam on October 29th, 30th and 31st, 1933 (document C.P.M. 1499) :
 - (a) Address by the Chairman of the Reception Committee (reprinted from *Tanganyika Opinion*, dated October 31st, 1933) ;
 - (b) Presidential Address by Seth Yusufali A. Karimjee Jivanjee ;
 - (c) Resolutions passed at the Conference.
22. Minutes of Meetings of the Legislative Council on Tanganyika Territory held on March 15th, June 19th, 20th, 23rd, 26th, October 31st, November 6th, 7th, 8th, 9th, 10th, 1933, April 10th, 1934.
23. *Tanganyika Official Gazette*.¹

D. NAURU.

Annual Report and Legislation.

Report to the Council of the League of Nations on the Administration of Nauru during the Year 1933 (Legislation annexed).

Various Official Publications.

Government Gazette of Nauru.¹

¹ Kept in the archives of the Secretariat.

E. NEW GUINEA.

Annual Report.

Report to the Council of the League of Nations on the Administration of the Territory of New Guinea from July 1st, 1932, to June 30th, 1933.

Various Official Publications.

1. Memorandum on Native Education in New Guinea, communicated to the Commission by Mr. Chinnery, Accredited Representative, during the sixth meeting of its twenty-fifth session.¹
2. *New Guinea Gazette*.¹

C.P.M.1500(1).

ANNEX 2.

AGENDA OF THE TWENTY-FIFTH 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 1934-35.
- III. Examination of the Annual Reports of the Mandatory Powers :²
 - Palestine and Trans-Jordan, 1933.
 - Syria and the Lebanon, 1933.
 - Tanganyika Territory, 1933.
 - Nauru, 1933.
 - New Guinea, 1932-33.
- IV. Special Questions.
 - A. Transmission and Examination of the Report on the Administration of South West Africa for 1933 : Communication, dated March 15th, 1934, from the Government of the Union of South Africa (document C.P.M.1497).
 - B. Western Part of the Frontier between Syria and Palestine.
- V. Petitions.
 - A. Petitions rejected by the Chairman as not deserving the Commission's Attention : Report by the Chairman (document C.P.M.1520).
 - B. Petitions to be examined :
 1. Palestine.
 - (a) Memorandum, dated May 1933, by the Executive of the General Council (Vaad Leumi) of the Jewish Community of Palestine ; Memorandum, dated April 9th, 1933, by the Chief Rabbinate of Palestine ; and Memorandum, dated May 11th, 1933, by the Central Agudath Israel, forwarded on June 15th, 1933, by the United Kingdom Government (document C.P.M.1402).
Observations of the United Kingdom Government dated May 17th, 1934 (document C.P.M.1504).
(Rapporteur : M. Rappard.)
 - (b) Petitions, dated June 12th and August 28th, 1933, from the Council Waad Adath Ashkenazim of Jerusalem, forwarded on November 25th, 1933, by the United Kingdom Government, with its Observations (document C.P.M.1486).
(Rapporteur : M. Rappard.)
 - (c) Petition, dated May 25th, 1933, from M. Auni Abdul Hadi, Secretary-General of the Arab Independence Party, Jerusalem, communicating a Memorandum, dated January 8th, 1933, forwarded on July 14th, 1933, by the United Kingdom Government, with its Observations (document C.P.M.1434).
(Rapporteur : M. Palacios.)
 - (d) Petition, dated May 18th, 1933, from M. D. Warwar, President of the "Sociedad Palestino-Arabe" of Cuba (document C.P.M.1439).
Observations of the United Kingdom Government, dated November 9th, 1933 (document C.P.M.1485).
(Rapporteur : M. Orts.)

¹ Kept in the archives of the Secretariat.

² By agreement between the Chairman of the Commission and the mandatory Power concerned, the examination of the annual reports on the Cameroons and Togoland under French mandate has been adjourned until the autumn session.

- (e) Petition, dated October 5th, 1933, from M. Ihsan el Djabri (document C.P.M.1470).
Observations of the United Kingdom Government, dated December 21st, 1933 (document C.P.M.1487).
(Rapporteur : M. Orts.)
 - (f) Petition, dated October 29th, 1933, from the "Comité exécutif syro-palestinien", of Cairo (document C.P.M.1484).
Observations of the United Kingdom Government, dated December 20th, 1933 (document C.P.M.1488).
(Rapporteur : M. Orts.)
 - (g) Petition, dated November 29th, 1933, from the "Union régionale des Sionistes de l'Est de la France", Strasburg (document C.P.M.1490).
Observations of the United Kingdom Government, dated February 23rd, 1934 (document C.P.M.1495).
(Rapporteur : M. Orts.)
 - (h) Petition, dated September 30th, 1933, from M. Taufik Hammad and other Arab Notables of Nablus, forwarded on March 13th, 1934, by the United Kingdom Government, with its Observations (document C.P.M.1496).
(Rapporteur : M. Orts.)
 - (i) Petition, dated November 2nd, 1933, from Certain Inhabitants of Qalqilia, forwarded on April 24th, 1934, by the United Kingdom Government, with its Observations (document C.P.M.1498).
(Rapporteur : M. Orts.)
 - (j) Memorandum on the Development of the Jewish National Home in Palestine in 1933, accompanied by a Letter, dated April 30th, 1934, from the President of the Jewish Agency for Palestine, forwarded on May 23rd, 1934, by the United Kingdom Government (document C.P.M.1513).
Observations of the United Kingdom Government, dated May 28th, 1934 (document C.P.M.1518).
(Rapporteur : Count de Penha Garcia.)
2. Syria and the Lebanon.
- (a) Petition, dated September 1st, 1933, from Dr. A. Keyali, Aleppo, forwarded on October 19th, 1933, by the French Government (document C.P.M.1521).¹
(Rapporteur : Count de Penha Garcia.)
 - (b) Petition, dated December 4th, 1933, from the Emir Chékib Arslan and M. Ihsan el Djabri (document C.P.M.1489).
Observations of the French Government, dated May 22nd, 1934 (document C.P.M.1505).
(Rapporteur : M. Rappard.)
 - (c) Petitions (five in number), dated November 20th, 21st and 26th, 1933, with regard to the Franco-Syrian Treaty, forwarded on May 19th, 1934, by the French Government, with its Observations (document C.P.M.1512).
(Rapporteur : M. Rappard.)
 - (d) Petition, dated August 31st, 1933, from M. Mohammed Adib Haurani and Other Notables of Hama, forwarded on May 15th, 1934, by the French Government, with its Observations (document C.P.M.1510).
(Rapporteur : M. Palacios.)
 - (e) Petition, consisting of a Telegram, dated January 17th, 1934, and of a Letter, dated February 1st, 1934, from M. Sami Slim, forwarded on May 15th, 1934, by the French Government, with its Observations (document C.P.M.1507).
(Rapporteur : Count de Penha Garcia.)
 - (f) Petition, dated March 7th, 1934, from M. Adib Safadi, M. Mounir Ajlani and Other Inhabitants of Damascus, forwarded on May 18th, 1934, by the French Government, with its Observations (document C.P.M.1511).
(Rapporteur : M. Sakenobe.)
 - (g) Petition, dated April 15th, 1934, from M. Abdul Hamid al Djabri and Other Inhabitants of Aleppo, forwarded on May 19th, 1934, by the French Government, with its Observations (document C.P.M.1509).
(Rapporteur : M. Sakenobe.)
 - (h) Petition, dated April 30th, 1934, from M. Réchid Mélouhi, forwarded on May 29th, 1934, by the French Government, with its Observations (document C.P.M.1526).
(Rapporteur : M. Rappard.)
 - (i) Petition, dated December 7th, 1933, from Dr. Ouagih Baroudi and Other Inhabitants of Hama, forwarded on May 15th, 1934, by the French Government, with its Observations (document C.P.M.1508).
(Rapporteur : M. Rappard.)

¹ This petition has been adjourned (see Minutes, of the sixteenth meeting).

- (j) Petition, dated March 23rd, 1934, from Certain Inhabitants of Hama, forwarded on May 18th, 1934, by the French Government, with its Observations (document C.P.M.1506).
(Rapporteur : M. Rappard.)
3. Togoland under French Mandate.
Petitions from the "Bund der Deutsch-Togoländer".¹
- (a) Petitions, dated February 2nd, March 28th and November 23rd, 1931, forwarded on February 19th, 1934, by the French Government, with its Observations (document C.P.M.1493).
(Rapporteur : M. Orts.)
- (b) Petition, dated May 22nd, 1932, forwarded on December 28th, 1933, by the French Government, with its Observations (document C.P.M.1492).
(Rapporteur : M. Orts.)
4. Togoland under British Mandate.
Petition, dated April 4th, 1933, from the Chief and Inhabitants of Woame, Togoland under French Mandate (document C.P.M.1386).²
Observations of the United Kingdom Government, dated February 22nd, 1934 (document C.P.M.1494).
(Rapporteur : M. Palacios.)
5. South West Africa.
Petitions, dated March 29th and April 5th, 1933, from Certain Members of the Rehoboth Community, forwarded on August 19th, 1933, by the Government of the Union of South Africa, with its Observations (document C.P.M.1436).²
(Rapporteur : Mlle. Dannevig.)

C.P.M.1497.

ANNEX 3.

SOUTH WEST AFRICA.

COMMUNICATION, DATED MARCH 15TH, 1934, FROM THE GOVERNMENT OF THE UNION OF SOUTH AFRICA WITH REGARD TO THE TRANSMISSION AND THE EXAMINATION OF THE REPORT FOR 1933.

NOTE BY THE DIRECTOR OF THE MANDATES SECTION DATED APRIL 5TH, 1934.

The Director of the Mandates Section has the honour to communicate herewith to the members of the Permanent Mandates Commission a letter, of March 15th, 1934, from the accredited representative of the Union of South Africa to the League of Nations, together with a letter, dated March 27th, 1934, from the Chairman of the Commission.

The subject of the above-mentioned correspondence will be included in the provisional agenda of the Commission's twenty-fifth session, which is to open on May 30th, 1934.

I. *Letter from the Accredited Representative of the Government of the Union of South Africa to the League of Nations.*

Geneva, March 15th, 1934.

I am desired by the Government of the Union of South Africa to express its sincere regret that, owing to the severe dislocation caused by heavy floods in South West Africa, it has unfortunately not been found possible for reports from the outlying districts to be submitted in time for the preparation of the annual report, and that in consequence the despatch of this report cannot be made in time to reach the members of the Permanent Mandates Commission before May 20th.

In the circumstances, the Union Government is reluctantly compelled to request to be absolved from complying with the terms of your communication to the Right Honourable the Minister of External Affairs for the Union of South Africa dated January 29th, 1934, No.6A/9063/1746, and to ask that permission be granted for the presentation of the report in time for examination at the October session or later.

(Signed) D. STEYN,
*Accredited Representative of
the Union of South Africa to
the League of Nations.*

¹ In response to the wishes expressed by the Commission at its twenty-fourth session (see Minutes, pages 54-55), the French Government, by a letter dated December 15th, 1933, forwarded a note from M. Besson, accredited representative, on the "Bund der Deutsch-Togoländer" (document C.P.M.1491) (Annex 19(a)).

² These petitions have been adjourned (see Minutes, of the sixteenth meeting).

II. *Letter from the Chairman of the Permanent Mandates Commission to the Mandates Section of the Secretariat of the League of Nations.*

Rome, March 27th, 1934.

[*Translation.*]

I have received your letter of March 24th, 1934, communicating to me a letter, dated March 15th, 1934, from the accredited representative of the Union of South Africa to the League of Nations, concerning the transmission for examination by the Permanent Mandates Commission of the annual report on the administration of South West Africa in 1933.

I would ask you kindly to communicate the above-mentioned letter to the members of the Permanent Mandates Commission, so that it may be considered at the Commission's twenty-fifth session, and to inform the accredited representative of the Union of South Africa accordingly.

(Signed) A. THEODOLI.

C.P.M.1520.

ANNEX 4.

PETITIONS REJECTED IN VIRTUE OF ARTICLE 3 OF THE RULES OF PROCEDURE IN RESPECT OF PETITIONS.

REPORT BY THE CHAIRMAN.

In accordance with the terms of Article 3 of the Rules of Procedure, I have the honour to submit the following report on the petitions received since our last ordinary session which I have not regarded as claiming the Commission's attention.

I. PALESTINE.

(a) *Petitions relating to the incidents of October 1933 from :*

1. M. Chichakli and other inhabitants of Hama, letter, October 29th, 1933.
2. Arab students at Geneva, telegram, October 31st, 1933.
3. Committee for Defence of Palestine, Baghdad, telegram, November 8th, 1933.
4. Arabic Society, Rio de Janeiro, telegram, November 10th, 1933.
5. Habib Bou Ketfa, on behalf of the "Jeunesse libre musulmane", Bizerta, telegram, November 15th, 1933.

(b) *Petitions relating to Jewish immigration into Palestine from :*

1. M. Chahuan, Chairman of the Committee for Palestinian National Rights, Santiago de Chile, telegram, November 1st, 1933.
2. Sociedad Sirio-arabe, San Rafael Mendoza, telegram, November 7th, 1933.
3. Alaouite Society, Rio de Janeiro, telegram, November 21st, 1933.
4. Secretary of Kerala Muslim Majlis, Tellicherry, letter, November 23rd, 1933.
5. Palestine Arab Society, Sao Paulo, telegram, December 7th, 1933.
6. Union des Etudiants sionistes, Grenoble, letter, December 9th, 1933.
7. M. A. J. Mallah, letter, December 24th, 1933, forwarding the resolutions adopted by the Conference of Representatives of all Jewish Organisations, Salonica, November 22nd, 1933.
8. M. Schechtmann, Secretary of the Executive Committee of the World Union of Revisionist Zionists, Paris, letter, January 14th, 1934, forwarding a declaration dated January 1st, 1934.

(c) *Petitions relating to Jewish immigration into Palestine and the incidents of October 1933 from :*

1. M. Akel Ally, President of the Young Men's Moslem Association, New York, telegram, October 30th, 1933.
2. M. Sami Maxnuk and M. Elias Cury, Rio de Janeiro, telegram, November 10th, 1933.
3. Palestine Arab Brotherhood, Tampico, Mexico, telegram, November 11th, 1933.
4. M. Mohamedally Allabux, General Secretary of the All-India Muslim Federation, Bombay, letter, November 17th, 1933, forwarding the text of a resolution.

Certain of the protests contained in these petitions are incompatible with the mandate for Palestine ((b) 2, 4 ; (c) 1, 3, 4).

Others deal with facts and questions which have already been covered by recent petitions and do not contain any new information of importance ((a) 1, 2, 3, 4, 5 ; (b) 1, 3, 5, 6, 7, 8 ; (c) 1, 2, 3, 4).

- (d) *Petition (undated, received December 27th, 1933) from Dr. Abdul Hamid Said, Chairman of the "Comité supérieur égyptien de secours aux victimes de Palestine", Cairo.*

Subject.—Criticises the attitude of the mandatory Power and asks that it be modified in consequence of the recent incidents.

The problems here raised have been dealt with in petitions which the Commission will have to consider at this session, and the petition does not contain any new information of importance.

- (e) *Petition (undated, received November 30th, 1933) from the Federation of Orthodox Rabbis of America, New York.*

Subject.—Amendment of the mandate for Palestine.

This protest is incompatible with the mandate for Palestine.

- (f) *Petition, dated May 28th, 1934, from the Union régionale des Sionistes de l'Est de la France.*

This communication, forwarding the text of a resolution adopted on May 26th, 1934, deals with Jewish immigration and the protection of Jewish labour—questions raised in recent petitions—and does not contain any new information.

II. SYRIA AND THE LEBANON.

Petitions, dated November 21st and 29th and December 29th, 1933, and January 15th and 22nd, February 21st, March 17th, April 5th and 18th, and May 1st and 14th, 1934, from M. Louis Ghaleb.

The author of these communications, who is of Lebanese origin, asks for compensation for damage alleged to have been sustained in Serbia during the war. So far as the substance of the petition is concerned, he merely reproduces, without contributing any new information, the claims he has previously made to the League, regarding which the Mandates Commission, at its thirteenth session, declared itself incompetent. Apart from this, he repeats the complaints contained in the petitions which I decided to reject in June and November 1933.¹

III. SOUTH WEST AFRICA.

Petition, dated December 3rd, 1933, from M. E. J. E. Lange.

This communication deals in part with questions outside the Commission's province, and in part with matters covered by M. Lange's previous petitions, and contains no new information of importance on those matters.

ANNEX 5.

C.P.M.1543(I).

PALESTINE.

MEMORANDUM, DATED MAY 1933, BY THE EXECUTIVE OF THE GENERAL COUNCIL (VAAD LEUMI) OF THE JEWISH COMMUNITY OF PALESTINE; MEMORANDUM, DATED APRIL 9TH, 1933, BY THE CHIEF RABBINATE OF PALESTINE; AND MEMORANDUM, DATED MAY 11TH, 1933, BY THE CENTRAL AGUDATH ISRAEL.

REPORT BY M. RAPPARD.

On June 15th, 1933, the Government of the United Kingdom transmitted, with its provisional observations, to the Secretary-General of the League of Nations the following four documents:

- (1) Letter, dated Jerusalem, May 1933, from the Executive of the General Council (Vaad Leumi) of the Jews of Palestine, to the Government of Palestine;
- (2) Memorandum from the same source on the following two questions:
 - (a) Discrimination against the Rabbinical courts of the Jewish Community;
 - (b) Claim of the Agudath Israel to be recognised as a separate community;
- (3) Memorandum, dated April 9th, 1933, from the Chief Rabbinate of Palestine, on the above-mentioned claim of the Agudath Israel;
- (4) Memorandum, dated May 11th, 1933, from the Agudath Israel on its claim to be recognised as a separate community.

¹ See Minutes of the Twenty-third Session, page 166, and Twenty-fourth Session, page 114.

In its letter dated June 15th, 1933, the United Kingdom Government informed the League that it was not yet in a position to furnish a final statement of its views on the matter dealt with in these various documents. Nearly twelve months later, on May 17th, 1934, the mandatory Power forwarded its observations to the Secretary-General.

The voluminous dossier consisting of the above-mentioned documents related to two distinct questions : (a) a complaint by the Rabbinical Courts of the Jewish Community in Palestine that they have not received equal treatment from the mandatory Power ; (b) the request of a portion of the Jewish Community in Palestine which wishes to be recognised as a separate community.

With regard to the first of these questions the main facts seem to be as follows :

The mandatory Power has continued to follow in Palestine the Ottoman Empire's traditional policy of subsidising Moslem religious courts. Where Rabbinical courts existed, these did not enjoy a similar position. The representatives of these courts therefore ask the Palestine Government to make to them such grants as would ensure them a position similar to that enjoyed by the Moslem courts.

The mandatory Power refuses this request, and has explained its reasons in the letter from the United Kingdom Government, dated May 17th, 1934, and in the statement made by the accredited representative at the meeting on June 1st, 1934.

In its written observations, the mandatory Power denies that the admittedly unequal treatment of the Moslem and Rabbinical courts respectively amounts to discrimination in the sense contemplated by the provisions of the mandate for Palestine. The mandatory Power explains that, in taking over, in favour of the Moslem religious courts, a function which the Ottoman Empire had always exercised, it did not thereby necessarily assume any financial obligation. It expressed the hope that the discrepancy between the expenditure and revenue of these courts would gradually disappear.

Moreover, the mandatory Power, drawing attention to the fact that, under the Ottoman regime, the religious courts of non-Moslem communities had never received Government aid, expresses the view that these courts have no right at equity to any official grant. In his verbal explanations, the accredited representative of the mandatory Power said that no Christian community enjoyed advantages similar to those of which the Rabbinical courts allege that they are deprived.

I must admit that I find it very difficult to judge of the merits of the Rabbinical courts' claim. The mandatory Power explicitly admits that a difference of treatment, which is explained by historical reasons, exists between the Rabbinical courts and the Moslem courts. Does this difference of treatment imply a departure from one of the principles of the mandate, as the petitioners allege, or is there no discrimination, as the mandatory Power maintains? This is open to question.

In support of their argument, the petitioners invoke Articles 9 and 15 of the mandate, which read as follows :

“ *Article 9.*—The Mandatory shall be responsible for seeing that the judicial system established in Palestine shall assure to foreigners, as well as to natives, a complete guarantee of their rights.

“ Respect for the personal status of the various peoples and communities and for their religious interests shall be fully guaranteed. In particular, the control and administration of Wakfs shall be exercised in accordance with religious law and the dispositions of the founders.”

“ *Article 15.*—The Mandatory shall see that complete freedom of conscience and the free exercise of all forms of worship, subject only to the maintenance of public order and morals, are ensured to all. No discrimination of any kind shall be made between the inhabitants of Palestine on the ground of race, religion or language. No person shall be excluded from Palestine on the sole ground of his religious belief.

“ The right of each community to maintain its own schools for the education of its own members in its own language, while conforming to such educational requirements of a general nature as the Administration may impose, shall not be denied or impaired.”

The only clause in the foregoing provisions which would seem to be immediately relevant is the one which lays down that “ no discrimination of any kind shall be made between the inhabitants of Palestine on the ground of race, religion or language ”.

The mandatory Power does not appear to have the slightest desire to favour one of the religions practised in Palestine at the expense of another. Furthermore, it should be noted that the Rabbinical courts do not ask to be treated in exactly the same way as the Moslem courts—the only manner in which the inequality of treatment of which they complain could be entirely eliminated. It should also be noted that, even if, contrary to their wishes and to its own intentions, the mandatory Power made itself responsible for the Rabbinical courts, there would still exist an inequality of treatment at the expense of the Christian communities.

The differences between these institutions are therefore due far more to their historical origin than to any deliberate intention on the part of the mandatory Power. It would seem that the Mandates Commission could not, without departing from its terms of reference, formulate any proposal for establishing formal equality which, as a matter of fact, nobody claims.

It might, however, perhaps be desirable to express in general terms the hope that the mandatory Power will endeavour to deprive the petitioners of such grounds for their complaints as could perhaps be held to be justified by establishing equality of treatment. Would it not be possible to organise the administration of the Moslem courts in such a way that they would

enjoy true financial autonomy—namely, by building up a reserve fund from money obtained exclusively from Islamic sources—in order to ensure that any temporary excess of expenditure over income should not be a charge on the Palestine budget? If this suggestion is found impracticable, might not the possibility be considered of according to the non-Moslem religious communities an annual grant proportionate to their numerical importance, as compensation for the advantages now enjoyed by the Moslem communities?

The other request concerns a question of the internal organisation of the Jewish communities. As the accredited representative of the mandatory Power has informed us, at the present session, that this matter now seemed to be on the point of settlement and that any outside intervention might compromise such settlement, I think that it would be preferable for the Commission to abstain from making any recommendation on this point. If my colleagues share these views, they might perhaps consider the adoption of a recommendation on the following lines:

“ The Commission,

“ Having taken note of the memorandum, dated May 1933, by the Executive of the General Council (Vaad Leumi) of the Jewish Community of Palestine, of the memorandum, dated April 9th, 1933, by the Chief Rabbinate of Palestine, of the memorandum, dated May 11th, 1933, by the Central Agudath Israel and of the observations of the mandatory Power thereon:

“ (1) With regard to the question of discrimination which the Jewish petitioners believe to exist to the detriment of the Rabbinical courts as compared with the Islamic courts:

“ Notes that there does in fact exist a statute of the Moslem courts, inherited from the Ottoman Empire, which is without equivalent for the religious courts of the other religions;

“ Notes that this situation, even if it does not amount to a definite infringement of any given clause of the mandate, does at least constitute an indisputable inequality of treatment;

“ Admits that it is not in a position to suggest any specific reform which would put an end to this inequality; but

“ Expresses the hope that the mandatory Power will be able to find appropriate means which will provide, if not a formal degree of equality, at least some parallel treatment in finance.

“ 2. With regard to the question of the Jewish communities,

“ Having noted with satisfaction the statements of the accredited representative to the effect that this question is in process of settlement by friendly agreement:

“ Considers it undesirable to express any opinion on the subject.”

ANNEX 6.

C.P.M.1547(1).

PALESTINE.

PETITIONS, DATED JUNE 12TH AND AUGUST 28TH, 1933, FROM THE COUNCIL WAAD ADATH ASHKENAZIM OF JERUSALEM.

REPORT BY M. RAPPARD.

Both petitions dealt with in the present report emanate from the same group of Orthodox Jews of Jerusalem and bear, in addition to the signature of Rabbi Schorr, who describes himself as Chief Rabbi and President, that of several of his co-religionists.

We shall therefore examine these two petitions together. Very detailed observations on the matter were sent by the mandatory Power on November 25th, 1933.

Before dealing with the requests of the petitioners, it is necessary to examine the position they occupy in the Jewish community of Palestine. In this connection, the information which they have furnished themselves hardly coincides with that of the mandatory Power.

Rabbi Schorr and his co-signatories state that the Waad Adath Ashkenazim, of which they are the chiefs, has always been a separate and independent community having its own Rabbinical courts, its own Shochtim, its own congregations and synagogues. They also state in their second petition that the Waad Adath Ashkenazim of Jerusalem has been in existence for twenty-three years and that this community officially enjoyed complete autonomy under the Ottoman regime. This community, the petitioners add, has to-day a membership of more than 10,000.

According to the information furnished by the mandatory Power, the importance of this group is very much smaller. It is a dissident group of the Agudath Israel which, under the leadership of Rabbi Schorr, seceded from the official community of Orthodox Jews. A dispute has now arisen between them over the management of a home for old people, which was removed

from the control of Rabbi Schorr. This group, the mandatory Power adds, had no separate existence before the war, and, though its numbers are not accurately known, at no time has its membership amounted to more than a few hundred persons and it is to-day confined to a few score.

The mandatory Power ascribes the divergence of views between it and the petitioners to the fact that the latter wrongly declare themselves to be the legitimate and sole successors of the General Committee of the Ashkenazic congregation of pre-war days. This claim, the High Commissioner asserts, is based solely on the similarity in the names of the two bodies.

In their two petitions, Rabbi Schorr and his co-signatories make the following requests :

(1) That the Chief Rabbinate of their community should have the same rights as the " Chief Rabbinate of the Zionist World Organisation " with regard to Jewish cases of personal status, Wakfs, successions, etc., and, in particular, should participate in the discussions regarding the supervision of the Wailing Wall ;

(2) That the Waad Adath Ashkenazim should be recognised as an independent community with the privileges due to such a community ;

(3) That this community should receive from the Government fifty visas a year for religious immigrants over the age of 55 years, to be distributed among members who wish to come to Palestine to spend their last days in prayer ; the community would take upon itself the responsibility of providing for such immigrants so that no burden would fall upon the Public Treasury on that account.

The mandatory Power, in its observations, concurs in the view of the High Commissioner for Palestine, who replies as follows to the above requests :

(1) The High Commissioner, in the investigations which he has carried out, can find no reason for granting special rights to Rabbi Schorr and the small congregation of which he styles himself the Chief Rabbi. As this group is merely the result of a secession from the Agudath Israel and the dissidents are in no way distinguished from the faithful by their religious belief, the claim to a special position cannot be admitted.

(2) For the same reasons—identity of faith and smallness of numbers—the recognition of the Waad Adath Ashkenazim as a separate community cannot be justified under the Religious Communities Ordinance of 1926.

(3) The High Commissioner, moreover, does not see on what grounds he could grant special privileges to this community in respect of immigration certificates. He points out in this connection that any institution in Palestine can obtain immigration authorisations in respect of persons whose maintenance is assured and who wish to proceed to Palestine for religious purposes.

The mandatory Power also points out that the Waad Adath Ashkenazim has the right, under the Jewish Community Regulations of 1927, to make its own arrangements for its religious organisation as regards public worship, celebration of marriages, burials, slaughtering of animals and the baking of unleavened bread.

In view of the above differences of opinion between the mandatory Power and the petitioners as to the character, the antecedents and the size of the community of the petitioners, and since we are unable to undertake an enquiry into the subject, my colleagues will no doubt agree with me in considering that we should maintain the utmost reserve. While we should take care that no group or no individual is deprived of the fundamental rights deriving from the mandate, it would hardly appear that we should set out opinions against those of the mandatory Power with regard to administrative claims put forward by religious groups, the particular character and size of which we are unable to determine with certainty.

While it is essential, on the one hand, that no legitimate right be violated in respect of religious liberty, it is also of importance for the maintenance of order that the number of autonomous religious communities should not be unnecessarily multiplied. It would appear that the petitioners claim to occupy a position which is not justified by history, a different faith or numerical size. The Ashkenazi faith, which Rabbi Schorr professes, is already represented by a chief rabbi in the Chief Rabbinate, and the Ashkenazi Jews, like the Sephardic Jews, may be represented in a council which, under the Jewish Community Regulations of 1927, became the Committee of the Jewish Community of Jerusalem. The Agudath Israel, an Ashkenazic body of orthodox Jews, has, it is true, refused to take part in this Committee and has set up the Committee of Ashkenazic Jews (Waad Hair Ha-Ashkenazi). Rabbi Schorr and his congregation, who separated from the Agudath Israel, are therefore a secession from a secession of the orthodox Jews of Jerusalem. Since, in addition, they enjoy entire religious liberty, I cannot believe in the legitimacy of the complaints and of the claims put forward in their petitions.

If my colleagues agree with me, I propose that they adopt the following resolution :

“ The Commission,

“ Having examined the petitions dated June 12th and August 28th, 1933, from the Council Waad Adath Ashkenazim of Jerusalem and the observations of the mandatory Power of November 25th, 1933 ;

“ Noting, on the one hand, that the petitioners enjoy complete religious liberty and that there is nothing to prevent the immigration for religious purposes of Jews whose maintenance they will provide for ; and

“ Recognising, on the other hand, the undesirability, and even the impossibility, of the establishment as communities which are autonomous, from the administrative point of view, of all religious groups desiring separate official representation with the mandatory Power :

“ Considers that there are no grounds for making a special recommendation to the Council on the subject of the petitioners' requests.”

C.P.M.1548(1).

ANNEX 7.

PALESTINE.

PETITION, DATED MAY 25TH, 1933, FROM M. AUNI ABDUL HADI, SECRETARY-GENERAL OF THE ARAB INDEPENDENCE PARTY, JERUSALEM, COMMUNICATING A MEMORANDUM DATED JANUARY 8TH, 1933.

REPORT BY M. PALACIOS.

The petition is a reply from the Arab Independence Party to the statements made by Sir Arthur Wauchope, High Commissioner for Palestine, at the twenty-second session of the Permanent Mandates Commission, held in the autumn of 1932. It is signed by Auni Abdul Hadi, Secretary-General of the party, and is accompanied by a memorandum, dated the 10th of Ramadan, 1351 (January 8th, 1933). The covering letter of this petition to the League of Nations, signed on behalf of Sir John Simon, is dated London, July 14th, 1933. At its last session, the Permanent Mandates Commission decided to adjourn the consideration of this question until the present session, during which the administration of Palestine was to be examined in the presence of an accredited representative of the mandatory Power.

Both in the letter and in the memorandum, the Arab Independence Party protests against the mandate, against the Balfour Declaration, which it does not recognise, against the whole policy of the United Kingdom in Palestine, and even against the Permanent Mandates Commission, most members of which—some of them are mentioned by name—are, in its opinion, conspiring with the Zionist authorities to despoil the Arabs of their rights.

The memorandum in particular, in a long and sometimes well-documented account divided into chapters, reviews, with reference to the statements in question, the essential features of the policy of the mandatory Power. It declares that the Government, the authorities and the administration are British and are in no sense a Palestinian Government ; that the territory is treated as a colony ; and that that territory and its natural inhabitants have to bear the budgetary burden of its many officials, the latter being far more numerous and the charges far heavier than, for example, in Syria, although the area and the population of the latter are far larger. “ The English officers are both the mandatory and the people who are under the mandate ”, it declares. The defence and security forces account for one-third of the budget, which is paid for chiefly by the Arabs. These forces are necessary—the memorandum explains—owing to the absurdity of attempting, by means of Jewish immigration and the sale of land, to dispossess the Arabs of their country and to reduce them to poverty by creating another people whose numbers are increasing. The protection of the civil and religious rights of the non-Jewish population has been disregarded up to the present. This state of affairs was unknown under the Ottoman regime. The Turks did not require so large a force in the most peaceful country on earth, and the Palestinians had access both to the local and to the central Government, and were present as of right in all the representative institutions.

The memorandum expresses the view that Jewish immigration must end, for it has resulted simply in unemployment, spoliation, desperate strife and poverty ; similarly, the sale of land to the Jews must cease. A general law should be enacted strictly prohibiting such expropriation, since the lure of Jewish bankers' gold is too strong for populations suffering from poverty and the economic depression.

In the circumstances, then, the memorandum continues, the authorities have failed in all their essential tasks. There cannot be good relations between Arabs and Jews. Still less can there be co-operation. The policy of joint participation in receptions and committees has failed. The collaboration of the Arabs—the true Arabs conscious of their dignity—with the British Government is also impossible. They will not be content with minor concessions. They cannot recognise the Moslem Supreme Council as being of decisive importance when they are despoiled of other essential rights. They will have nothing to do even with any Legislative Council. They claim their full national rights to independence and liberty in a union with the other Arab countries.

As regards detail, the memorandum states that the cuts effected in the budget owing to the economic depression by the O'Donnell Committee were quite small, and that, on the

contrary, there has even been an increase in the number of British officials' posts ; that the reduction of the tithes tax has not counterbalanced the increase of the property tax from 9 to 15 per cent, levied retrospectively during the economic depression, a fact which has also tended to aggravate the trouble ; and that the High Commissioner's estimate of 20 pounds as the annual average income of an Arab family is not correct. The figure the petitioners give is four Palestinian pounds—in other words, eleven mils a day for food, clothing and other expenditure for an average of five persons. They regard as insignificant the loan of £P33,000 advanced to the fellahin by the mandatory Power. To the physical misery of the dispossessed fellahin, for which the development plan will offer no remedy, is added their intellectual misery, aggravated by the lamentable poverty of teaching establishments, which is such that over 100,000 Arab children are prevented from attending school. It is not strange, the petitioners say, that they can see no serious purpose—in the sense that it might appear profitable to them—in the measures announced by the mandatory Power, and that they should continually boycott those measures, since, in their opinion, the mandatory Power is infringing what they regard as their natural rights.

The United Kingdom Government, in forwarding this petition to the Mandates Commission, offers no commentary either on the details or even on the substance of the petition. It simply invites reference to previous discussions that have taken place in the Commission and to the report for 1932 on the administration of the territory, pointing out at the same time that the Permanent Mandates Commission, in connection with a petition from the Palestine Arab Women's Congress, declared itself unable to consider petitions containing complaints against the essential provisions of the mandate.

The present petition is of that nature, whatever the value of its arguments, the accuracy or inaccuracy of its allegations, or the historical importance of the aspirations or protests which it contains. Certain points, however, raised by the petitions have been examined by the Commission at its present session.

In the circumstances, I venture to submit to my colleagues the following draft resolution :

“ The Commission, having examined the petition dated May 25th, 1933, from M. Auni Abdul Hadi, Secretary-General of the Arab Independence Party, Jerusalem, together with the observations of the mandatory Power thereon, considers that no action should be taken on this petition.”

ANNEX 8.

PALESTINE.

C.P.M.1546(1).

PETITIONS RELATING TO THE INCIDENTS OF OCTOBER 1933 AND TO JEWISH IMMIGRATION.

REPORT BY M. ORTS.

I have been asked to report on the following petitions :

1. Petition, dated May 18th, 1933, from M. D. Warwar, President of the “ Sociedad Palestino-arabe ” of Cuba, accompanied by the observations of the United Kingdom Government, dated November 9th, 1933 (document C.P.M.1439).
2. Petition, dated October 5th, 1933, from M. Ihsan el Djabri, together with the observations of the United Kingdom Government, dated December 21st, 1933 (documents C.P.M.1470 and 1487).
3. Petition, dated October 29th, 1933, from the “ Comité exécutif syro-palestinien ”, of Cairo, together with a note from the United Kingdom Government, dated December 20th, 1933 (documents C.P.M.1484 and 1488).
4. Petition, dated November 29th, 1933, from the “ Union régionale des Sionistes de l'Est de la France ”, Strasburg, together with a note from the United Kingdom Government, dated February 23rd, 1934 (documents C.P.M.1490 and 1495).
5. Petition, dated September 30th, 1933, from M. Taufik Hammad and other Arab Notables of Nablus, transmitted by the United Kingdom Government on March 13th, 1934 (document C.P.M.1496).
6. Petition, dated November 2nd, 1933, from certain inhabitants of Qalqilia, together with the observations of the United Kingdom Government, dated April 24th, 1934 (document C.P.M.1498).

These various petitions have one feature in common which makes it possible to deal with them in a single brief report—namely, they all relate to the policy followed by the mandatory Power in Palestine with regard to immigration.

The Arab petitioners denounce this policy as imperilling the very existence of the Arab population, since its effect has been to introduce into this essentially Arab country an

excessively large Jewish element which threatens to submerge the indigenous element. The Jewish petitioners, on the other hand, accuse the mandatory Power of issuing immigration permits with undue niggardliness and of failing to carry out the task assigned to it by the mandate—namely, to promote the creation of a Jewish National Home.

The conflicting points of view set forth in these petitions are accompanied by arguments to which the Commission's attention has been drawn on many occasions and by a recital of facts in regard to which explanations have been furnished in the reports of the mandatory Power and verbal statements made by its accredited representative.

These petitions, in short, evoke the whole problem which has arisen in Palestine since the institution of the mandate, and in order to reply to them it would be necessary to go back to the conclusions reached as the outcome of the discussions on the scope of the Palestinian mandate in the Commission for the last ten years and, as regards recent occurrences, to the examination of the matter at the present session.

The petitions now submitted to us do not appear to me to call for any other opinion than that briefly expressed hereunder ; otherwise I should have to repeat what has been stated over and over again on so many occasions or should lose myself in a maze of details which do not constitute the substance of the question.

As regards the Arab complaints : The mandate imposes on the mandatory Power the obligation to promote the creation in Palestine of a National Home for the Jewish people, and hence any request designed to put an end to Jewish immigration runs counter to the mandate and must be rejected. Moreover, the information supplied by the mandatory Power goes to show that Jewish immigration, at the rate hitherto authorised, is not of such a character that the "civil and religious rights of all the inhabitants of Palestine, irrespective of race and religion", are no longer safeguarded. Finally, the mandatory Administration is determined to put an end to the clandestine immigration which is complained of by certain petitioners and to ensure the strict enforcement of the measures it has already adopted for this purpose.

As regards the Jewish complaints : The principle laid down by the mandatory Power that the number of immigration permits issued each year should be fixed with due regard to the possibilities of absorption of the country has been recognised to be sound by the Permanent Mandates Commission.

The mandatory Administration must be left free to judge of these possibilities and cannot be denied the right, which it intends to reserve to itself, to take into account for this purpose, not only existing conditions, but also future prospects.

Should the Commission accept the views set out in the present report, I would propose that it adopt the following conclusion :

" The Commission,

" Having noted the petitions :

" (1) From M. D. Warwar, President of the " Sociedad Palestino-arabe ", of Cuba, dated May 18th, 1933 ;

" (2) From M. Ihsan el Djabri, dated October 5th, 1933 ;

" (3) From the " Comité exécutif syro-palestinien ", of Cairo, dated October 29th, 1933 ;

" (4) From the " Union régionale des Sionistes de l'Est de la France ", Strasburg, dated November 29th, 1933 ;

" (5) From M. Taufik Hammad and other Arab notables of Nablus, dated September 30th, 1933 ;

" (6) From certain inhabitants of Qalqilia, dated November 2nd, 1933 ;

and the correspondence thereon from the mandatory Power :

" Considers that these petitions do not call for any special recommendation to the Council."

C.P.M.1532(1).

ANNEX 9.

PALESTINE.

MEMORANDUM ON THE DEVELOPMENT OF THE JEWISH NATIONAL HOME IN PALESTINE IN 1933, ACCOMPANIED BY A LETTER, DATED APRIL 30TH, 1934, FROM THE PRESIDENT OF THE JEWISH AGENCY FOR PALESTINE.

REPORT BY COUNT DE PENHA GARCIA.

The Jewish Agency's memorandum for 1933 is a document full of interest for those who wish to form an idea of the Zionist expansion in Palestine. Its progress was considerable in 1933. The Jewish population increased by 22%, but, despite this, it still only represents 22.4% of the total population. The bulk of the Jewish population (60%) is employed in agriculture and industry. Only 15% is engaged in commerce and about 12% in the liberal professions. The natural increase in the Jewish population is about 20 per thousand, but the remainder of the population has a bigger increase, amounting to 25 per thousand.

Jewish immigration in 1933 was considerable : 30,327 immigrants, including their families, settled in Palestine. The majority came from Poland and Germany. Of this figure, 64.5% entered under the Labour Schedule. The number of capitalist immigrants was very high. This fact is probably due to the exodus of German Jews. Despite this increase in the number of entrance permits granted to Jews in 1933, the Jewish Agency complains of the shortage of Jewish labour for certain cultivations and in the building trades. The mandatory Power observes that account must be taken of the normal increase in the qualified labour of Jewish youths leaving the schools and of the temporary character of certain classes of employment, and considers that the Jewish Agency could better adapt the issue of the permit to the current requirements in any specific kind of labour.

Meanwhile, Jews throughout the world are supporting a movement in favour of their demand for the Jewish National Home promised by the mandate.

Jewish agricultural colonisation was carried on in 1933 on a remarkably sound scientific and economic basis and the co-operative organisations are developing successfully. In the towns, and particularly at Tel-Aviv and Haifa, building operations have increased enormously. Tel-Aviv has become a municipality with a population of about 80,000. The year 1933 also witnessed substantial industrial progress. The Jewish organisation is paying great attention to questions of medical assistance and education. Despite the depression, large sums have been devoted to these two objects. The mandatory Power has recognised the need of sharing in this expenditure, which must to a large extent be regarded as a public charge, and has granted a number of subsidies, which, are, however, still inadequate.

The financial situation of the country shows a budgetary surplus of £2,000,000 for the year 1933, but, as the mandatory Power judiciously points out, this does not mean that abundance and prosperity reign everywhere. Thus, for dry crops and breeding, the year 1933 was a difficult one. The total receipts of the Zionist institutions of the Jewish Agency amounted in September 1933 to £447,000, and the capitalist immigrants increased the capital of the country in 1933 by a sum which the Agency estimates at £7,000,000. Despite the undeniable benefits of the Jewish work in Palestine, the reactions of the Arabs, who constitute the majority in the country, should not be overlooked. The policy of the mandatory Power is not an easy one, for it has to reconcile the rights and interests of different racial groups, between which religion constitutes a further barrier. Every effort will have to be made to create between these elements a spirit of mutual comprehension and co-operation within the national boundaries.

To sum up, the Jewish Agency's memorandum and the mandatory Power's observations show that the year 1933 was a good one for Palestine, notwithstanding the difficulties due to the drought and the slow progress of the administrative organisation and other institutions aimed at securing better co-operation between the racial elements in Palestine.

In these circumstances, I propose that the Commission adopt the following resolution :

“ The Commission, having taken cognisance of the Jewish Agency's memorandum for 1933, and the mandatory Power's observations thereon, considers that no recommendation to the Council is called for in this connection.”

C.P.M.1542(1).

ANNEX 10.

SYRIA AND THE LEBANON.

PETITION, DATED DECEMBER 4TH, 1933, FROM THE EMIR CHÉKIB ARSLAN AND M. IHSAN EL DJABRI.

REPORT BY M. RAPPARD.

The petition, dated December 4th, 1933, from the Emir Chékib Arslan and M. Ihsan el Djabri was communicated to the Secretary-General by a letter from the French Government dated May 22nd, 1934.

In that letter, the mandatory Power states that it “ does not consider it necessary to make any special observations with regard to this petition, since it relates to its whole policy, as to which it has given or will give explanations to the League of Nations in its annual reports or in the replies of its representative accredited to the Mandates Commission ”.

As the mandatory Power indicates, this petition is simply an indictment of the mandatory Power, and more particularly of the Franco-Syrian Treaty and the incidents to which the negotiation and publication of the Treaty gave rise. Since the petitioners—who, moreover, expressed themselves in such violent terms that the Chairman of the Commission was obliged to delete six passages from their appeal—make no definite complaint or recommendation which has not been or will not be considered by the Commission elsewhere, I do not consider it necessary to spend much time over the examination of this petition.

The petitioners, who are hostile to the mandate, since they accuse the mandatory Power of a “ third attempt to legalise an illegal tutelage ”, are also opposed to the Treaty, upon which the Commission has intentionally refrained from expressing an opinion. They claim

that, in negotiating this treaty, the mandatory Power was animated by a desire "to secure approval for the political, economic and financial concessions which it wished to obtain from the country", and that, for this purpose, it was anxious to set up in the Chamber "a Government prepared to meet all its wishes, contrary to the interests of the country". Having, continue the petitioners, extorted from that Government and from the President of the Syrian Government—who, they say, has "always been the tool of France"—a treaty contrary to the desire of Syrian patriots for independence and unity, it arbitrarily prevented Parliament from considering the Treaty, after ascertaining that a majority was opposed to its plans.

To the anticipated reproach that the attitude of public opinion and of the Syrian Parliament might suggest a lack of maturity, the petitioners reply that "the unanimous refusal of such a treaty by the Syrian nation will always redound to the honour of Syria". They continue: "Syria will never submit either to force or to threats. Nothing will prevent the Syrian people from pursuing their real and complete emancipation."

I do not see what resolution the Mandates Commission could usefully submit to the Council with regard to a petition animated by such sentiments. If my colleagues share my views with regard to this petition, they might indicate their agreement by adopting the following resolution:

"The Commission, having examined the petition, dated December 4th, 1933, from the Emir Chékib Arslan and M. Ihsan el Djabri, and having decided, moreover, to refrain from expressing any opinion with regard to the Franco-Syrian Treaty, does not feel able to make any recommendation to the Council in connection with the protests against the whole policy of the mandatory Power in Syria."

ANNEX 11.

C.P.M.1541.

SYRIA AND THE LEBANON.

PETITIONS (FIVE IN NUMBER) DATED NOVEMBER 20TH, 21ST AND 26TH, 1933,
WITH REGARD TO THE FRANCO-SYRIAN TREATY.

REPORT BY M. RAPPARD.

As stated in the letter from the French Government, dated May 19th, 1934, these petitions are all connected with the campaign against the Franco-Syrian Treaty.

As the Mandates Commission has decided not to give an opinion on the Franco-Syrian Treaty during the present session, it would not be logical for it to take any definite action on these petitions.

I therefore propose that, in this connection, my colleagues should adopt some such resolution as the following:

"The Commission, having taken note of the five petitions, dated November 20th, 21st and 26th, 1933, protesting against the Franco-Syrian Treaty, and having deliberately refrained, for the reasons indicated in its observations to the Council, from giving an opinion on that treaty, does not consider it desirable to make any recommendation to the Council in connection with these petitions."

ANNEX 12.

C.P.M.1544(1).

SYRIA AND THE LEBANON.

PETITION, DATED AUGUST 31ST, 1933, FROM M. MOHAMMED ADIB HAURANI
AND OTHER NOTABLES OF HAMA.

REPORT BY M. PALACIOS.

If I were called upon to express my sympathies here, they would most certainly lie with Sheikh Mahmoud-el Osman, a religious Moudaress, who on August 25th, 1933, while he was exhorting the crowd at the Saâdié Café at Hama not to drink and gamble, was arrested by police forces commanded by the Secretary of the Director of the General Criminal Investigation Department. Mohammed Adib Haurani and other notables of the town have protested against this act in a petition to the League which contains nearly 300 signatures and ten seals, and in which they assert that the Moslems in their own country do not enjoy the freedom and prerogatives of the Christian missionaries.

In the letter transmitting this petition, the mandatory Power, while denying that the Sheikh was subjected to the ill-treatment alleged by the petitioners, does not dispute the moral purpose of the meeting, nor even the right to preach without interference. It merely states that circumstances make it essential to apply the law strictly, owing to the imperious necessity of maintaining order. The legislative enactment governing the matter in Syrian territory is the Ottoman Law of May 27th, 1325 of the Hejira, which provides, *inter alia*, that previous notification must be given of any public meeting. The preacher and his association had in fact failed to comply with this essential formality.

Consequently, however favourably impressed one may be by the moral mission of the petitioners and their work, I think that, since it appears to be an easy matter to comply beforehand with the formalities referred to above, the Permanent Mandates Commission will consider that no special action should be taken on this petition.

I therefore propose that the Commission should adopt the following resolution :

“ The Commission, having examined the petition, dated August 31st, 1933, from M. Mohammed Adib Haurani and other notables of Hama in the light of the mandatory Power's observations, considers that this petition does not call for any special recommendation on its part to the Council.”

ANNEX 13.

C.P.M.1529(1).

SYRIA AND THE LEBANON.

PETITION, CONSISTING OF A TELEGRAM, DATED JANUARY 17TH, 1934, AND OF
A LETTER, DATED FEBRUARY 1ST, 1934, FROM M. SAMI SLIM.

REPORT BY COUNT DE PENHA GARCIA.

On May 15th, 1934, the French Government, mandatory for Syria and the Lebanon, forwarded to the Secretary-General of the League a telegram (dated January 17th, 1934) and a letter (dated February 1st) from an inhabitant of Beirut, M. Sami Slim, addressed to the League of Nations in care of the High Commissioner of the French Republic in Syria and the Lebanon. Enclosed in this letter were some articles from *Al Assifat*, a Beirut newspaper. The telegram, the letter, and the newspaper articles contain complaints of the intervention of the Mandatory in the elections to the Lebanese Parliament, which were held in January 1932.

In its observations on the documents which form M. Sami Slim's petition, the mandatory Power asserts that the Lebanese elections were conducted in a regular manner and in an atmosphere of calm and tranquillity. No complaint regarding them was lodged in accordance with the legal formalities at the Department of the Interior of the High Commissariat, and the validation of the results of the elections by the Chamber was particularly simple because none of them was disputed.

Moreover, in the articles from *Al Assifat*, side by side with accusations against the authorities or certain persons for having brought pressure to bear on the voters, we find the two following passages :

“ It is true that some of the new members of Parliament are satisfactory to the public.”

“ Had the elections been free, the same candidates, with very few exceptions, would have been elected.”

In these circumstances, I do not hesitate to propose that the Commission adopt the following resolution :

“ The Commission, having examined the petition, consisting of a telegram and a letter dated, respectively, January 17th and February 1st, 1934, from M. Sami Slim, together with the French Government's observations thereon, is of opinion that no action should be taken on the said petition.”

ANNEX 14.

SYRIA AND THE LEBANON.

PETITION, DATED MARCH 7TH, 1934, FROM M. ADIB SAFADI, M. MOUNIR AJLANI AND OTHER INHABITANTS OF DAMASCUS.

REPORT BY M. SAKENOBE.

By a letter dated May 18th, 1934, the French Government transmitted a petition, dated March 7th, 1934, from M. Adib Safadi and four other inhabitants of Damascus.

The petitioners protest against the refusal of the Government of Syria to permit the celebration of the " anniversary of the proclamation of Syria's independence ".

In its letter above referred to, the mandatory Government states that on previous occasions this celebration has always resulted in violent speeches and street demonstrations. Consequently, after consulting the Director of Public Safety, the Ministry of the Interior decided not to permit it this year. The Government adds that the signatories of the petition are young men of the advanced nationalist type who have already frequently been involved in political agitations in Damascus.

Such being the case, I would propose to the Commission the following conclusion :

" The Commission, having examined the petition, dated March 7th, 1934, from M. Adib Safadi, M. Mounir Ajlani and other inhabitants of Damascus, and the French Government's observations thereon, considers that it does not call for any recommendation to the Council."

C.P.M.1536.

ANNEX 15.

SYRIA AND THE LEBANON.

PETITION, DATED APRIL 15TH, 1934, FROM M. ABDUL HAMID AL DJABRI AND OTHER INHABITANTS OF ALEPPO.

REPORT BY M. SAKENOBE.

The League of Nations has received, through the mandatory Power in Syria, a letter signed by M. Abdul Hamid al Djabri and his associates, dated Aleppo, April 15th, 1934, transmitting a motion of protest passed by a meeting of inhabitants of Aleppo on April 13th.

In this motion, reference is made to the Press rumours that the High Commissioner authorised thousands of Zionist emigrants to settle down in Syria, and that he also authorised the sale of land to these emigrants. The petitioners protest against these measures alleged to have been taken by the High Commissioner, as prejudicial to the vital interests of Syria.

This document is accompanied by a letter from the French Government, dated May 19th, 1934, containing its observations.

According to these observations, the Zionist agents on several occasions attempted to purchase landed properties in many parts of the southern frontier districts of Syria. This gave rise to strong public feeling and a Press campaign. Such being the case, the High Commissioner, with a view to safeguarding public order and clearing up the situation, issued a *communiqué*, dated April 13th, 1934, in which he declared that he had never entered into any negotiations for Jewish colonisation in Syria and that there were in existence two decrees, promulgated early in 1934, by which any purchase of land or long-term lease in the southern frontier districts of Syria and the Lebanon was subject to the authorisation of each Government concerned. Copies of these decrees are appended to the French Government's above-mentioned letter.

From the observations of the mandatory Government thus summarised, and from the statement of the accredited representative of the mandatory Government in reply to my questions at the twenty-fifth session of the Commission, it is clear that the protest was based on entirely groundless rumours.

Under the circumstances, I would suggest that the Commission adopt the following conclusion :

" The Commission, having examined the petition, dated April 15th, 1934, from M. Abdul Hamid al Djabri and other inhabitants of Aleppo, and having taken note of the observations of the French Government and of the declaration of its accredited representative, considers that it does not call for any recommendation to the Council."

ANNEX 16.

SYRIA AND THE LEBANON.

PETITION, DATED APRIL 30TH, 1934, FROM M. RÉCHID MÉLOUHI.

REPORT BY M. RAPPARD.

M. Réchid Mélouhi's petition reached Geneva after the opening of the present session of the Permanent Mandates Commission. According to precedent and also in virtue of a formal decision of the Commission, dated June 28th, 1933, the examination of this petition should have been adjourned to a later session. In view, however, of its immediate importance, and, in particular, of the presence at Geneva of M. de Caix, accredited representative of the mandatory Power, who was quite prepared to supplement the Commission's information on the subject, it was decided, by way of exception, to examine the petition.

M. Réchid Mélouhi's petition, dated April 30th, 1934, was forwarded to the High Commissioner by a covering letter dated May 4th, 1934, and was communicated by the French Ministry for Foreign Affairs to the Secretary-General of the League by a letter, dated May 29th, 1934.

In that letter, the mandatory Power informs the Commission that the petitioner fled after a very violent speech which he delivered at Damascus on May 6th. The mandatory Power adds that "the Committee for the Defence of Parliamentary Institutions", on whose behalf M. Réchid Mélouhi—he describes himself as secretary—signs the petition, is not legally registered or even known under that name.

As regards the substance of the question, the mandatory Power in its observations simply invites reference to the annual report.

The petition, upwards of twenty pages in length, can obviously not be analysed in detail here. Its interest lies, not so much in the allegations contained in it, as in the texts and correspondence that are quoted—namely :

1. Complete text of the High Commissioner's Press *communiqué*, dated November 19th, 1933, an extract from which is reproduced on pages 5 and 6 of the annual report of the mandatory Power.
2. Text of the High Commissioner's decree, dated November 24th, 1933, suspending the deliberations of the Chamber of Deputies.
3. Text of a letter from the High Commissioner's delegate, addressed to the President of the Syrian Chamber, dated November 24th, 1933.
4. Text of the reply of the President of the Syrian Chamber to the High Commissioner's delegate, dated November 27th, 1933.
5. Text of a letter from the Syrian Prime Minister to the President of the Chamber of Deputies, dated January 31st, 1934.
6. Text of a letter from the President of the Chamber, dated February 1st, 1934, to the President of the Syrian Republic.
7. Copy of a telegram addressed, on May 1st, 1934, by the President of the Syrian Chamber to M. Doumergue, M. Barthou, M. Herriot and M. Tardieu.
8. Text of the High Commissioner's decree, dated March 10th, 1934, suspending the deliberations of the Chamber of Deputies.
9. Text of a letter from the President of the Chamber of Deputies to the High Commissioner's delegate, dated March 14th, 1934.
10. Manifesto published on March 20th, 1934, by the Parliamentary Committee for the Defence of the Constitution.

Although I have been given no opportunity, nor has it been possible for me, to verify the accuracy of all these texts, I think that the Commission may regard them as authentic, since the mandatory Power has made no observation on the subject either in its letter of May 29th, 1934, or through its accredited representative.

The above-mentioned documents are accompanied by a few very brief comments. The petitioner concludes his letter, addressed to the Chairman of the Mandates Commission, by expressing the hope that "you will be good enough to take the necessary action on this request".

What action can actually be taken on this petition? From the documents quoted, and more particularly the letters of the President of the Syrian Chamber and the few comments of the petitioner, it appears to be, in point of fact, simply a protest against the policy followed by the mandatory Power in Syria since the publication of the Treaty of Friendship and Alliance.

On examining the petition more closely, one is struck first by the fact that it comes from a man who obviously had access to the archives of the office of the President of the Syrian Chamber. As his complaints are, for the most part, submitted in the form of letters addressed by the President of the Chamber to the High Commissioner's delegate, to the President of the Syrian Republic and to M. Doumergue, M. Barthou, M. Herriot and M. Tardieu, it would seem that the President of the Chamber, who did not think fit to apply in person to the Mandates Commission, at all events authorised the petitioner to do so in his stead.

The principal complaints set forth in the petition are as follows :

- (1) The Treaty of Friendship and Alliance is deemed to be contrary to the independence and unity of the country ;
- (2) This Treaty was negotiated by the mandatory Power with a Government “ having little regard for the country’s wishes ” ;
- (3) The text of the Treaty was published in the Press by order of the High Commissioner before its transmission to the Chamber of Deputies (this criticism is, by the way, merely incidental) ;
- (4) The attitude of the High Commissioner’s delegate at the sitting of the Chamber on November 21st was not correct.

In this connection, one notes with some surprise that the President of the Chamber objects, not so much to the fact that the High Commissioner’s delegate intervened to suspend the proceedings of the Chamber, as that his intervention was felt to be belated. The President of the Chamber expresses himself on this point as follows in his letter of November 27th, 1933, to the High Commissioner’s delegate :

“ If, then, the decree of suspension was prepared for the case . . . in which the Chamber was discussing some subject other than the budget, as you suggest in the fourth paragraph of your letter, it should have been read just when the Minister of Finance was opening the discussion on the Treaty on behalf of the Government. The responsibility in regard to its reading being delayed until the Chamber had decided to discuss that Treaty rests with Your Excellency, and should not therefore be placed upon others.”

(5) The 1934 budget was promulgated by the Government without the previous approval of the Legislature ;

(6) The cuts made in this budget at the expense of the President of the Chamber of Deputies and of the members and secretariat of the Chamber are alleged to be an unconstitutional act of vengeance.

The letter from the President of the Council to the President of the Chamber referred to above actually relates only to the budgetary cuts and reductions imposed on the Chamber of Deputies. In this respect, the Government’s action is criticised as being definitely contrary to the Constitution, which reserves the budgetary prerogative for the Legislature.

(7) In the manifesto of the Parliamentary Committee relating to alleged abuses, of which the Government is said to have been guilty by taking advantage of the suspension of the deliberations of the Chamber.

In this connection, though without specific statements or comments, the petitioner complains of “ heavy concessions ”, “ concessions to be granted to French companies, to the country’s detriment, like those granted to the Bank of Syria and the Lebanon, . . . the renewal of the concession of the Bank of Syria, the tobacco régime, the asphalt development scheme, the draining of the Omoux plain . . . vengeance on the deputies and the suspension of nationalist newspapers ”.

As the Commission deliberately abstained from discussing the Franco-Syrian Treaty when examining the annual report, there is obviously no need to refer to it here.

The legality of the attitude adopted by the mandatory Power towards the Syrian Parliament would seem to be justified by the following considerations :

It seems clear that the Chamber, in deciding to open a debate on the Treaty without first referring that instrument to a parliamentary committee, was attempting to infringe the Constitution. Article 54 of the Constitution provides explicitly that :

“ Every Bill must be examined by a parliamentary committee before being discussed in the Chamber.”

Such an infringement, in connection with a legislative instrument of particular importance, appeared to the High Commissioner to be contrary to the maintenance of order. He therefore quoted the provisions of Article 116 as grounds for suspending the deliberations of the Chamber of Deputies.

The text of that article is as follows :

“ Article 116.—No provision of the present Constitution is, or can be, in conflict with the obligations contracted by France in respect of Syria, more particularly in regard to the League of Nations.

“ This reservation applies more especially to those articles affecting the maintenance of order, security and the defences of the country, and to those which concern foreign relations.

“ So long as France shall continue to be under international obligations in respect of Syria, any provisions of the present Constitution which may affect those obligations shall only be applied in conformity with an agreement to be concluded between the French and Syrian Governments.

“ Accordingly, whenever the application of the laws contemplated by any articles of the present Constitution might affect the said responsibilities, the discussion and promulgation of such laws in conformity with the present Constitution shall only be proceeded with in execution of the terms of the aforesaid agreement.

“ Decisions, in the nature of laws or regulations, rendered by the representatives of the French Government may not be modified except in virtue of an agreement between the two countries.”

The Mandates Commission cannot set itself up as a constitutional high court. Moreover, as I would again point out, it has received no explicit complaint of a violation of the Constitution by the President of the Chamber of Deputies. The Commission must accordingly examine the general complaints of the petitioner, in which constitutional considerations are referred to only incidentally.

While realising that the High Commissioner, who is responsible for public order, cannot always treat the Syrian Chamber of Deputies—which is itself so unmindful of the provisions of the Constitution governing its deliberations—with all the consideration due to the Legislature of a country that has reached complete political maturity, I cannot but deplore the circumstances which led to his intervention. Is not the fact that the mandatory Power considers such intervention indispensable a proof that Syria does not yet possess, in its eyes, the degree of maturity necessary for the regular functioning of a constitutional regime, even under the auspices of the mandate?

If, while regretting the necessity, one does not contest the constitutional legality of the suspension of the deliberations of the Chamber with the object of avoiding the premature and irregular discussion of the Treaty, it necessarily follows that one must admit also the constitutional legality of the promulgation of the budget without previous parliamentary authorisation. If, indeed, the Chamber, as it has shown on two occasions, persists in discussing the Treaty before entering on its budgetary duties; if, moreover, it decides to discuss the Treaty in violation of the Constitution; and if, lastly, as is obvious, the country cannot exist unless a budget is promulgated, it follows that the mandatory Power cannot be blamed for having authorised promulgation by the Syrian Government without previous legislative authorisation. But here again one must deplore the political circumstances which made such action incumbent upon the mandatory Power.

In a situation that had become so delicate by reason of these incidents, it is obvious that the Syrian Prime Minister, by writing to the President of the Chamber the letter of January 31st, 1934, concerning the budgetary cuts made in the Parliamentary Statute, was bound to create trouble. How, indeed, can one wonder that the Syrian Deputies should have seen in that communication not so much the expression of a general policy of economy as the manifestation of an intention to punish them? I am accordingly not surprised to find them writing of “revenge” and “vengeance” in this connection. This correspondence has given us fresh proof of the lack of political maturity of the Syrian leaders.

I do not think that I need dwell on the general complaints relating to abuses which are said to have occurred in consequence of the suspension of parliamentary proceedings. Certain of these complaints, more particularly those relating to concessions, are set forth without specific statements and without details, while others, such as those relating to Press censorship, appear to be ill-founded in view of the present condition of Syria. I do not think, then, that it is necessary to take any action on them.

If my colleagues share my views in general with regard to the facts alleged in this petition, I would venture to propose that they signify their agreement by adopting, for submission to the Council, a resolution on the following lines:

“The Commission,

“Having examined the petition, dated April 30th, 1934, from M. Réchid Mélouhi, Secretary of the ‘Committee for the Defence of Parliamentary Institutions in Syria’, together with the letter from the French Government, dated May 29th, 1934, and the accredited representative’s declarations, of June 7th, 1934:

“Regrets to note the irregularities that have occurred in the functioning of the Parliamentary system.

“It hopes to find in the next report information to the effect that a speedy improvement in the situation has permitted the resumption of the regular exercise of legislative power by Parliament, more particularly in regard to budgetary matters.”

C.P.M.1539(1).

ANNEX 17.

SYRIA AND THE LEBANON.

PETITION, DATED DECEMBER 7TH, 1933, FROM DR. OUAGIH BAROUDI
AND OTHER INHABITANTS OF HAMA.

REPORT BY M. RAPPARD.

This petition, which was communicated by the mandatory Power in a letter from Paris, dated May 15th, 1934, protests against the maintenance in power of the Syrian Government and approves the decision of the Chamber of Deputies which is said to have requested its resignation.

As the events that occurred at Damascus in November 1933 have been examined in connection with another petition, I do not consider it necessary to revert to them in connection with the present petition.

If my colleagues share this point of view, they might indicate their agreement by adopting some such resolution as the following :

“ The Commission, having examined the petition, dated December 7th, 1933, from Dr. Ouagih Baroudi and other inhabitants of Hama with regard to the parliamentary incidents that occurred at Damascus in November 1933, and having considered these incidents in connection with another petition, does not think it necessary to make any recommendation to the Council in connection with the present petition.”

C.P.M.1540(1).

ANNEX 18.

SYRIA AND THE LEBANON.

PETITION, DATED MARCH 23RD, 1934, FROM CERTAIN INHABITANTS OF HAMA.

REPORT BY M. RAPPARD.

This telegraphic petition protests against the suspension of the debates of the Chamber of the Syrian Republic during the spring session by a decree dated March 10th, 1934.

As this question is being examined in connection with another petition, I do not consider it necessary to make a special report to the Council.

If my colleagues should share this point of view, they might indicate their agreement by adopting some such resolution as the following :

“ The Commission, in view of the petition, dated March 23rd, 1934, from certain inhabitants of Hama with regard to the suspension, during the spring session, of the debates of the Syrian Chamber of Deputies, considers that there is no need to submit a special recommendation to the Council in this matter, which it is examining elsewhere.”

C.P.M.1491.

ANNEX 19.

TOGOLAND UNDER FRENCH MANDATE.

PETITIONS FROM THE “ BUND DER DEUTSCH-TOGOLÄNDER ”.

- (a) LETTER, DATED DECEMBER 15TH, 1933, FROM THE FRENCH GOVERNMENT, FORWARDING A NOTE BY M. BESSON, ACCREDITED REPRESENTATIVE, ON THE “ BUND DER DEUTSCH-TOGOLÄNDER ”.

I. *Letter from the French Government.*

[*Translation.*]

Paris, December 15th, 1933.

To the Secretary-General of the League of Nations.

At its last session,¹ the Permanent Mandates Commission requested the French accredited representative for Togoland and the Cameroons to furnish further information concerning the activities of the “ Bund der Deutsch-Togoländer ”.

In compliance with this request, I have the honour to communicate herewith, for transmission to the Chairman of the Permanent Mandates Commission, a note by M. Maurice Besson, giving the necessary information concerning the said association.

(Signed) R. MASSIGLI.

II. *Note on the “ Bund der Deutsch-Togoländer ”.*

For several years, the Permanent Mandates Commission has repeatedly been called upon to examine petitions concerning the French administration in Togoland, formulated on behalf of an association which styles itself the “ Bund der Deutsch-Togoländer ”.

¹ See Minutes of the Twenty-fourth Session, pages 52 to 55.

The Mandates Commission, in order to estimate at their true value the various complaints submitted by this association against the acts of the mandatory Power, requested¹ the accredited representative to supply it with any useful information concerning the association. Such is the object of the present note.

* * *

When and by whom was the "Bund der Deutsch-Togoländer" formed? It has never been possible to give details, owing to lack of information on this point. One fact is, however, established. The association was founded by the Germans when they were still in occupation of the Territory. It was re-organised, probably in 1922, at Accra, capital of the Gold Coast, and the headquarters of the association have not been changed since then, but are still in that town.

Who are the members? A certain mystery surrounds the composition of the association. One of its first presidents appears to have been a certain Johan Agboka, aged 41, a trader established at Accra. Johan Kany, a Togolander, was president of the association for several years. He was a nephew of Garber, one of the leading members of the Adigos clan. Kany was employed in the service of the German Government as a forwarding clerk, and then, during the Franco-British occupation, he entered the service of the British Government, being dismissed in 1915 for misconduct. Johan Agboka appears to have again held office as president some time ago. He was succeeded by Aklamake Ousah. Among other members of the Bund may be noted Alfred Lawrence, nephew and son-in-law of Garber, who kept a jeweller's shop at Lomé and fled from Togoland to the Gold Coast, where he took refuge after defrauding M. Hern Heuk, an agent of the "Bremer Factori", of £12. After being employed by a commercial firm at Accra, he was dismissed, and left that town in 1928 for Liberia. Other members of the association included Johan Agboka's brother, Galmil (who, in 1928, was in the service of M. Charles Fink, German Consul at Accra), and individuals answering to the names of Michel (a cook by trade), Almeida (a tradesman) and Ange Olympio, of Dahomey (who has since gone to Portuguese Guinea).

The French Administration has never been able to identify the signatories of the petitions dated June 27th and August 9th, 1926,² Aloys G. Gagée and Karl Dugamey. There is one disturbing and significant fact, that these two names correspond to current expressions meaning "in the balance" and "in the big city". These are unquestionably pseudonyms, as is "Sossouvi", the signatory of a petition of April 1933.

The petitions forwarded to the League of Nations thus bear false signatures.

What are the objects pursued by the "Bund der Deutsch-Togoländer"? The views of this group may be ascertained simply by consulting the circular of December 19th, 1925, enclosed herewith, which was sent to members of the association:

"League of German Togoland (Bund der Deutsch-Togoländer)."

P. O. Box 230, Accra.

"Circular."

"Fellow compatriots,

"We have the honour to inform you herewith that, two years ago, we constituted at Accra a League of German Togoland, through which we claim, as native-born Togoland, the right to watch over the welfare of our country and to rescue it from the misery to which it is exposed by the present French Administration. The Bund aims at establishing close liaison with Germany and has undertaken to represent Togoland at the League of Nations, and to defend her interests. To fulfil the requirements of the Bund—requirements imposed on ourselves until the achievement of our purpose—the assistance of the Brothers of Togoland who have remained in their own country is indispensable, if not actively, at all events vocally. Brothers, you must not take for granted that we poor natives can do nothing from here to protest against the measures imposed by the nations of Europe or that we must abandon all hope and effort. The League of Nations has itself inscribed on its banner the right of the peoples to self-determination, and, if we give full and unanimous expression to our feelings and our will, we can achieve our purpose.

"Petitions have twice been addressed by us on behalf of the whole people of Togoland to the League of Nations at Geneva, demanding that Togoland be evacuated by the French and that the country be restored to the Germans.

"You will be doing a great service to the Bund if you will circulate this letter, with the attached list, in order that everyone may inscribe his name on it and that the completed list may then be returned to the Bund. We would ask you also to give the Bund the benefit of your advice. We, for our part, will make a point of duly informing you of the work of the Bund. Do not then, dear compatriots, depart from your spirit of sacrifice. Help the 'Bund der Deutsch-Togoländer', which is fighting for liberty, law and peace.

"Accra, 19/12/25.

AGBOKA,
Directorate of the Bund.

BLICON,
Secretary."

¹ See Minutes of the Twenty-fourth Session, page 54.

² Document C.P.M.467.

This "circular letter" reflects the state of mind of the members of the "Bund der Deutsch-Togoländer", while the details available concerning them reveal their very relative importance and their dubious past.

Financially, the Bund depends upon grants received from a few Europeans at Accra and upon occasional sums of money sent from the territory.

The Bund's activities are more or less secret. The *Afrika Nachrichten*, of December 1st, 1925, contains a report to the effect that the Bund addressed to Dr. Bell, President of the Inter-Party Committee of the Reich, a petition in which the German Togolanders claim the right, as members of the German *Kulturgemeinschaft*, to express their views when it comes to a future colonial settlement. On January 7th, 1926, the Bund forwarded another petition, which was reproduced in full in the *Afrika Nachrichten* of May 16th, 1926, repeating the terms of the appeal to Dr. Bell.

At the eleventh session of the Mandates Commission (1927), M. Orts pointed out¹ that the Commission had already received not less than four petitions of which it had been impossible to retain even one.

"The first, dated June 17th, 1925, had been stopped by the Chairman, acting in virtue of the right accorded to him under the Rules of Procedure, because its conclusions were incompatible with the mandate and because the complaints of the petitioners, which were conceived in very general terms, did not merit the attention of the Commission. The second petition from the same 'Deutsch-Togoländer' met with the same fate, for the same reasons.

"The third and fourth petitions, dated August 2nd and 9th, 1926, should, *a priori*, have been rejected if they had not contained, almost as a secondary matter, certain statements which were fairly definite. These had been examined by Mrs. Wicksell with her habitual care, and it had been noted that, apart from certain secondary points which required further elucidation, the allegations of the petitioners were without foundation.

"He wondered therefore whether, under these circumstances, the patience of the Commission was not being abused."

At its twenty-first session, the Mandates Commission again had to examine the activities of the "Bund der Deutsch-Togoländer"² and Dr. Ruppel stated that "this association did not interest him in any way and that he was not familiar either with its statutes or its aims". In deference to the Commission, the accredited representative of the French Government stated³ that he possessed information on the subject which he would prefer not to place before it. This information concerned certain persons unconnected with Togoland or, indeed, with Africa at all.

In 1931, the French Administration, in response to Lord Lugard's request,³ got into touch with the Accra authorities. The latter supplied information identical with the particulars given at the beginning of the present note.

Quite recently—in June last—the French Government was informed that the Secretariat of the League had received two telegrams, dated February 5th and February 13th, 1933,⁴ from Denu, a place on the Gold Coast, and referring to the incidents at Lomé in January of that year. These telegrams, as mentioned in the present note, are signed "Sossouvi", which is a common noun in the Dahomey tongue and has never been a proper name, so that the complaints in question may be regarded as anonymous. If the authors of the petitions in question had been able to adduce definite and real facts, it is doubtful whether they would have taken refuge in a form of anonymity.

The particulars requested of the French authorities in Togoland have thus confirmed the accredited representative's statement that no importance should be attached to complaints framed in foreign territory and signed with fictitious names.

(Signed) Maurice BESSON,
Accredited Representative.

C.P.M.1531.

(b) PETITIONS, DATED FEBRUARY 2ND, MARCH 28TH, NOVEMBER 23RD, 1931, AND MAY 22ND, 1932, FROM THE "BUND DER DEUTSCH-TOGOLÄNDER".

Report by M. Orts.

The Commission has already received in the past, more particularly in 1927, 1931 and 1933, petitions from Accra (Gold Coast) bearing the signatures of various persons who stated that they were acting on behalf of an association known alternatively as the "Deutsch-Togobund" and the "Bund der Deutsch-Togoländer".

These petitions, which were directed against the administration of Togoland under French mandate, were invariably regarded as calling for no action, either because the Commission considered them too vague, or because the allegations they contained appeared to be unfounded.

¹ See Minutes, page 41.

² See Minutes, page 161.

³ See Minutes, page 162 (twenty-first Session.)

⁴ See Minutes of the Twenty-fourth Session, pages 122 to 129, 138 to 139, and document C.P.M.1385.

Doubts having arisen in the Commission as to whether these petitions were serious, as to the status of their signatories, and even as to the very existence of the association they claimed to represent, the mandatory Power was asked, through its representative accredited to the Commission, for information on these points.

The information supplied seems to confirm the actual existence of a "Bund der Deutsch-Togoländer" at Accra, though nothing is known of its origin, its aims, or the number, identity or nationality of its members or their connections with the territory of Togoland under French mandate.

Furthermore, a note from the accredited representative of the mandatory Power for Togoland, forwarded by the French Government on December 15th, 1933, states that the French Administration has never been able to identify certain of the signatories of the petitions examined by the Commission in 1927 and 1933. "A disquieting and significant feature", says the note in question, is that their signatures are not proper names, but common nouns of a wide variety of meanings, so that "they are unquestionably pseudonyms".

In other words, the petitions previously examined by the Commission may have been signed with false names.

Now it happens that one of those names appears once more at the foot of the covering letters to the petitions with which we have to deal to-day, or at the foot of the petitions themselves.

Taking all these circumstances as a whole, I feel bound to recommend to the Commission to proceed with the utmost circumspection in this case. I therefore propose that it regard the petitions emanating from this source as non-receivable on the same grounds as in the case of anonymous petitions, until such time as the signatories have furnished evidence of their identity and such particulars of the association they claim to represent as will make it possible to judge of its aims and nature.

Should the Mandates Commission share this view, I would propose that the following conclusion be adopted :

" The Commission,

" Having before it the petitions, dated February 2nd, March 28th and November 23rd, 1931, and May 22nd, 1932, from the ' Bund der Deutsch-Togoländer ', forwarded by the French Government on February 19th, 1934, and December 28th, 1933, respectively ;

" Considering that these should be assimilated to anonymous petitions :

" Thinks it proper to reject them without examination."

ANNEX 20.

I.

REPORT TO THE COUNCIL ON THE WORK OF THE SESSION.

The Permanent Mandates Commission met at Geneva from May 30th to June 12th, 1934, for its twenty-fifth session, and held eighteen meetings, part of the first of which was public.

The annual reports were considered in the following order, with the co-operation of the representatives of the mandatory Powers :

Palestine and Trans-Jordan, 1933.

Accredited Representatives :

Mr. J. H. HALL, D.S.O.; O.B.E., M.C., Chief Secretary to the Government of Palestine ;
Mr. M. NUROCK, O.B.E., Assistant Secretary to the Government of Palestine.

New Guinea, 1932-33.

Accredited Representatives :

Mr. J. G. McLAREN, C.M.G., Acting High Commissioner of the Commonwealth of Australia in London ;
Mr. E. W. P. CHINNERY, Director of Native Affairs and District Services of New Guinea.

Nauru, 1933.

Accredited Representative :

Mr. J. G. McLAREN, C.M.G., Acting High Commissioner of the Commonwealth of Australia in London.

Syria and the Lebanon, 1933.

Accredited Representative :

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

Tanganyika Territory, 1933.

Accredited Representative :

Mr. J. A. CALDER, Colonial Office.

A. SPECIAL QUESTIONS.¹

I. TRANSMISSION AND EXAMINATION OF THE REPORT ON THE ADMINISTRATION OF THE TERRITORY OF SOUTH WEST AFRICA FOR 1933 (pages 10-11, 93, 128).

The Permanent Mandates Commission has taken note of a letter, dated March 15th, 1934, sent to the Secretary-General of the League of Nations by the accredited representative of the Union of South Africa to the League. In this letter, the South African Government explains why it has been unable to send its annual report on the administration of South West Africa to the League at the proper time, and asks "that permission be granted for the presentation of the report in time for examination at the October session or later".

The Commission has therefore been obliged to postpone until its 1934 autumn session the examination of the annual report on the administration of South West Africa for 1933, which, for this purpose, must reach the League of Nations before September 1st.

The Commission is aware of the exceptional circumstances that have prevented the mandatory Power from drawing up and forwarding the annual report within the prescribed time-limit. It considers, however, that this case should not establish a precedent.

The Commission therefore requests the Council to instruct the Secretary-General of the League of Nations to communicate the foregoing to the representative of the Union of South Africa.

II. WESTERN SECTION OF THE FRONTIER BETWEEN SYRIA AND PALESTINE (pages 9, 11-12, 33-34, 86, 103).

OPINION OF THE COMMISSION.

On May 14th, 1934, the Council adopted the following resolution :

"The Council,

"In response to the joint request of the Governments of France and the United Kingdom, the mandatory Powers for Syria and Palestine :

"Declares its willingness to examine, with a view to approval, the Franco-British Agreement of March 7th, 1923, which delimits the western section of the frontier defined by the Convention of December 23rd, 1920 ;

"Accordingly invites the Permanent Mandates Commission to inform it as soon as possible of its opinion on the line fixed by the said Agreement from the point of view of the execution of the mandates ;

"Therefore requests the Secretary-General to communicate to the Permanent Mandates Commission the documentation submitted by the French and United Kingdom Governments and the Minutes of the present meeting of the Council."

The Permanent Mandates Commission took note of the documentation submitted to it in conformity with this resolution.

It noted that the Agreement of March 7th, 1923, delimits, with slight changes, the western section of the frontier-line defined by the Convention of December 23rd, 1920.

During the eleven years which have elapsed since the coming into force of this Agreement, the Commission has had no occasion to note any disadvantages arising in connection with the present frontier-line from the standpoint of the administration of the mandated territories concerned, or from that of the interests of the local populations.

¹ The page numbers following each title are those of the Minutes of the session.

The Commission has accordingly the honour to inform the Council, in reply to the request contained in the resolution of May 14th, 1934, that the line fixed by the Franco-British Agreement of March 7th, 1923, does not call for any special observation on its part.

B. OBSERVATIONS ON THE ADMINISTRATION OF CERTAIN TERRITORIES UNDER MANDATE.

The following observations, which the Commission has the honour to submit to the Council, were adopted after consideration of the situation in each territory in the presence of the accredited representatives of the mandatory Power concerned. In order to appreciate the full significance of these observations, reference should be made, as usual, to the Minutes of the meetings of the Commission at which the questions concerning the different territories were discussed.¹

TERRITORIES UNDER "A" MANDATE.

Palestine and Trans-Jordan.

I. GENERAL OBSERVATION.

The Commission has noted with interest the measures taken by the mandatory Power in connection with settlement, agricultural development and co-operative societies.

At the same time, the Commission has also been glad to learn that Palestine has continued to enjoy favourable economic and financial conditions, and that the Administration is endeavouring to improve the condition of that part of the agricultural population which has suffered from bad harvests (pages 13-14, 15, 17, 18, 28-30, 32, 40, 119).

II. SPECIAL OBSERVATIONS.

1. *Incidents of October 1933.*

The Commission thanks the mandatory Power for the information supplied in writing and orally in regard to the incidents which occurred in Palestine in October 1933, the causes which gave rise to those incidents and the action taken.

It will be glad to have detailed information in the next report as to the final decisions arrived at in connection with these incidents.

It has further noted the statement of the accredited representative that the number of troops and police is sufficient to ensure the maintenance of public order (pages 17, 19-20, 22, 119).

2. *Frontiers.*

The Commission would welcome in the next report a statement concerning the frontier between Trans-Jordan and Sa'udi Arabia and also information as to the line of demarcation between the vilayet of the Hejaz and that of Syria in the time of the Ottoman Administration (pages 34-35, 119).

3. *Local Autonomy.*

The Commission took note of the ordinance concerning municipalities and the circumstances in which it was issued.

It would be glad to be kept informed of the measures taken in application of this ordinance and as to the activities of the municipal councils (pages 16, 21, 22, 23, 119).

4. *Immigration.*

The Commission will be glad to learn by what means the mandatory Power proposes to establish a closer relation between the number of new arrivals and the true economic absorptive capacity of the country on the long view (pages 24-28, 119).

5. *Education.*

The Commission recognises the efforts made by the mandatory Power to extend education and hopes that circumstances will enable it to make the benefits of education more generally available in the near future, especially to Arab children (pages 14, 15, 38-39, 119).

¹ The page numbers following each observation are those of the Minutes of the session

6. *Marriage of Children.*

With reference to the observations made at its twenty-second session (Minutes, page 363), the Commission notes with satisfaction that the minimum age of marriage for girls has been raised to 14 and that this decision has received the approval of the various heads of religious communities (pages 31, 119).

7. *Public Finances.*

The Commission will be interested to receive further information as to the use to be made of the £P2,000,000 loan for Palestine guaranteed by the mandatory Power (pages 14, 40, 119).

Syria and The Lebanon.

GENERAL OBSERVATIONS.

The Commission has taken note of the text of the Treaty of Friendship and Alliance between France and Syria and the Protocols and letters relative thereto, which are annexed to the report for 1933.

Being desirous of entirely reserving its opinion as to the political maturity of the populations under mandate, and therefore as to the date and manner of their emancipation, the Commission has deliberately refrained from any comment upon the treaty. This instrument, which is not yet finally binding upon the two parties, is intended only to regulate the relations between the mandatory Power and the Syrian community after the termination of the mandate, no proposal for which, the Commission observes, has yet been brought before it.

Further, the Commission has heard with interest the description given of the present political and parliamentary situation in Syria and the Lebanon. It regrets that the incidents which occurred in Parliament in connection with the publication of the Franco-Syrian Treaty obliged the mandatory Power to suspend the proceedings of the Syrian Chamber. The Commission hopes that the normal parliamentary regime—more particularly in the matter of the budget—will soon be restored.

SPECIAL OBSERVATIONS.

1. *Municipal Administration.*

The Commission has noted that in a number of places the elected members of the municipal council have been considered inefficient and have been replaced by officials or administrative boards appointed by the Government.

It would be glad to know the effects of this measure from the point of view of the administration of municipal affairs (pages 77, 120).

2. *Military Clauses.*

The Commission hopes to find in the next report a survey of the progress made by the Syrian and Lebanese officers and non-commissioned officers of the local troops and information as to the value of those troops for the maintenance of order and the defence of the territory, if necessary (pages 78, 120).

3. *Prisons.*

The Commission desires that, in spite of financial stringency, the competent authorities will be able to improve the prison system, more particularly as it affects juvenile offenders (pages 79-80, 120).

4. *Wakfs.*

The Commission would be glad to know the result of the enquiry that has been undertaken with a view to modifying the administration of the Moslem Wakfs (pages 81, 120).

5. *Economic Equality.*

The Commission concerned itself with certain clauses in the ordinances of November 24th and December 30th, 1933, and January 11th, 1934, regarding the import of oils.

It noted that the purpose of these regulations was to prevent the adulteration of local butter and oils, damaging to the reputation of these products, and to protect them from foreign competition.

It trusts that there is no danger of these new measures giving rise to infringements of the clauses of Article 11 of the mandate concerning economic equality, and hopes that it may be completely reassured on this point (pages 83-84, 120).

6. *Drugs.*

The Commission hopes that the steps taken to strengthen the supervision over the possession of and traffic in hashish will prove more effective than in the past (pages 89-90, 120).

7. *Education.*

The Commission has observed that the percentage of children of school age not attending school is still relatively high, owing to the insufficiency of school buildings and teaching staff. It trusts that, notwithstanding the financial difficulties, the Administration will gradually succeed in improving these conditions (pages 90, 120).

8. *Public Finance.*

The Commission is grateful to the mandatory Power for the very full particulars it has included in the report regarding the revenue and expenditure of the various administrative units of the mandated territory. It would like these details to be supplemented in future by a statement and synthetic tables to enable the Commission to form an opinion of the financial conditions in the mandated territory as a whole (pages 91-93, 120).

TERRITORY UNDER " B " MANDATE.

Tanganyika.

1. *Conference of East African Governors.*

The Commission would be glad to find in future reports as much information as possible on the work of the Conference of East African Governors, especially as to the reasons for any recommendation or agreement that concerns the mandated territory (pages 104, 105, 106, 122).

2. *Administrative Questions.*

The Commission learned from the accredited representative that the issue of a common postage-stamp for Tanganyika, Kenya and Uganda had been sanctioned. It has also taken note of the details supplied to it with regard to the amalgamation of the Tanganyika postal services with those of Kenya and Uganda. It has further noted the information contained in the report as to the Customs agreement between Tanganyika on the one hand and Kenya and Uganda on the other.

The Commission, wishing to safeguard the integrity of the mandate, attaches special importance to all that concerns the relations of Tanganyika with the two neighbouring British possessions and hopes to receive information as to the reasons for the issue of the common postage-stamp and as to the allocation of postal, telegraphic and Customs expenditure and revenue between the three territories (pages 104-105, 106, 108, 109-110, 122).

3. *Taxation.*

The Commission would be glad to have full information as to the incidence of taxation on non-natives (including commercial companies) (pages 109, 122).

4. *Administration of Justice.*

The Commission would be glad to know when it may expect to receive the report of the Commission of Enquiry, under the Chairmanship of Mr. Bushe, regarding the administration of Justice (pages 111, 122).

5. *Railways.*

The Commission would be glad to know which of the recommendations of the report by Mr. Gibb it is proposed to adopt (pages 108, 122).

6. *Military.*

The Commission would be glad to find in future reports detailed information as to the proportionate amount paid for the upkeep of the troops employed in the territory (pages 113, 122).

7. *Education.*

The Commission would be glad to find in future reports fuller information on the Native Administration schools and to know what proportion of the cost of the European children's education is borne by the European community (pages 116-117, 122).

8. *Traffic in Liquors.*

The Commission hopes that the next annual report will contain more complete information on the alcoholic content of all native beverages (pages 118, 122).

TERRITORIES UNDER "C" MANDATE.

Nauru.

No observations (page 120).

New Guinea.

1. *Native Customs.*

While paying its tribute to the work of civilisation that has been done by the missions, the Commission hopes that they will bear in mind the importance of preserving all the sound and valuable features of the native culture and customs (pages 44, 120).

2. *Education.*

The Commission hopes to find in the next report more detailed particulars on the mission schools.

The Commission has noted the information supplied by the mandatory Power regarding the proposal that the missions should be made solely responsible for native education in the territory. It trusts that the administration will maintain an effective control over the education in the territory (pages 48-49, 120).

C. OBSERVATIONS ON PETITIONS.¹

At its twenty-fifth session, the Commission considered the petitions mentioned below, together with the observations with regard thereto furnished by the mandatory Powers. Each of the petitions was reported on in writing by a member of the Commission. After discussion, the following conclusions were adopted by the Commission. The texts of the reports submitted to the Commission are attached to the Minutes.²

Palestine.

- (a) *Memorandum, dated May 1933, by the Executive of the General Council (Vaad Leumi) of the Jewish Community of Palestine; Memorandum, dated April 9th, 1933, by the Chief Rabbinate of Palestine; and Memorandum, dated May 11th, 1933, by the Central Agudath Israel (document C.P.M.1402) (pages 16, 22, 30-31, 122, 130-132).*

Observations of the United Kingdom Government, dated May 17th, 1934 (document C.P.M.1504).

Report (see Minutes, Annex 5).

CONCLUSIONS.

" The Commission,

" Having taken note of the memorandum, dated May 1933, by the Executive of the General Council (Vaad Leumi) of the Jewish Community of Palestine; of the memorandum, dated April 9th, 1933, by the Chief Rabbinate of Palestine; of the memorandum, dated May 11th, 1933, by the Central Agudath Israel, and of the observations of the mandatory Power thereon;

" (1) With regard to the question of discrimination which the Jewish petitioners believe to exist to the detriment of the Rabbinical courts, as compared with the Islamic courts:

" Notes that there does in fact exist a statute of the Moslem courts, inherited from the Ottoman Empire, which is without equivalent for the religious courts of the other religions;

" Notes that this situation, even if it does not amount to a definite infringement of any given clause of the mandate, does at least constitute an indisputable inequality of treatment;

" Admits that it is not in a position to suggest any specific reform which would put an end to this inequality; but

" Expresses the hope that the mandatory Power will be able to find appropriate means which will provide, if not a formal degree of equality, at least some parallel treatment in finance;

¹ The page numbers given at the end of each title are those of the Minutes of the session.

² As the Commission has not thought it necessary to annex the texts of the petitions and the mandatory Powers' observations thereon to the Minutes, and consequently to transmit them to the Council, it recommends that copies of those documents should be deposited in the League of Nations Library and thus placed at the disposal of persons wishing to consult them.

“ (2) With regard to the question of the Jewish communities,
“ Having noted with satisfaction the statements of the accredited representative to the effect that this question is in process of settlement by friendly agreement :
“ Considers it undesirable to express any opinion on the subject.”

- (b) *Petitions, dated June 12th and August 28th, 1933, from the Council Waad Adath Ashkenazim of Jerusalem* (document C.P.M.1486) (pages 122, 132-134).

Observations of the United Kingdom Government, dated November 25th, 1933 (document C.P.M.1486).

Report (see Minutes, Annex 6).

CONCLUSIONS.

“ The Commission,

“ Having examined the petitions, dated June 12th and August 28th, 1933, from the Council Waad Adath Ashkenazim of Jerusalem and the observations of the mandatory Power of November 25th, 1933 ;

“ Noting, on the one hand, that the petitioners enjoy complete religious liberty and that there is nothing to prevent the immigration for religious purposes of Jews whose maintenance they will provide for ; and

“ Recognising, on the other hand, the undesirability, and even the impossibility, of the establishment, as communities which are autonomous from the administrative point of view, of all religious groups desiring separate official representation with the mandatory Power :

“ Considers that there are no grounds for making a special recommendation to the Council on the subject of the petitioners' requests.”

- (c) *Petition, dated May 25th, 1933, from M. Auni Abdul Hadi, Secretary-General of the Arab Independence Party, Jerusalem, communicating a Memorandum, dated January 8th, 1933* (document C.P.M.1434) (pages 21, 22, 38-39, 122, 134-135).

Observations of the United Kingdom Government, dated July 14th, 1933 (document C.P.M.1434).

Report (see Minutes, Annex 7).

CONCLUSIONS.

“ The Commission, having examined the petition, dated May 25th, 1933, from M. Auni Abdul Hadi, Secretary-General of the Arab Independence Party of Jerusalem, together with the observations of the mandatory Power thereon, considers that no action should be taken on this petition.”

- (d) (1) *Petition, dated May 18th, 1933, from M. D. Warwar, President of the “ Sociedad Palestino-Arabe ” of Cuba* (document C.P.M.1439).

Observations of the United Kingdom Government, dated November 9th, 1933 (document C.P.M.1485).

- (2) *Petition, dated October 5th, 1933, from M. Ihsan el Djabri* (document C.P.M.1470).

Observations of the United Kingdom Government, dated December 21st, 1933 (document C.P.M.1487).

- (3) *Petition, dated October 29th, 1933, from the “ Comité exécutif syro-palestinien ” of Cairo* (document C.P.M.1484).

Observations of the United Kingdom Government, dated December 20th, 1933 (document C.P.M.1488).

- (4) *Petition, dated November 29th, 1933, from the “ Union régionale des Sionistes de l'Est de la France ”, Strasburg* (document C.P.M.1490).

Observations of the United Kingdom Government, dated February 23rd, 1934 (document C.P.M.1495).

- (5) *Petition, dated September 30th, 1933, from M. Taufik Hammad and Other Arab Notables of Nablus* (document C.P.M.1496).

Observations of the United Kingdom Government, dated March 13th, 1934 (document C.P.M.1496).

- (6) *Petition, dated November 2nd, 1933, from Certain Inhabitants of Qalqilia* (document C.P.M.1498).

(Pages 17, 19-20, 22, 24-28, 119, 122, 135-136.)

Observations of the United Kingdom Government, dated April 24th, 1934 (document C.P.M.1498).

Report. See Minutes, Annex 8.

CONCLUSIONS.

“ The Commission, having noted the petitions :

“ (1) From M. D. Warwar, President of the ‘ Sociedad Palestino-Arabe ’ of Cuba, dated May 18th, 1933 ;

“ (2) From M. Ihsan el Djabri, dated October 5th, 1933 ;

“ (3) From the ‘ Comité exécutif syro-palestinien ’ of Cairo, dated October 29th, 1933 ;

“ (4) From the ‘ Union régionale des Sionistes de l’Est de la France ’, Strasburg, dated November 29th, 1933 ;

“ (5) From M. Taufik Hammad and other Arab notables of Nablus, dated September 30th, 1933 ;

“ (6) From certain inhabitants of Qalqilia, dated November 2nd, 1933 ;

and the correspondence thereon from the mandatory Power :

“ Considers that these petitions do not call for any special recommendation to the Council.”

- (e) *Memorandum on the Development of the Jewish National Home in Palestine in 1933, accompanied by a Letter, dated April 30th, 1934, from the President of the Jewish Agency for Palestine* (document C.P.M.1513) (pages 120, 136-137).

Observations of the United Kingdom Government, dated May 23rd and 28th, 1934 (documents C.P.M.1513 and 1518).

Report (see Minutes, Annex 9).

CONCLUSIONS.

“ The Commission, having taken cognisance of the Jewish Agency’s memorandum for 1933 and the mandatory Power’s observations thereon, considers that no recommendation to the Council is called for in this connection.”

Syria and the Lebanon.

- (a) *Petition, dated December 4th, 1933, from the Emir Chékib Arslan and M. Ihsan el Djabri* (document C.P.M.1489) (pages 101, 122, 137-138).

Observations of the French Government, dated May 22nd, 1934 (document C.P.M.1505).
Report (see Minutes, Annex 10).

CONCLUSIONS.

“ The Commission, having examined the petition, dated December 4th, 1933, from the Emir Chékib Arslan and M. Ihsan el Djabri, and having decided, moreover, to refrain from expressing any opinion with regard to the Franco-Syrian Treaty, does not feel able to make any recommendation to the Council in connection with the protests against the whole policy of the mandatory Power in Syria.”

- (b) *Petitions (five in number), dated November 20th, 21st and 26th, 1933, with regard to the Franco-Syrian Treaty* (document C.P.M.1512) (pages 101, 121, 138).

Observations of the French Government, dated May 19th, 1934 (document C.P.M.1512).
Report (see Minutes, Annex 11).

CONCLUSIONS.

“ The Commission, having taken note of the five petitions dated November 20th, 21st and 26th, 1933, protesting against the Franco-Syrian Treaty, and having deliberately refrained, for the reasons indicated in its observations to the Council, from giving an opinion on that treaty, does not consider it desirable to make any recommendation to the Council in connection with these petitions.”

- (c) *Petition, dated August 31st, 1933, from M. Mohammed Adib Haurani and Other Notables of Hama* (document C.P.M.1510) (pages 122, 138-139).

Observations of the French Government, dated May 15th, 1934 (document C.P.M.1510).
Report (see Minutes, Annex 12).

CONCLUSIONS.

“ The Commission, having examined the petition dated August 31st, 1933, from M. Mohammed Adib Haurani and other notables of Hama, in the light of the mandatory Power’s observations, considers that this petition does not call for any special recommendation on its part to the Council.”

- (d) *Petition, consisting of a Telegram, dated January 17th, 1934, and of a Letter, dated February 1st, 1934, from M. Sami Slim* (document C.P.M.1507) (pages 93, 121, 139).

Observations of the French Government, dated May 15th, 1934 (document C.P.M.1507).
Report (see Minutes, Annex 13).

CONCLUSIONS.

“ The Commission, having examined the petition, consisting of a telegram and a letter, dated respectively January 17th and February 1st, 1934, from M. Sami Slim, together with the French Government's observations thereon, is of opinion that no action should be taken on the said petition.”

- (e) *Petition, dated March 7th, 1934, from M. Adib Safadi, M. Mounir Ajlani and Other Inhabitants of Damascus* (document C.P.M.1511) (pages 121, 140).

Observations of the French Government, dated May 18th, 1934 (document C.P.M.1511).
Report (see Minutes, Annex 14).

CONCLUSIONS.

“ The Commission, having examined the petition, dated March 7th, 1934, from M. Adib Safadi, M. Mounir Ajlani and other inhabitants of Damascus, and the French Government's observations thereon, considers that it does not call for any recommendation to the Council.”

- (f) *Petition, dated April 15th, 1934, from M. Abdul Hamid al Djabri and Other Inhabitants of Aleppo* (document C.P.M.1509) (pages 76, 121, 140).

Observations of the French Government, dated May 19th, 1934 (document C.P.M.1509).
Report (see Minutes, Annex 15).

CONCLUSIONS.

“ The Commission, having examined the petition, dated April 15th, 1934, from M. Abdul Hamid al Djabri and other inhabitants of Aleppo, and having taken note of the observations of the French Government and of the declaration of its accredited representative, considers that it does not call for any recommendation to the Council.”

- (g) *Petition, dated April 30th, 1934, from M. Réchid Mélouhi* (document C.P.M.1526) (pages 101-102, 103, 122, 123, 141-143).

Observations of the French Government, dated May 29th, 1934 (document C.P.M.1526).
Report (see Minutes, Annex 16).

CONCLUSIONS.

“ The Commission, having examined the petition, dated April 30th, 1934, from M. Réchid Mélouhi, Secretary of the ‘ Committee for the Defence of Parliamentary Institutions in Syria ’, together with the letter from the French Government, dated May 29th, 1934, and the accredited representative's declarations of June 7th, 1934, regrets to note the irregularities that have occurred in the functioning of the parliamentary system.

“ It hopes to find in the next report information to the effect that a speedy improvement in the situation has permitted the resumption of the regular exercise of legislative power by Parliament, more particularly in regard to budgetary matters.”

- (h) *Petition, dated December 7th, 1933, from Dr. Ouagih Baroudi and Other Inhabitants of Hama* (document C.P.M.1508) (pages 121, 122-123, 141-143, 144).

Observations of the French Government, dated May 15th, 1934 (document C.P.M.1508).
Report (see Minutes, Annex 17).

CONCLUSIONS.

“ The Commission, having examined the petition, dated December 7th, 1933, from Dr. Ouagih Baroudi and other inhabitants of Hama, with regard to the parliamentary incidents that occurred at Damascus in November 1933, and having considered these incidents in connection with another petition, does not think it necessary to make any recommendation to the Council in connection with the present petition.”

- (i) *Petition, dated March 23rd, 1934, from Certain Inhabitants of Hama* (document C.P.M.1506) (pages 121, 122-123, 141-143, 144).

Observations of the French Government, dated May 18th, 1934 (document C.P.M.1506).
Report (see Minutes, Annex 18).

CONCLUSIONS.

“ The Commission, in view of the petition, dated March 23rd, 1934, from certain inhabitants of Hama with regard to the suspension, during the spring session, of the debates of the Syrian Chamber of Deputies, considers that there is no need to submit a special recommendation to the Council in this matter, which it is examining elsewhere.”

Togoland under French Mandate.

*Petitions from the “ Bund der Deutsch-Togoländer ”.*¹

(a) *Dated February 2nd, March 28th and November 23rd, 1931* (document C.P.M.1493).
Observations of the French Government, dated February 19th, 1934 (document C.P.M.1493).

(b) *Dated May 22nd, 1932* (document C.P.M.1492).

(Pages 121, 144-147.)

Observations of the French Government, dated December 28th, 1933 (document C.P.M.1492).
Report. See Minutes, Annex 19b.

CONCLUSIONS.

“ The Commission,

“ Having before it the petitions, dated February 2nd, March 28th and November 23rd, 1931, and May 22nd, 1932, from the ‘ Bund der Deutsch-Togoländer ’, forwarded by the French Government on February 19th, 1934, and December 28th, 1933, respectively ;

“ Considering that these should be assimilated to anonymous petitions :

“ Thinks it proper to reject them without examination.”

II.

COMMENTS OF THE ACCREDITED REPRESENTATIVES SUBMITTED
IN ACCORDANCE WITH SECTION (e) OF THE CONSTITUTION
OF THE PERMANENT MANDATES COMMISSION.

The accredited representatives for Palestine and Trans-Jordan, Syria and the Lebanon, Tanganyika and New Guinea have stated that they have no comments to make on the observations contained in the report of the Permanent Mandates Commission.

¹ In response to the wishes expressed by the Commission at its twenty-fourth session (Minutes, pages 54 and 55), the French Government, by a letter dated December 15th, 1933, forwarded a note from M. Besson, accredited representative, on the “ Bund der Deutsch-Togoländer ” (document C.P.M.1491, Annex 19a).

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 Govt. : Government
 P. M. C. : Permanent Mandates Commission

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Geneva, June 12th, 1934.

LEAGUE OF NATIONS

PERMANENT MANDATES COMMISSION

TWENTY-FIFTH SESSION OF THE COMMISSION

(Geneva, May 30th-June 12th, 1934)

I.

REPORT TO THE COUNCIL ON THE WORK OF THE SESSION.

The Permanent Mandates Commission met at Geneva from May 30th to June 12th, 1934, for its twenty-fifth session, and held eighteen meetings, part of the first of which was public.

The annual reports were considered in the following order, with the co-operation of the representatives of the mandatory Powers :

Palestine and Trans-Jordan, 1933.

Accredited Representatives :

Mr. J. H. HALL, D.S.O., O.B.E., M.C., Chief Secretary to the Government of Palestine ;
Mr. M. NUROCK, O.B.E., Assistant Secretary to the Government of Palestine.

New Guinea, 1932-33.

Accredited Representatives :

Mr. J. G. McLAREN, C.M.G., Acting High Commissioner of the Commonwealth of Australia in London ;
Mr. E. W. P. CHINNERY, Director of Native Affairs and District Services of New Guinea.

Nauru, 1933.

Accredited Representative :

Mr. J. G. McLAREN, C.M.G., Acting High Commissioner of the Commonwealth of Australia in London.

Syria and the Lebanon, 1933.

Accredited Representative :

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

Tanganyika Territory, 1933.

Accredited Representative :

Mr. J. A. CALDER, Colonial Office.

A. SPECIAL QUESTIONS.¹

I. TRANSMISSION AND EXAMINATION OF THE REPORT ON THE ADMINISTRATION OF THE TERRITORY OF SOUTH WEST AFRICA FOR 1933 (pages 10-11, 93, 128).

The Permanent Mandates Commission has taken note of a letter, dated March 15th, 1934, sent to the Secretary-General of the League of Nations by the accredited representative of the Union of South Africa to the League. In this letter, the South African Government explains why it has been unable to send its annual report on the administration of South West Africa to the League at the proper time, and asks "that permission be granted for the presentation of the report in time for examination at the October session or later".

The Commission has therefore been obliged to postpone until its 1934 autumn session the examination of the annual report on the administration of South West Africa for 1933, which, for this purpose, must reach the League of Nations before September 1st.

The Commission is aware of the exceptional circumstances that have prevented the mandatory Power from drawing up and forwarding the annual report within the prescribed time-limit. It considers, however, that this case should not establish a precedent.

The Commission therefore requests the Council to instruct the Secretary-General of the League of Nations to communicate the foregoing to the representative of the Union of South Africa.

II. WESTERN SECTION OF THE FRONTIER BETWEEN SYRIA AND PALESTINE (pages 9, 11-12, 33-34, 86, 103).

OPINION OF THE COMMISSION.

On May 14th, 1934, the Council adopted the following resolution :

" The Council,

" In response to the joint request of the Governments of France and the United Kingdom, the mandatory Powers for Syria and Palestine :

" Declares its willingness to examine, with a view to approval, the Franco-British Agreement of March 7th, 1923, which delimits the western section of the frontier defined by the Convention of December 23rd, 1920 ;

" Accordingly invites the Permanent Mandates Commission to inform it as soon as possible of its opinion on the line fixed by the said Agreement from the point of view of the execution of the mandates ;

" Therefore requests the Secretary-General to communicate to the Permanent Mandates Commission the documentation submitted by the French and United Kingdom Governments and the Minutes of the present meeting of the Council."

The Permanent Mandates Commission took note of the documentation submitted to it in conformity with this resolution.

It noted that the Agreement of March 7th, 1923, delimits, with slight changes, the western section of the frontier-line defined by the Convention of December 23rd, 1920.

During the eleven years which have elapsed since the coming into force of this Agreement, the Commission has had no occasion to note any disadvantages arising in connection with the present frontier-line from the standpoint of the administration of the mandated territories concerned, or from that of the interests of the local populations.

The Commission has accordingly the honour to inform the Council, in reply to the request contained in the resolution of May 14th, 1934, that the line fixed by the Franco-British Agreement of March 7th, 1923, does not call for any special observation on its part.

B. OBSERVATIONS ON THE ADMINISTRATION OF CERTAIN TERRITORIES UNDER MANDATE.

The following observations, which the Commission has the honour to submit to the Council, were adopted after consideration of the situation in each territory in the presence of the accredited representatives of the mandatory Power concerned. In order to appreciate the full significance of these observations, reference should be made, as usual, to the Minutes of the meetings of the Commission at which the questions concerning the different territories were discussed.²

¹ The page numbers following each title are those of the Minutes of the session.

² The page numbers following each observation are those of the Minutes of the session.

TERRITORIES UNDER " A " MANDATE.

Palestine and Trans-Jordan.

I. GENERAL OBSERVATION.

The Commission has noted with interest the measures taken by the mandatory Power in connection with settlement, agricultural development and co-operative societies.

At the same time, the Commission has also been glad to learn that Palestine has continued to enjoy favourable economic and financial conditions, and that the Administration is endeavouring to improve the condition of that part of the agricultural population which has suffered from bad harvests (pages 13-14, 15, 17, 18, 28-30, 32, 40, 119).

II. SPECIAL OBSERVATIONS.

1. *Incidents of October 1933.*

The Commission thanks the mandatory Power for the information supplied in writing and orally in regard to the incidents which occurred in Palestine in October 1933, the causes which gave rise to those incidents and the action taken.

It will be glad to have detailed information in the next report as to the final decisions arrived at in connection with these incidents.

It has further noted the statement of the accredited representative that the number of troops and police is sufficient to ensure the maintenance of public order (pages 17, 19-20, 22, 119).

2. *Frontiers.*

The Commission would welcome in the next report a statement concerning the frontier between Trans-Jordan and Sa'udi Arabia and also information as to the line of demarcation between the vilayet of the Hejaz and that of Syria in the time of the Ottoman Administration (pages 34-35, 119).

3. *Local Autonomy.*

The Commission took note of the ordinance concerning municipalities and the circumstances in which it was issued.

It would be glad to be kept informed of the measures taken in application of this ordinance and as to the activities of the municipal councils (pages 16, 21, 22, 23, 119).

4. *Immigration.*

The Commission will be glad to learn by what means the mandatory Power proposes to establish a closer relation between the number of new arrivals and the true economic absorptive capacity of the country on the long view (pages 24-28, 119).

5. *Education.*

The Commission recognises the efforts made by the mandatory Power to extend education and hopes that circumstances will enable it to make the benefits of education more generally available in the near future, especially to Arab children (pages 14, 15, 38-39, 119).

6. *Marriage of Children.*

With reference to the observations made at its twenty-second session (Minutes, page 363), the Commission notes with satisfaction that the minimum age of marriage for girls has been raised to 14 and that this decision has received the approval of the various heads of religious communities (pages 31, 119).

7. *Public Finances.*

The Commission will be interested to receive further information as to the use to be made of the £P2,000,000 loan for Palestine guaranteed by the mandatory Power (pages 14, 40, 119).

Syria and The Lebanon.

GENERAL OBSERVATIONS.

The Commission has taken note of the text of the Treaty of Friendship and Alliance between France and Syria and the Protocols and letters relative thereto, which are annexed to the report for 1933.

Being desirous of entirely reserving its opinion as to the political maturity of the populations under mandate, and therefore as to the date and manner of their emancipation, the Commission

has deliberately refrained from any comment upon the treaty. This instrument, which is not yet finally binding upon the two parties, is intended only to regulate the relations between the mandatory Power and the Syrian community after the termination of the mandate, no proposal for which, the Commission observes, has yet been brought before it.

Further, the Commission has heard with interest the description given of the present political and parliamentary situation in Syria and the Lebanon. It regrets that the incidents which occurred in Parliament in connection with the publication of the Franco-Syrian Treaty obliged the mandatory Power to suspend the proceedings of the Syrian Chamber. The Commission hopes that the normal parliamentary regime—more particularly in the matter of the budget—will soon be restored.

SPECIAL OBSERVATIONS.

1. *Municipal Administration.*

The Commission has noted that in a number of places the elected members of the municipal council have been considered inefficient and have been replaced by officials or administrative boards appointed by the Government.

It would be glad to know the effects of this measure from the point of view of the administration of municipal affairs (pages 77, 120).

2. *Military Clauses.*

The Commission hopes to find in the next report a survey of the progress made by the Syrian and Lebanese officers and non-commissioned officers of the local troops and information as to the value of those troops for the maintenance of order and the defence of the territory, if necessary (pages 78, 120).

3. *Prisons.*

The Commission desires that, in spite of financial stringency, the competent authorities will be able to improve the prison system, more particularly as it affects juvenile offenders (pages 79-80, 120).

4. *Wakfs.*

The Commission would be glad to know the result of the enquiry that has been undertaken with a view to modifying the administration of the Moslem Wakfs (pages 81, 120).

5. *Economic Equality.*

The Commission concerned itself with certain clauses in the ordinances of November 24th and December 30th, 1933, and January 11th, 1934, regarding the import of oils.

It noted that the purpose of these regulations was to prevent the adulteration of local butter and oils, damaging to the reputation of these products, and to protect them from foreign competition.

It trusts that there is no danger of these new measures giving rise to infringements of the clauses of Article 11 of the mandate concerning economic equality, and hopes that it may be completely reassured on this point (pages 83-84, 120).

6. *Drugs.*

The Commission hopes that the steps taken to strengthen the supervision over the possession of and traffic in hashish will prove more effective than in the past (pages 89-90, 120).

7. *Education.*

The Commission has observed that the percentage of children of school age not attending school is still relatively high, owing to the insufficiency of school buildings and teaching staff. It trusts that, notwithstanding the financial difficulties, the Administration will gradually succeed in improving these conditions (pages 90, 120).

8. *Public Finance.*

The Commission is grateful to the mandatory Power for the very full particulars it has included in the report regarding the revenue and expenditure of the various administrative units of the mandated territory. It would like these details to be supplemented in future by a statement and synthetic tables to enable the Commission to form an opinion of the financial conditions in the mandated territory as a whole (pages 91-93, 120).

TERRITORY UNDER " B " MANDATE.

Tanganyika.

1. *Conference of East African Governors.*

The Commission would be glad to find in future reports as much information as possible on the work of the Conference of East African Governors, especially as to the reasons for any recommendation or agreement that concerns the mandated territory (pages 104, 105, 106, 122).

2. *Administrative Questions.*

The Commission learned from the accredited representative that the issue of a common postage-stamp for Tanganyika, Kenya and Uganda had been sanctioned. It has also taken note of the details supplied to it with regard to the amalgamation of the Tanganyika postal services with those of Kenya and Uganda. It has further noted the information contained in the report as to the Customs agreement between Tanganyika on the one hand and Kenya and Uganda on the other.

The Commission, wishing to safeguard the integrity of the mandate, attaches special importance to all that concerns the relations of Tanganyika with the two neighbouring British possessions and hopes to receive information as to the reasons for the issue of the common postage-stamp and as to the allocation of postal, telegraphic and Customs expenditure and revenue between the three territories (pages 104-105, 106, 108, 109-110, 122).

3. *Taxation.*

The Commission would be glad to have full information as to the incidence of taxation on non-natives (including commercial companies) (pages 109, 122).

4. *Administration of Justice.*

The Commission would be glad to know when it may expect to receive the report of the Commission of Enquiry, under the Chairmanship of Mr. Bushe, regarding the administration of Justice (pages 111, 122).

5. *Railways.*

The Commission would be glad to know which of the recommendations of the report by Mr. Gibb it is proposed to adopt (pages 108, 122).

6. *Military.*

The Commission would be glad to find in future reports detailed information as to the proportionate amount paid for the upkeep of the troops employed in the territory (pages 113, 122).

7. *Education.*

The Commission would be glad to find in future reports fuller information on the Native Administration schools and to know what proportion of the cost of the European children's education is borne by the European community (pages 116-117, 122).

8. *Traffic in Liquors.*

The Commission hopes that the next annual report will contain more complete information on the alcoholic content of all native beverages (pages 118, 122).

TERRITORIES UNDER "C" MANDATE.

Nauru.

No observations (page 120).

New Guinea.

1. *Native Customs.*

While paying its tribute to the work of civilisation that has been done by the missions, the Commission hopes that they will bear in mind the importance of preserving all the sound and valuable features of the native culture and customs (pages 44, 120).

2. *Education.*

The Commission hopes to find in the next report more detailed particulars on the mission schools.

The Commission has noted the information supplied by the mandatory Power regarding the proposal that the missions should be made solely responsible for native education in the territory. It trusts that the administration will maintain an effective control over the education in the territory (pages 48-49, 120).

C. OBSERVATIONS ON PETITIONS.¹

At its twenty-fifth session, the Commission considered the petitions mentioned below, together with the observations with regard thereto furnished by the mandatory Powers. Each of the petitions was reported on in writing by a member of the Commission. After discussion, the following conclusions were adopted by the Commission. The texts of the reports submitted to the Commission are attached to the Minutes.²

Palestine.

- (a) *Memorandum, dated May 1933, by the Executive of the General Council (Vaad Leumi) of the Jewish Community of Palestine; Memorandum, dated April 9th, 1933, by the Chief Rabbinate of Palestine; and Memorandum, dated May 11th, 1933, by the Central Agudath Israel (document C.P.M.1402) (pages 16, 22, 30-31, 122, 130-132).*

Observations of the United Kingdom Government, dated May 17th, 1934 (document C.P.M.1504).

Report (see Minutes, Annex 5).

CONCLUSIONS.

“ The Commission,

“ Having taken note of the memorandum, dated May 1933, by the Executive of the General Council (Vaad Leumi) of the Jewish Community of Palestine; of the memorandum, dated April 9th, 1933, by the Chief Rabbinate of Palestine; of the memorandum, dated May 11th, 1933, by the Central Agudath Israel, and of the observations of the mandatory Power thereon;

“ (1) With regard to the question of discrimination which the Jewish petitioners believe to exist to the detriment of the Rabbinical courts, as compared with the Islamic courts:

“ Notes that there does in fact exist a statute of the Moslem courts, inherited from the Ottoman Empire, which is without equivalent for the religious courts of the other religions;

“ Notes that this situation, even if it does not amount to a definite infringement of any given clause of the mandate, does at least constitute an indisputable inequality of treatment;

“ Admits that it is not in a position to suggest any specific reform which would put an end to this inequality; but

“ Expresses the hope that the mandatory Power will be able to find appropriate means which will provide, if not a formal degree of equality, at least some parallel treatment in finance;

“ (2) With regard to the question of the Jewish communities,

“ Having noted with satisfaction the statements of the accredited representative to the effect that this question is in process of settlement by friendly agreement:

“ Considers it undesirable to express any opinion on the subject.”

- (b) *Petitions, dated June 12th and August 28th, 1933, from the Council Waad Adath Ashkenazim of Jerusalem (document C.P.M.1486) (pages 122, 132-134).*

Observations of the United Kingdom Government, dated November 25th, 1933 (document C.P.M.1486).

Report (see Minutes, Annex 6).

CONCLUSIONS.

“ The Commission,

“ Having examined the petitions, dated June 12th and August 28th, 1933, from the Council Waad Adath Ashkenazim of Jerusalem and the observations of the mandatory Power of November 25th, 1933;

“ Noting, on the one hand, that the petitioners enjoy complete religious liberty and that there is nothing to prevent the immigration for religious purposes of Jews whose maintenance they will provide for; and

“ Recognising, on the other hand, the undesirability, and even the impossibility, of the establishment, as communities which are autonomous from the administrative point of view, of all religious groups desiring separate official representation with the mandatory Power:

“ Considers that there are no grounds for making a special recommendation to the Council on the subject of the petitioners' requests.”

¹ The page numbers given at the end of each title are those of the Minutes of the session.

² As the Commission has not thought it necessary to annex the texts of the petitions and the mandatory Powers' observations thereon to the Minutes, and consequently to transmit them to the Council, it recommends that copies of those documents should be deposited in the League of Nations Library and thus placed at the disposal of persons wishing to consult them.

- (c) *Petition, dated May 25th, 1933, from M. Auni Abdul Hadi, Secretary-General of the Arab Independence Party, Jerusalem, communicating a Memorandum, dated January 8th, 1933* (document C.P.M.1434) (pages 21, 22, 38-39, 122, 134-135).

Observations of the United Kingdom Government, dated July 14th, 1933 (document C.P.M.1434).

Report (see Minutes, Annex 7).

CONCLUSIONS.

“ The Commission, having examined the petition, dated May 25th, 1933, from M. Auni Abdul Hadi, Secretary-General of the Arab Independence Party of Jerusalem, together with the observations of the mandatory Power thereon, considers that no action should be taken on this petition.”

- (d) (1) *Petition, dated May 18th, 1933, from M. D. Warwar, President of the “ Sociedad Palestino-Arabe ” of Cuba* (document C.P.M.1439).

Observations of the United Kingdom Government, dated November 9th, 1933 (document C.P.M.1485).

- (2) *Petition, dated October 5th, 1933, from M. Ihsan el Djabri* (document C.P.M.1470).

Observations of the United Kingdom Government, dated December 21st, 1933 (document C.P.M.1487).

- (3) *Petition, dated October 29th, 1933, from the “ Comité exécutif syro-palestinien ” of Cairo* (document C.P.M.1484).

Observations of the United Kingdom Government, dated December 20th, 1933 (document C.P.M.1488).

- (4) *Petition, dated November 29th, 1933, from the “ Union régionale des Sionistes de l'Est de la France ”, Strasburg* (document C.P.M.1490).

Observations of the United Kingdom Government, dated February 23rd, 1934 (document C.P.M.1495).

- (5) *Petition, dated September 30th, 1933, from M. Taufik Hammad and Other Arab Notables of Nablus* (document C.P.M.1496).

Observations of the United Kingdom Government, dated March 13th, 1934 (document C.P.M.1496).

- (6) *Petition, dated November 2nd, 1933, from Certain Inhabitants of Qalqilia* (document C.P.M.1498).

(Pages 17, 19-20, 22, 24-28, 119, 122, 135-136).

Observations of the United Kingdom Government, dated April 24th, 1934 (document C.P.M.1498).

Report. See Minutes, Annex 8.

CONCLUSIONS.

“ The Commission, having noted the petitions :

“ (1) From M. D. Warwar, President of the ‘ Sociedad Palestino-Arabe ’ of Cuba, dated May 18th, 1933 ;

“ (2) From M. Ihsan el Djabri, dated October 5th, 1933 ;

“ (3) From the ‘ Comité exécutif syro-palestinien ’ of Cairo, dated October 29th, 1933 ;

“ (4) From the ‘ Union régionale des Sionistes de l'Est de la France ’, Strasburg, dated November 29th, 1933 ;

“ (5) From M. Taufik Hammad and other Arab notables of Nablus, dated September 30th, 1933 ;

“ (6) From certain inhabitants of Qalqilia, dated November 2nd, 1933 ;

and the correspondence thereon from the mandatory Power :

“ Considers that these petitions do not call for any special recommendation to the Council.”

- (e) *Memorandum on the Development of the Jewish National Home in Palestine in 1933, accompanied by a Letter, dated April 30th, 1934, from the President of the Jewish Agency for Palestine* (document C.P.M.1513) (pages 120, 136-137).

Observations of the United Kingdom Government, dated May 23rd and 28th, 1934 (documents C.P.M.1513 and 1518).

Report (see Minutes, Annex 9).

CONCLUSIONS.

“ The Commission, having taken cognisance of the Jewish Agency’s memorandum for 1933 and the mandatory Power’s observations thereon, considers that no recommendation to the Council is called for in this connection.”

Syria and the Lebanon.

- (a) *Petition, dated December 4th, 1933, from the Emir Chékib Arslan and M. Ihsan el Djabri* (document C.P.M.1489) (pages 101, 122, 137-138).

Observations of the French Government, dated May 22nd, 1934 (document C.P.M.1505).
Report (see Minutes, Annex 10).

CONCLUSIONS.

“ The Commission, having examined the petition, dated December 4th, 1933, from the Emir Chékib Arslan and M. Ihsan el Djabri, and having decided, moreover, to refrain from expressing any opinion with regard to the Franco-Syrian Treaty, does not feel able to make any recommendation to the Council in connection with the protests against the whole policy of the mandatory Power in Syria.”

- (b) *Petitions (five in number), dated November 20th, 21st and 26th, 1933, with regard to the Franco-Syrian Treaty* (document C.P.M.1512) (pages 101, 121, 138).

Observations of the French Government, dated May 19th, 1934 (document C.P.M.1512).
Report (see Minutes, Annex 11).

CONCLUSIONS.

“ The Commission, having taken note of the five petitions dated November 20th, 21st and 26th, 1933, protesting against the Franco-Syrian Treaty, and having deliberately refrained, for the reasons indicated in its observations to the Council, from giving an opinion on that treaty, does not consider it desirable to make any recommendation to the Council in connection with these petitions.”

- (c) *Petition, dated August 31st, 1933, from M. Mohammed Adib Haurani and Other Notables of Hama* (document C.P.M.1510) (pages 122, 138-139).

Observations of the French Government, dated May 15th, 1934 (document C.P.M.1510).
Report (see Minutes, Annex 12).

CONCLUSIONS.

“ The Commission, having examined the petition dated August 31st, 1933, from M. Mohammed Adib Haurani and other notables of Hama, in the light of the mandatory Power’s observations, considers that this petition does not call for any special recommendation on its part to the Council.”

- (d) *Petition, consisting of a Telegram, dated January 17th, 1934, and of a Letter, dated February 1st, 1934, from M. Sami Slim* (document C.P.M.1507) (pages 93, 121, 139).

Observations of the French Government, dated May 15th, 1934 (document C.P.M.1507).
Report (see Minutes, Annex 13).

CONCLUSIONS.

“ The Commission, having examined the petition, consisting of a telegram and a letter, dated respectively January 17th and February 1st, 1934, from M. Sami Slim, together with the French Government’s observations thereon, is of opinion that no action should be taken on the said petition.”

- (e) *Petition, dated March 7th, 1934, from M. Adib Safadi, M. Mounir Ajlani and Other Inhabitants of Damascus* (document C.P.M.1511) (pages 121, 140).

Observations of the French Government, dated May 18th, 1934 (document C.P.M.1511).
Report (see Minutes, Annex 14).

CONCLUSIONS.

“ The Commission, having examined the petition, dated March 7th, 1934, from M. Adib Safadi, M. Mounir Ajlani and other inhabitants of Damascus, and the French Government’s observations thereon, considers that it does not call for any recommendation to the Council.”

- (f) *Petition, dated April 15th, 1934, from M. Abdul Hamid al Djabri and Other Inhabitants of Aleppo* (document C.P.M.1509) (pages 76, 121, 140).

Observations of the French Government, dated May 19th, 1934 (document C.P.M.1509).
Report (see Minutes, Annex 15).

CONCLUSIONS.

“ The Commission, having examined the petition, dated April 15th, 1934, from M. Abdul Hamid al Djabri and other inhabitants of Aleppo, and having taken note of the observations of the French Government and of the declaration of its accredited representative, considers that it does not call for any recommendation to the Council.”

- (g) *Petition, dated April 30th, 1934, from M. Réchid Mélouhi* (document C.P.M.1526) (pages 101-102, 103, 122, 123, 141-143).

Observations of the French Government, dated May 29th, 1934 (document C.P.M.1526).
Report (see Minutes, Annex 16).

CONCLUSIONS.

“ The Commission, having examined the petition, dated April 30th, 1934, from M. Réchid Mélouhi, Secretary of the ‘ Committee for the Defence of Parliamentary Institutions in Syria ’, together with the letter from the French Government, dated May 29th, 1934, and the accredited representative’s declarations of June 7th, 1934, regrets to note the irregularities that have occurred in the functioning of the parliamentary system.

“ It hopes to find in the next report information to the effect that a speedy improvement in the situation has permitted the resumption of the regular exercise of legislative power by Parliament, more particularly in regard to budgetary matters.”

- (h) *Petition, dated December 7th, 1933, from Dr. Ouagih Baroudi and Other Inhabitants of Hama* (document C.P.M.1508) (pages 121, 122-123, 141-143, 144).

Observations of the French Government, dated May 15th, 1934 (document C.P.M.1508).
Report (see Minutes, Annex 17).

CONCLUSIONS.

“ The Commission, having examined the petition, dated December 7th, 1933, from Dr. Ouagih Baroudi and other inhabitants of Hama, with regard to the parliamentary incidents that occurred at Damascus in November 1933, and having considered these incidents in connection with another petition, does not think it necessary to make any recommendation to the Council in connection with the present petition.”

- (i) *Petition, dated March 23rd, 1934, from Certain Inhabitants of Hama* (document C.P.M.1506) (pages 121, 122-123, 141-143, 144).

Observations of the French Government, dated May 18th, 1934 (document C.P.M.1506).
Report (see Minutes, Annex 18).

CONCLUSIONS.

“ The Commission, in view of the petition, dated March 23rd, 1934, from certain inhabitants of Hama with regard to the suspension, during the spring session, of the debates of the Syrian Chamber of Deputies, considers that there is no need to submit a special recommendation to the Council in this matter, which it is examining elsewhere.”

Togoland under French Mandate.

*Petitions from the “ Bund der Deutsch-Togoländer ”*¹

- (a) *Dated February 2nd, March 28th and November 23rd, 1931* (document C.P.M.1493).

Observations of the French Government, dated February 19th, 1934 (document C.P.M.1493).

- (b) *Dated May 22nd, 1932* (document C.P.M.1492).

(Pages 121, 144-147).

Observations of the French Government, dated December 28th, 1933 (document C.P.M.1492).

Report. See Minutes, Annex 19b.

¹ In response to the wishes expressed by the Commission at its twenty-fourth session (Minutes, pages 54 and 55), the French Government, by a letter dated December 15th, 1933, forwarded a note from M. Besson, accredited representative, on the “ Bund der Deutsch-Togoländer ” (document C.P.M.1491, Annex 19a).

CONCLUSIONS.

“ The Commission,

“ Having before it the petitions, dated February 2nd, March 28th and November 23rd, 1931, and May 22nd, 1932, from the ‘ Bund der Deutsch-Togoländer ’, forwarded by the French Government on February 19th, 1934, and December 28th, 1933, respectively ;

“ Considering that these should be assimilated to anonymous petitions :

“ Thinks it proper to reject them without examination.”

II.

COMMENTS OF THE ACCREDITED REPRESENTATIVES SUBMITTED
IN ACCORDANCE WITH SECTION (e) OF THE CONSTITUTION
OF THE PERMANENT MANDATES COMMISSION.

The accredited representatives for Palestine and Trans-Jordan, Syria and the Lebanon, Tanganyika and New Guinea have stated that they have no comments to make on the observations contained in the report of the Permanent Mandates Commission.

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

Official No.: **C. 489.M. 214.** 1934. VI.

Geneva, November 12th, 1934.

LEAGUE OF NATIONS

PERMANENT MANDATES COMMISSION

MINUTES

OF THE

TWENTY-SIXTH SESSION

Held at Geneva from October 29th to November 12th, 1934

including the

REPORT OF THE COMMISSION TO THE COUNCIL

Series of League of Nations Publications

VI A. MANDATES

1934. VI.A. 2.

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PERMANENT MANDATES COMMISSION

MINUTES OF THE TWENTY-SIXTH SESSION

Held at Geneva from October 29th to November 12th, 1934.

The following members of the Commission took part in the work of the twenty-sixth session :

Marquis THEODOLI (*Chairman*) ;

Mlle. DANNEVIG ;

Lord LUGARD ;

M. MERLIN ;

M. ORTS ;

M. PALACIOS ;

Count DE PENHA GARCIA ;

M. RAPPARD ;

M. SAKENOBE.

Also present : Mr. C. W. H. WEAVER, representing the International Labour Organisation as expert.

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

M. D. F. W. Van Rees, Vice-Chairman, died on October 30th, 1934.

The following members were unable to attend certain meetings : Marquis Theodoli the last two meetings ; Mlle. Dannevig the first meeting ; Lord Lugard the last two meetings ; Count de Penha Garcia the twenty-first meeting ; M. Rappard the first meeting.

M. ORTS took the Chairman's place on several occasions during the session. He occupied the chair at the twenty-first and twenty-second meetings, after Marquis Theodoli's departure.

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

M. M. BESSON, Chief of the First Bureau of the Political Department at the French Ministry of the Colonies.

Mr. W. E. HUNT, C.M.G., C.B.E., Officer of the Staff Grade, Nigeria.

Mr. H. W. THOMAS, Secretary for Native Affairs, Gold Coast.

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

Advocate ERIC LOUW, Envoy Extraordinary and Minister Plenipotentiary of the Union of South Africa at Paris.

Mr. H. T. ANDREWS, Political Secretary to the High Commissioner for the Union of South Africa in London.

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

Mr. C. KNOWLES, C.B.E., of the Office of the High Commissioner for New Zealand in London.

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

All the meetings were private, except the opening meeting and the fifth meeting, which was devoted to the memory of M. Van Rees.

FIRST MEETING.

Held on Monday, October 29th, 1934, at 11 a.m.

Opening Speech by the Chairman.

The CHAIRMAN spoke as follows :

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

In accordance with precedent, I should like to refer briefly to the deliberations and decisions that have taken place in the organs of the League since the close of our last session.

On the proposal of its President, acting as Rapporteur on mandate questions, the Council, on September 19th, 1934, deferred consideration of the report on the work of the twenty-fifth session of the Commission to its January session.

The Assembly, during its fifteenth session in September, referred to the Sixth Committee the annual reports of the mandatory Powers, the reports and records of the Permanent Mandates Commission, and the other documents relating to the execution of the provisions of Article 22 of the Covenant which had been circulated to Members of the League since its last ordinary session.

During the general discussion in the Sixth Committee, the importance of the mandate system, the efficient working of its machinery, and the co-operation between the Commission and the mandatory Powers, were again emphasised by several delegations. It was, indeed, said that the League had every reason to be proud of the work accomplished under Article 22 of the Covenant.

In the course of the debate, the South African delegate explained the circumstances that had compelled his Government to delay the annual report for 1933 on the administration of South West Africa.

As in previous years, reference was also made to the problem of the Jewish National Home in Palestine. Several speeches were delivered on this subject, some in favour of intensifying Zionist immigration and others upholding the rights of the native Arab population. The representative of the United Kingdom observed that the mandatory Power was equally solicitous for the interests of both elements of the Palestine population. Referring to the interpretative authority of the Mandates Commission, he pointed out that Jewish immigration must depend on the economic power of absorption of the territory.

On September 26th, 1934, a resolution was passed by the Assembly in plenary session. In that resolution, the Assembly noted the activities of the mandatory Powers, the Council and the Mandates Commission, and once more expressed its confidence in them, hoping that they would pursue in the same spirit of close co-operation the work of progress constituted by the mandate system.

Statement by the Director of the Mandates Section.

The following statement was read :

As in previous years, I propose to supplement the Chairman's speech by a few particulars and details of an administrative nature.

The Mandates Section, whose work has pursued its normal course in the last few months, has, as usual, had the Minutes and the report on the Commission's last session, which closed on June 12th, 1934, printed. These documents and their index were circulated to the Council on August 11th, 1934, and to the States Members of the League of Nations on August 13th, 1934.

The Members of the Commission have been kept informed of the essential facts of the political, economic and social life of the territories under mandate by means of the regular circulation of information from official sources and of the most important Press news.

The Minutes of the Council meeting of September 19th, 1934, the records of the debates which took place at the Assembly, and the report and resolution adopted by the latter in September 1934 have been sent to the members of the Commission individually.

A first supplement to the list of works regarding the mandates system and the territories under mandate catalogued in the Library of the League of Nations has been circulated to the Commission. The Library has also undertaken the preparation of a carto-bibliographical list. This catalogue has already been completed for several mandated territories and is kept in the Mandates Section at the disposal of any members of the Commission wishing to consult it.

According to precedent, a list of the official documents transmitted by the mandatory Powers has been drawn up for each of the territories the administration of which will be examined during the present session. This list will be circulated shortly to the members of the Commission (Annex 1).

To the annual reports normally included in the agenda of the autumn session have been added the reports on South West Africa, Togoland under French mandate, and Cameroons under French mandate, which were not examined at the last session.

The annual reports of the mandatory Powers were received by the Secretariat in the following order :

Territory	Administrative period	Date of receipt
Islands under Japanese mandate . . .	1933	August 8th, 1934
Cameroons under French mandate . . .	1933	August 28th, 1934
Togoland under French mandate . . .	1933	August 28th, 1934
Ruanda-Urundi	1933	August 30th, 1934
South West Africa	1933	September 11th, 1934
Togoland under British mandate . . .	1933	September 13th, 1934
Western Samoa	1933-34	September 20th, 1934
Cameroons under British mandate . . .	1933	September 24th, 1934

In a letter to the Secretary-General, dated August 16th, 1934, the New Zealand Government expressed its regret that an unavoidable delay in the preparation of the final accounts of Western Samoa for the past year had made it impossible to despatch the annual report in time for it to arrive within the prescribed period.

Adoption of the Agenda and Programme of Work.

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

SECOND MEETING.

Held on Monday, October 29th, 1934, at 4 p.m.

Commercial Agreement concluded between France and the United Kingdom on June 27th, 1934.

The CHAIRMAN said that he had recently become acquainted with the Franco-British Commercial Agreement concluded in London on June 27th, 1934, under which the minimum Customs tariff would be applicable to the importation into France of products originating in the United Kingdom, and *vice versa*. Article 2 was as follows :

“ The treatment of the most favoured nation in Customs matters, as stipulated in paragraph 2 of Article 1 of the present Agreement, shall not be invoked in relation to :

“ (a) Any treatment, preference or privilege which may at any time be in force exclusively between territories under the sovereignty of His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India, or under His Majesty’s suzerainty, protection or mandate ; nor to any treatment, preference or privilege which may at any time be in force exclusively between the Customs territory of France, as a unit, and her colonies or territories under her protectorate or mandate. ”

That provision, if he understood it aright, was designed to exclude from the most-favoured-nation clause the preferential tariffs in force between the home countries of the contracting parties and their overseas dominions and dependencies, including also the mandated territories.

The wording of that reservation had struck him, referring as it did to any “ treatment, preference or privilege ” which might “ apply exclusively *between* ” the home countries and their overseas dependencies. The expression “ *between* ” implied reciprocity. That was quite understandable in Customs agreements between the home country and the dominions, colonies, protectorates, etc., but was precluded, so far as territories under A and B mandates were concerned, by the rule of economic equality. It was quite possible that the clause was not worried with sufficient accuracy, but it might perhaps be the duty of the Commission to examine it more thoroughly. He ventured, accordingly, to propose that a small Committee be appointed to examine the question before the Commission’s next session. The Committee might consist of the following members : M. ORTS, M. PALACIOS, M. RAPPARD.

The Chairman’s proposals were adopted.

Cameroons under British Mandate : Examination of the Annual Report for 1933.

Mr. W. E. Hunt, C.M.G., C.B.E., Officer of the Staff Grade, Nigeria, accredited representative of the mandatory Power, came to the table of the Commission.

WELCOME TO THE ACCREDITED REPRESENTATIVE.

The CHAIRMAN extended a welcome to the accredited representative, who had already collaborated with the Commission at its sixteenth session.

GENERAL STATEMENT BY THE ACCREDITED REPRESENTATIVE.

Mr. HUNT. — I thank you, Mr. Chairman, for your cordial welcome, and, for myself, I am only too happy to have the privilege of appearing once more before the Permanent Mandates Commission. I should like to make a few preliminary remarks in expansion of certain sections of the report.

As was the case in 1932, progress during the year under review has been sadly handicapped by the continued depression in trade which still shows no sure signs of lifting. It is true that the statistics reveal a slight increase in the total import and export values (£14,361 and £9,572 respectively), but such small additional prosperity as these figures may perhaps represent has probably been shared for the most part by the growers of bananas and cocoa in the southern half of the Cameroons Province rather than by the people as a whole, who continue to suffer from exceptionally low prices for their staple products.

In consequence of this continued depression, the mandatory Power has been forced to effect further economies, and in particular to reduce the European staff. The average number of administrative officers in the Cameroons Province, it will be noted, has fallen from 14.2 to 11.6, as it has in all the provinces of Nigeria, some of which have had to submit to still greater reductions. It has also, unfortunately, been necessary to withdraw a medical officer from Buea.

The Government African staff has been well maintained, although there has been a reduction of four in the number of teachers; on the other hand, very drastic economies have been called for by the native administrations of the Cameroons Province, where the staff employed has fallen by 98, or 23 per cent. And, if it has been impossible to preserve former maintenance standards, it has been still more difficult to initiate new development works. Money, however, has been found for the continuation of the road from Mamfe to Bamenda, to open up a rich oil-palm belt on the Mamfe boundary and to afford an outlet for the trade of the Bamenda Division. It is worthy of note that, such are her financial straits, this is the only major work for which Nigeria has been able to make provision in her Public Works Extraordinary Budget for the whole of Nigeria and the mandated territory for the year 1934-35.

Last year,¹ the Commission expressed the hope that the next report would contain a statement of policy in regard to the illicit distillation of liquor. That policy is defined in paragraph 279 of the report, but I would like to emphasise the serious view that the Government takes of the situation, which, among other things, is tending to engender a widespread contempt for the law. As to the suggestion² to reduce the duty on imported spirits, such reduction would need to be very considerable if the price of the imported spirits were to be brought down to a level which would enable them to compete successfully with the locally distilled brand. And, if the imported spirits were so cheapened, a large general increase in consumption would almost inevitably follow.

There is the further consideration that the local distiller keeps up the price of his article to such a level as enables him to sell his product easily as against imported spirits, and he would assuredly cut his prices accordingly if the price of the imported spirit were to fall. He can easily do so, because his apparatus and raw material cost him little. Copper tubing is no longer essential. I have seen the most ingenious distilling apparatus made out of tin and wood for a few pence. A rigorous policy of repression must therefore be fully tried out, and, if that proves not wholly successful, other measures will be considered.

Propaganda, I am afraid, has had little appreciable effect and has done little to allay the irritation, which I understand is intense, against the measures already employed. As an illustration of the mentality of the people on the subject, natives of Nigeria—and I have little doubt that the feeling is the same in the mandated territory—have even been heard to say that they are unable to understand the attitude of the Government, which professes to bring them the benefits of civilisation and yet penalises them so heavily when they apply those benefits and discover some better way of preparing what might be termed their national drink. Nor are they so persuaded of the pernicious effects of the illicitly distilled liquor as to make them fight shy of it on that account.

The only other subject upon which I wish to touch is the general status of women. Since the report was prepared, my attention has been drawn to two numbers of the *Catholic Citizen*, of May 15th and October 15th, 1934, containing, among other things, the reflections of Archbishop Le Roy on the replies of the accredited representative at last year's session,³ and the memorandum on the status of women sent by various societies of the Liaison Committee of the Women's International Organisations to the Chairman of the Mandates Commission. There appears to have been some misapprehension as to the actual position in the Cameroons under British mandate, in consequence of which the picture is, in my view, drawn in rather too dark colours.

As regards native customs, the general principle to which the Mandatory endeavours conscientiously to adhere is stated at the foot of page 31 of the report—namely, that “in

¹ See Minutes of the Twenty-fourth Session, page 134.

² See Minutes of the Twenty-fourth Session, page 25.

³ See Minutes of the Twenty-fourth Session, pages 17 and 18.

civil causes affecting natives, especially in matters relating to marriage, land and inheritance, the courts shall recognise native law and customs when they are not repugnant to natural justice and humanity”.

The application of custom in connection with native Christian marriage may be illustrated by a typical instance of what usually happens. A woman married to a pagan, whether polygamous or monogamous, is converted to Christianity and wishes to leave him; in these days of emancipation, she does so, and no pressure, other than moral persuasion on the part of her family or her husband's family, is put upon her to return. The native courts are not invoked to compel her to return, nor would they have the power to do so if they were. The position is the same in the case of a woman who is betrothed and does not wish to fulfil the marriage contract which her parents have entered into on her behalf. In such cases, almost invariably the woman has a Christian husband in view, and, if they express their intention to get married, the parents of the woman are under an obligation to refund the dowry to the original husband. If the matter is not settled privately, it eventually reaches the native court, where the dowry is assessed and awarded to the original husband; but it is the new suitor rather than the woman herself who has to refund the dowry, either to the woman's parents or to the original husband through the court. If the money is forthcoming, there is never any difficulty, but cases of hardship admittedly do arise where the dowry has, in the original case, probably been paid over a series of years and is now demanded from the new husband in a lump sum. But the native courts are generally reasonable in the matter and give time to pay, and, if not, there is an appeal to the Administrative Officer. In this particular, it would seem that a mistake has been made in alleging that the judgments of the native courts are invariably upheld by the Administrative Officer, as I myself in my time have, on more than one occasion, exercised powers of review and reduced the amount awarded, or extended the period of payment.

As to the principle of the dowry system, my own experience in Nigeria and the mandated territory, where I have served for a period of ten years, is that, while marriage partakes of the nature of an economic transaction, the woman is not sold nor does she become the property of the husband. The motives underlying the idea of dowry are various, but, in particular, it stands for the good treatment of the wife, and, in my view, it helps in that way to strengthen the marriage tie. If dowry has been part of the transaction, the parents of the woman are more solicitous to see that their daughter remains constant and content, and the payment of dowry similarly affects the husband. Generally speaking, too, I have found that, where the dowry is negligible, sexual morals are lax, and this was particularly noticeable among the Ekwe tribe of the Mamfe Division, where the marriage tie was loose and children few and far between.

It will be of interest to the Commission to hear that the native authorities of the Victoria Division have recently passed a rule fixing the maximum amount of dowry which can be claimed in the native courts. It is hoped that this measure will contribute towards reducing the scale of dowries, though personally I have little faith in the artificial limitation of dowry as a means of effecting any real reform. A similar rule was passed in the Victoria Division in 1917, and also in the Mamfe Division, where I was then stationed, but it proved a dead letter, because it had not the support of public opinion. The court may fix the limit of the legal obligation, but the parents and the woman herself generally see to it that the full customary dowry is paid. The marriage contract is not complete without, and the woman regards herself as under some social stigma until the customary dowry has been paid.

In my view, the dowry will survive so long as the patriarchal system survives. In any event, it cannot be abolished or disappear without the support of mass sentiment, and upon that the Government and mission authorities were agreed at a meeting held at Buea on April 3rd, 1934, when they passed the resolution that “the scale of dowries should be reduced gradually, but their abolition should be left to the effects of Christianity, education and time”. Further than that it does not seem practicable to go at present, but I should not like to leave the Commission with the impression that the mandatory Power is apathetic in regard either to this particular question of dowry or to the general question of raising the status of women.

SITUATION OF WOMEN IN THE TERRITORY : CUSTOM IN THE MATTER OF DOWRIES.

Lord LUGARD stated that he had received a letter from the women's organisations asking him to take up the question of the dowry. He had heard that, in East Africa, the fact that the men could now earn wages and get money had affected the dowry; the young men could defy their families and tribal traditions and give a larger dowry, outbidding other suitors. It was said that the amount of the dowry price was now several times as much as it used to be.

Mr. HUNT said that he had not heard that such a position had arisen in the Cameroons; if it had, the authorities would, he thought, have had it brought to their notice by the missions or have found it out themselves.

Lord LUGARD observed that, as the views and recommendations of the missions on the subject had not yet received the full consideration of the Nigerian Government (paragraph 190 of the report), the Commission could do no more for the moment ; it would be interested to hear the Government's decision.

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

M. ORTS pointed out that, at the twenty-fourth session,¹ the accredited representative had informed the Commission that the delimitation of the frontier between the Cameroons under British mandate and the Cameroons under French mandate had been postponed, in deference to the wishes of the French Government, on account of expense.

In the annual report for 1933, it was stated (paragraph 11) that, although the frontier was sufficiently defined for ordinary purposes, the Government was alive to the desirability of an exact delimitation, but that the utility of the work would not justify the expense.

Could the accredited representative give any supplementary information concerning the intentions of the mandatory Power as regards the determination on the spot of that frontier, in accordance with the provisions of Article 2 of the Franco-British Declaration of July 10th, 1919, annexed to the mandate ? Was the mandatory Government still of opinion that delimitation was desirable ?

Mr. HUNT replied that the Government still considered delimitation desirable, but wished to postpone it indefinitely on account of the financial stringency.

REDUCTION IN EUROPEAN OFFICIALS.

M. ORTS, referring to the reduction of personnel in the territory, enquired how the officials were selected whose services were to be dispensed with. Were those who were nearest the age-limit retired, or was it a question of those who could most easily be spared ? He enquired, further, whether the position of officials was governed by a statute or whether they were engaged by contract and what means were taken to bring to an end the services of European persons against whom no criticism could be made.

The Commission would be interested to know whether any particular branches of the Administration had been chosen for reductions and whether the officials in the political service, who were in direct contact with the natives, had been reduced by the same proportion as those in the central services.

He asked whether the reduction in the personnel of the administrative and other services had not had some effect on the population. Had there been no sign of any shaking of the European authority ?

Mr. HUNT replied that, owing to the serious fall in the revenues of Nigeria, the Government had been compelled to effect retrenchment of European officers in 1932 on a large scale. All the services, administrative and departmental, had been reviewed, and, while no uniform rule had been followed, generally speaking retrenchments in the departmental services, particularly the Public Works Department, had been more numerous than in the administrative services. Officers retrenched consisted, first, of those who volunteered to retire, and, secondly, of those whose services could best be spared. There was no breach of contract. Officers were treated in a generous manner, pensionable officers being allowed to count an additional three years' service, while officers on agreements were given liberal gratuities. He did not think that the retrenchments had undermined authority ; all the services had been satisfactorily maintained, even on this reduced basis. Considered numerically, the position of the administrative services was now much as it had been before 1928.

NATIVE ADMINISTRATION.

M. ORTS had observed at the twenty-fourth session² that the report for 1932 made no mention of native officials in the Adamawa districts. The matter was not dealt with in the report for 1933. He assumed that there were native officials in those districts.

Mr. HUNT replied that the omission in the report was an oversight and would be rectified in the next report.

Lord LUGARD noted the reference to " modernised native leaders " in the Victoria Division (paragraph 24) and enquired to what extent the intelligentsia from Lagos and along

¹ See Minutes of the Twenty-fourth Session, page 19.

² See Minutes of the Twenty-fourth Session, page 16.

the coast were accepting posts under the " native administrations " and how far their opposition had been overcome. Were the fifteen natives employed in the four native administrations who were not natives of the mandated territory selected from among the intelligentsia ?

Mr. HUNT said that the phrase " modernised native leaders " doubtless referred to two prominent native officials, Chief Manga Williams, Native Authority of the Victoria District, and Chief Endeli, Native Authority of the Buea District, who could both be described as belonging to the intelligentsia. The former has not only a hereditary claim as Chief of Bimbia, the most powerful town in pre-Government days, but was also possessed of considerable educational attainments and enjoyed a high measure of respect and confidence from European and African. The latter was also a man who combined educational with hereditary claims to office. He was unable to say what was the nature of the employment of the fifteen non-natives of the Cameroons territory employed in the native administrations or whether they were of the intelligentsia, but information would be given in the next report.

Lord LUGARD referred to " the experiment of administration by councils " in the Bakossi clan in the Kumba Division (paragraph 26 of the report) and enquired what the previous system had been. He asked how the change would be effected so that " the Bangwe elders will give way to younger men educated in the Nyasoso and Baseng village schools ".

Mr. HUNT replied that the former system of administration had been through native courts somewhat artificially formed and constituted as native authorities. The councils and courts now formed were on the basis of the indigenous organisation. Replying to Lord Lugard's second point, he said that the meaning of the passage apparently was that, as time went on, young men who had been educated would replace the elders who had retired or died. The young men had, however, every opportunity to make known their views, and, in the councils with which he had come into contact, it was the practice for them to come before the council periodically for that purpose.

Lord LUGARD, referring to the " forty-seven village council native authorities and fourteen village-group native courts " in the Mamfe Division (paragraph 28), enquired whether the courts were formed from the councils, and, if so, in what way. He also enquired whether all the people of the Cameroons were now under native authorities and councils. Had each area a native treasury ?

Mr. HUNT replied that reorganisation had so far only taken place in the areas actually mentioned. Investigations were proceeding elsewhere, but enquiries into the structure of society and the old form of administrations, discussions with all interests and the submission of proposals for reorganisation absorbed much time, and it would take some years to cover the whole territory.

He stated further, in reply to Lord Lugard, that, where any area had been reorganised, subsidiary estimates for that area were prepared, if it had no separate treasury of its own, but formed part of a larger area under a central treasury. The people were thus able to see clearly how much money was raised in their area and how it was spent.

Lord LUGARD enquired what was the relation between the Emir's Judicial Council (paragraph 59) and the Court of the Chief Kadi (paragraph 60).

Mr. HUNT said that he was not sure if the Court of the Chief Kadi was an " A grade " court. If so, there would be no appeal to the Judicial Council, which was also of the " A grade " ; appeal would be to the High Court.

Lord LUGARD expressed surprise that, according to the statistics given on pages 8 to 13, there were more women than children, except in the Bamenda Division.

Mr. HUNT said that it was doubtful if the census of children was entirely accurate, as the natives were reluctant for the most part to disclose their actual numbers.

M. SAKENOBE recalled a passage in the report for 1932 (page 14),¹ stating that the Moslem chief of Adamawa was a foreigner to the pagan tribes just as much as the British officers were, and that it had become clear that, since the territory must still be administered in some degree directly, it was better for that administration to be in the hands of experienced British officers than in those of an alien Emir, however sympathetic himself. It would therefore be the policy of the mandatory Power that, until such time as the primitive population learned

¹ See also Minutes of the Twenty-fourth Session, page 16.

to control the details of its own administration, the administration should be directed more and more by British officers. He asked whether certain measures were taken to pave the way for the realisation of this policy.

Mr. HUNT pointed out that that same passage in the report went on to say that the process must be gradual, as it was not possible to make any abrupt change during the lifetime of the present Lamido. It could be taken that the Government was still pursuing the policy of ruling the pagans more directly by British officials. The whole policy of the administration of the pagans in the northern provinces was under examination with a view to developing local government on an indigenous basis.

He stated further, in reply to M. Sakenobe, that increased responsibility would rest, not with a higher native official, but with the district officer as administrator in consultation with the Lamido.

M. SAKENOBE enquired what was the programme of administration in Kentu, as now amalgamated with Benue Province (page 13 of the report).

Mr. HUNT replied that, as stated in paragraph 39 of the report, anthropological investigations were in progress, but that no programme of reorganisation had yet been decided upon.

He said further, in reply to M. Sakenobe, that no Administrative Officer had been posted to the Kentu area specifically and that it was unlikely, in view of the depleted personnel, that it would be possible to station an officer there permanently.

M. SAKENOBE pointed out that the area of the Mamfe Division, as well as that of the Victoria and Kumba Divisions, had been wrongly stated in the report for 1932 (see paragraph 12 of the report for 1933).

Count DE PENHA GARCIA noted the statement (paragraph 24 of the report) that, in the Victoria Division, the three native authorities had continued in association to discharge their duties satisfactorily; he enquired whether they discharged those duties jointly or independently, and what was the relationship between them and the District Officer.

Mr. HUNT replied that the three native authorities were independent of one another but met together periodically. They were under the supervision of the District Officer and, through him, of the Resident. Their position and functions were governed by the Native Authorities Ordinance.

Count DE PENHA GARCIA observed that, for the Cameroons, the whole system of administration was based on native organisation as supervised by a relatively small number of European officers. Where there was no tribal chief, however, as in the backward area of Kaka-Ntem, in the extreme north of the Bamenda Division, the report stated that, in the most northerly group, there seemed to be no effective authority above that of family head (paragraph 33).

Mr. HUNT said that, where there was no tribal chief, the native authority was normally composed of a Council of Elders either of a village or a village group; but the principle was the same—the District Officer dealt with the Council of Elders instead of a single chief.

The area referred to by Count de Penha Garcia was the most primitive in the Cameroons Province, and, for the time being, the system in force must be direct rule by the Administrative Officer. It was hoped, however, that, by the influence of the example of neighbouring clans, they would eventually form councils and courts, as in other areas.

Count DE PENHA GARCIA enquired whether the secret society referred to in the Bamenda Division (paragraph 31 of the report) was political or religious in character.

He asked whether the meeting of district heads in Yola had been presided over by a European official or by one of the native authorities (paragraph 43 of the report).

Mr. HUNT, replying to the first question, said that, while he was not well acquainted with the constitution of this particular secret society, it probably partook of both characteristics, being partly religious and partly administrative.

In reply to the second question, he thought that, in all probability, the meeting had been presided over by the Lamido, and attended by the Resident and District Officers.

He was not in a position to give any information in reply to a question by Count de Penha Garcia as to whether the improvement in affairs in Bala had been maintained (paragraph 64 of the report) since the date of the preparation of the report.

PUBLIC FINANCE.

M. RAPPARD observed that the general financial situation, though serious, appeared to be better than the year before. True, the total deficit was becoming disquieting, but the general impression was that the corner was turned—or did the accredited representative think that there was worse to come? He suggested that the figures relating to the native treasuries, which were fed by direct taxes levied on the natives of the territory, were an indication that the situation was not so desperate as the total figures would seem to show.

Mr. HUNT, referring to his general statement at the opening of the meeting, repeated that, while the statistics showed an increase in imports and exports, the improvement was probably confined to the southern half of the Cameroons. Prices were still exceptionally low for staple products, and the better showing of the native administrations was largely due to drastic reductions of staff and public works. He would not be so optimistic as to say that the corner had been turned; there was no sign that the revenues of Nigeria were really improving, and the same applied to the territory under British mandate. The statement of total deficit on page 15 of the report was really a book figure. The value of import and export duties was, he thought, a better indication of the financial position of the territory than the comparatively good showing of the native treasuries, which had been arrived at by a conservative estimate of revenue and drastic reductions in expenditure.

Lord LUGARD asked whether the proportion of the native tax which was handed over to the Native Administrations was capable of considerable reduction in these times of stress. Some of the Emirates received 75 per cent, and it seemed that they were able to undertake public works, which the Central Government had no funds to carry out.

Mr. HUNT replied that the proportion of the native taxes made over to fully organised native administrations had been reduced from 75 per cent to 60 per cent, and, in consequence, these native administrations had also been obliged to curtail their activities.

M. RAPPARD asked for further information with regard to "immigrant strangers", who were, he presumed, natives (paragraph 71). He enquired why taxes from such persons were difficult to recover, and whether the motive of fiscal evasion had anything to do with migration.

Mr. HUNT said that an exhaustive report had just been compiled on the subject of immigrant strangers in the Kumba Division. A "stranger" meant a person who was not a native of the community in which he was living. They came largely from the northern half of the Cameroons Province; some might also come from the territory under French mandate, and a few perhaps from Nigeria. They were for the most part permanently settled, but it was difficult to enforce payment of taxes in the case of those strangers sojourning only for a time with relatives in any locality.

He stated further, in reply to M. Rappard, that, in his experience, migration was prompted, not by motives of fiscal evasion, but rather by a desire to settle further south to cultivate cocoa, or to trade. There was much vacant land in the Kumba Division.

Lord LUGARD noted that certain natives came under a poll-tax flat rate as distinct from lump-sum assessment (paragraphs 83 and 88). He asked whether the fact of a district being under the poll-tax system enabled well-to-do traders to evade the tax.

Mr. HUNT said that a poll-tax flat rate would not have that effect for the most part, there was no distinction between traders and others. He thought that the higher taxation levied on traders was peculiar to the Kentu area.

IMPORTS AND EXPORTS : CUSTOMS REGIME.

M. MERLIN observed that the statistical table on page 21 of the report pointed to a more satisfactory commercial situation than the previous year, the recovery in the external trade of the territory being shown by the figures for imports as well as for exports.

As regards exports, a marked development had been noted in previous years in the banana trade. According to the table on page 26, that improvement was continuing, and there had, at the same time, been an increase in exports of the other principal commodities, such as

coca, palm oil and palm kernels. One fresh fact to be noted was the large increase in exports of timber (790 tons in 1931 ; 2,517 tons in 1932 ; and 6,560 tons in 1933). He enquired to what that progress was due and whether it might be expected to continue.

Mr. HUNT said that there had been an increased demand from England for Nigerian timber, which had probably been stimulated by the activities of the Imperial Forestry Research Department, which had recently sent out an officer to investigate and report. It was not safe to prophesy, but the future of the trade seemed bright. Timber came chiefly from the Kumba and Tiko areas, where water transport facilities were greatest. Bananas were mostly grown round Tiko, where the African Fruit Company had a large area under cultivation ; native growers had also extended their plantations.

He stated, in reply to M. Merlin, that there was no Customs control between the mandated territory and Nigeria, and that that " internal trade " would include a large number of cattle passing from the northern part of the mandated territory into Nigeria, and *vice versa*.

Lord LUGARD observed that the Nigerian legislation on quotas for certain classes of goods—mainly cheap Japanese goods—did not apply to the Cameroons. He asked whether some difficulty might not be found in preventing smuggling when that legislation was applied in Nigeria.

Mr. HUNT replied that the introduction of quotas was so recent that he did not think that the problem referred to by Lord Lugard had yet arisen.

ECONOMIC EQUALITY.

M. ORTS observed that, at the twenty-fourth session,¹ the Commission's attention had been drawn to a regulation of August 22nd, 1932, under the terms of which exports of tin originating in the territory, which were to be smelted in the United Kingdom or a British possession, were exempt from the duty applicable in other cases. Although no cassiterite deposits had actually been found in the territory, the objection might be raised that the regulation in question conflicted with the principle of economic equality.

On page 29 of the report for 1933, it was stated that steps were being taken to amend the regulations in such a way as to remove the objection to them. Could the accredited representative inform the Commission whether those measures had now been taken ?

Mr. HUNT replied that steps had already been taken and the law amended accordingly.

CATTLE : CENSUS AND MIGRATION.

M. SAKENOBE asked that a general idea might be given in the next report of the approximate number of cattle and other live-stock in the Dikwa and Adamawa districts.

M. ORTS observed that, according to information published in the *Courrier Colonial*, of May 4th, 1934, cattle from Northern Nigeria were driven over every year into the northern part of the Cameroons under French mandate for grazing purposes. A special grazing tax was applicable to them, but it was difficult to collect the tax. In order to settle the difficulty, it had been decided to hold a meeting between representatives of the French and British Administrations. The French, it was said, intended to ask for an annual lump sum, which would automatically exempt the owners of such cattle from payment of the grazing tax.

Could the accredited representative inform the Commission if the proposed consultation had taken place, and, if so, whether an arrangement had been reached in the matter ? The cattle in question must, it would seem, pass through the territory of the Cameroons under British mandate. Were animals belonging to that territory also included in the herds ?

Mr. HUNT said that he had no information on the subject, but that he would note the question, which would be answered in the next report.

JUDICIAL ORGANISATION.

M. PALACIOS noted that, according to the table on page 32 of the report, the number of civil cases heard by the Provincial Court of the Cameroons had dropped from 103 in 1932 to 43 in 1933, whereas the number of criminal cases had risen from 1,330 in 1932 to 1,705 in 1933. Could the accredited representative give any explanations on the subject ?

¹ See Minutes of the Twenty-fourth Session, page 20.

Further—in support of a question already raised by M. Rappard—it appeared from the table on page 34, as compared with the table on page 41 of the report for 1932, that the number of offences against the Native Revenue Ordinance tried by the Provincial Court had risen from twelve to sixty-nine. Was that increase due to greater difficulty in recovering the taxes payable by natives ?

Mr. HUNT replied that the drop in the number of civil cases was probably due to the financial situation ; in hard times, people resorted less to litigation. The increase in the number of criminal cases was, he thought, explained by those concerning illicit distillation, which had risen from forty-three to 209. The larger number of revenue offences might possibly be due to difficulties in collecting the money for the annual tax, but more probably to deliberate attempts at evasion. On the other hand, in the native courts, revenue offences had decreased from 300 to 225, which argued that the natives generally did not experience any great difficulty in finding the money for their taxes. There was no duty that the Lieutenant-Governor in the Southern Provinces, or the Chief Commissioner in the Northern Provinces, took more conscientiously on behalf of the Governor than that of scrutinising the native tax rates recommended for the various districts, in order to ensure that those taxes were well within the capacity of the people to pay.

Lord LUGARD noted (paragraph 128) that there had been a considerable change in the judicial procedure in Nigeria and the Cameroons, which had been described in the last report. He understood that the general principle of the change was that the judicial system should be administered by trained lawyers rather than by administrative officers. Had people more confidence in the trained lawyers and was the change popular ? Had there been any real change in practice ? Had it been necessary to replace administrative officers by officers with legal qualifications ?

He asked whether the new system would introduce a great deal of foreign judicial procedure not understood by the natives and at the same time increase the number of appeals and the number of native lawyers who had audience in those courts.

Mr. HUNT said that the essential purpose of the new Protectorate Courts Ordinance was the separation of the judiciary from the administration, so far as the resources of the country would allow. It was hoped to appoint officers as judges and magistrates who combined legal training with a wide knowledge of the locality, the people, their habits and customs. The Ordinance had only come into force on April 1st, 1934, and it was too early to say whether the change would be popular or what its practical effects would be. The Governor retained the right to confer the powers of a judge on a Resident for a particular case and to confer powers of a magistrate on an administrative officer where no magistrate was available. Administrative officers had already been appointed to act as magistrates in such cases. He thought that the practical effect of the change on the people of the mandated territory would be inconsiderable for the present, as the bulk of the judicial work in the territory would be performed by administrative officers. The volume of work and the financial situation did not yet justify the appointment of magistrates to the territory.

As to foreign legal procedure, it was the intention of the Government that the procedure of the High Court should be of the simplest possible description, and it would differ little from that of the provincial courts which it displaced. It was true that legal practitioners might appear before the new courts, but there was this important restriction—that they might not appear in appeals from native courts, as the parties to such appeals would generally be persons of limited means.

Lord LUGARD understood that the changes in question had been consequent on a visit of the Legal Adviser of the Colonial Office. Was there any prospect of his report being published—as in East Africa—so that the Commission might know the reasons for the new procedure ?

Mr. HUNT replied that the report of the Legal Adviser was apparently confidential. It had not been made public in Nigeria. The object and reasons for introducing the new Ordinance had been fully argued in the Legislative Council's debates of November 1933.

Mlle. DANNEVIG commented on the large increase in the figures for flogging in the Northern Cameroons. She enquired what was the maximum number of strokes inflicted, what sort of crimes were punishable in that way, and whether young boys or men were so punished. Were such sentences given by the native chiefs ?

Mr. HUNT replied that he was unable to give details of whippings in the native courts in the Northern Cameroons. Whippings were given with a cane, and the strokes generally did not exceed twelve. He pointed out that there had been a decrease in such sentences in the

Cameroons Province. A general decrease in the sentences for whipping might be expected as a result of the new Native Courts Ordinance, under which no sentence of flogging or whipping could be carried out without the sanction of the District Officer, or, where there was an "A grade" court, of the Emir. Information regarding whippings would be given, as requested, in the next report.

M. SAKENOBÉ directed attention to the curious fact revealed by the statistics on pages 32, 36 and 37 of the report. The population of the Bamenda Division was greater than that of the other three divisions combined of the Cameroons Province, but both civil and criminal cases in the Bamenda Division were very much smaller in number than elsewhere. What was the explanation? Again, the population of Dikwa and Adamawa was almost the same, but the number of court cases in Dikwa was very much smaller.

Mr. HUNT said that it would seem that, in areas where chieftainship and tribal organisation were more developed, as in Dikwa and Bamenda, the people were less criminally disposed and litigious. Probably also in the more organised areas, a large number of cases were settled by arbitration out of court. He had found in the Bamenda Division that the natives were prone to go to the chiefs with their disputes and settle the matter out of hand.

M. SAKENOBÉ thought that closer study of this phenomenon might probably reveal interesting facts concerning the condition of these districts.

WITCHCRAFT.

Lord LUGARD referred to the list of prosecutions on page 33 of the report and remarked that there were twenty cases of witchcraft, with nineteen sentences of imprisonment. The African, as they all knew, attributed any unusual case of sickness or death to the agency of witchcraft, and he looked upon the person who could detect the witch who had worked the spell as a benefactor and killed the man pointed out as a witch, in order to save, as he thought, the lives of others. Though it was, of course, necessary to stamp out those so-called "murders", the imprisonment or execution of the person who detected the witch was, from the native point of view, unjust, and even an encouragement to the practice of witchcraft. The subject was one of extreme difficulty, but it was obviously very desirable that Government action should be understood by the people and, if possible, concurred in by them.

He would like to ask one or two questions as to the procedure adopted in such cases in the mandated territory:

(1) Those twenty cases were apparently "witch-doctors"—that was to say, persons who professed to detect the witch. Were there any convictions of persons who had killed the so-called witch included under the heads of "murder", "attempted murder", etc.?

(2) Was it the custom at a witchcraft trial to investigate fully whether the witch-doctor had any personal motive in selecting the victims or in causing the death or sickness which led to his being called in?

(3) In the particular village in which the case occurred, was it known that the Government had forbidden such ordeals and would hold the perpetrators guilty of murder for any consequent deaths? Was that proved at the trial?

(4) Were any steps taken to endeavour to convince the people present at the trial of the error of their belief—that was to say, by showing the lucrative nature of the witch-doctor's profession or by showing the true cause of death by *post mortem*, etc.?

(5) Would not deportation from the centre of his influence be a better way of dealing with a witch-doctor than imprisonment?

(6) Could homicide due to superstitious beliefs (not only witchcraft, but the sacrifice of twin children, etc.) be shown under a separate head (as "ritual murders") distinct from murder?

Mr. HUNT stated that the increase in the number of cases of witchcraft in the Provincial Court from *nil* in 1932 to twenty in 1933 was probably due to a recent order by the Governor that cases of that nature should not be tried in the native courts, in view of the pronounced bias of most native judges in regard to witchcraft. In the absence of details, it was not possible to say whether any of those cases concerned witch-doctors.

It was true that the African looked upon the witch-doctor who had detected the witch as a benefactor, but it was doubtful whether he would consider it more unjust to punish the witch-doctor with death or imprisonment than to punish those who had acted upon the witch-doctor's information. In either case, the people generally thought the punishment unjust and failed

to understand the Europeans' blindness to the existence of witchcraft. Mr. Hunt personally had had a good deal of experience of witchcraft cases and witch-doctors in the Cameroons Province, and he fully appreciated how deeply that superstition was ingrained in the native mind. But so serious was the consequence of any leniency in that matter that he was persuaded that native susceptibilities should be overridden and severe punishment meted out to all concerned, including the witch-doctor, when such cases led to trial by ordeal and death. That had been the Government's attitude hitherto, and it was well known to the people, even if it was not fully understood by them. It would never be fully understood by them, nor would they concur in the punishment of those who detected and destroyed witches, until they had been weaned from a belief in such superstitions; but that time was still a long way off, and, in the meantime, a few must suffer for the good of the many.

In answer to Lord Lugard's questions he would reply as follows :

- (1) Full information in regard to those cases would be given in the next report.
- (2) He had heard a number of witchcraft cases in his time and personally had always tried to discover what motives had actuated the witch-doctor or witch society in fixing upon the person or persons to accuse of witchcraft, but without success. Whether that was a general practice, he was unable to say, but that point and the further point made by Lord Lugard would be borne in mind for future trials. Personally, he doubted whether the witch-doctor had a personal motive in selecting the victim. It was more probably a public motive—that was to say, he selected as the victim some person who had become generally unpopular or perhaps had some marked physical defect.
- (3) It was well known all over the mandated territory that the Government had forbidden trial by ordeal, and several instances of exemplary punishment, in more than one case involving the death of chiefs, had brought it home to the people. That would ordinarily be brought out at a trial.
- (4) No opportunity was lost of impressing upon the people the error of their belief in witchcraft, though he did not recollect any instance of demonstration of their error by means of *post mortem*. As a rule, by the time the case had come before the court, it was too late for a *post mortem* to be of any value. It was doubtful whether the argument that the witch-doctor stood to gain by the practice of detecting witches would shake the people's belief.
- (5) It was doubtful whether deportation rather than a long term of imprisonment would have a greater deterrent effect. Long sentences were served at convict prisons usually situated at a great distance from the scene of the crime.
- (6) That suggestion could be carried out without difficulty.

PRISONS.

M. PALACIOS pointed out that, two years previously,¹ the Commission had been concerned at the high rate of mortality and morbidity in the prisons in the territory. It would seem, from the statistics given on pages 44 and 46 of the report, that there had been a considerable reduction in the death rate among prisoners. Further, the large increase in the number of sick prisoners in certain prisons (Kumba and Mamfe) appeared to be proportionate to the increased number of prisoners. The report contained no information on the system applied in the prisons as regards the work of the prisoners in particular. Could such information be given in the next report ?

Mr. HUNT replied that he would see that the information was provided. Prisoners were mainly engaged in sanitation.

Lord LUGARD referred to the abnormally high death rate in the prisons in Buea and Dikwa, the figures being double those for any other prison (paragraphs 164 and 175).

Mr. HUNT said that the position in Buea was probably purely fortuitous and should not be taken as a reflection upon the administration of the prison. Prisoners often were in a poor state of health on entering prison, and might have already contracted the disease which ended in their death. He had enquired recently from the Resident about the deaths in Dikwa prison. The Resident had given a good report on the prison, which he said was very well managed. The number of deaths was bound, in the nature of things, to vary from year to year, without it being possible to cast any aspersion on the management of a prison.

¹ See Minutes of the Twenty-second Session, pages 165 and 364.

THIRD MEETING.

Held on Tuesday, October 30th, 1934, at 10.30 a.m.

Cameroons under British Mandate : Examination of the Annual Report for 1933 (continuation).

Mr. W. E. Hunt came to the table of the Commission.

ARMS AND AMMUNITION.

M. SAKENOBÉ thanked the mandatory Government for the detailed information supplied in the 1933 report.

SLAVERY.

Lord LUGARD congratulated the mandatory Power on the effective co-operation it had received from the French authorities with regard to the suppression of slavery (page 50 of the report). He noted that a great number of cases of slave-dealing had occurred—thirty-one in Dikwa—and asked whether the accredited representative knew of any reason for its recrudescence.

Mr. HUNT said that, unfortunately, there had been an increase of eleven in the number of children recovered from the hands of slave-dealers.

He had recently discussed this question with the Resident of the Bornu Province and understood that every effort was being made, in close collaboration with the French authorities, to put an end to the traffic. There was a definite route by Lake Chad which was being carefully watched. It was regrettable that so many of the slave-dealers escaped arrest, as a few heavy sentences would certainly act as a deterrent.

M. SAKENOBÉ asked what court tried slave-trading offences.

Mr. HUNT replied that the Judicial Council of Dikwa had been empowered to try them, and he was informed that it imposed very heavy sentences on any offender who was caught.

In reply to a further question by M. Sakenobé, with regard to the Lamido's Judicial Council in the Adamawa District, he said that, as that Council was an "A grade" court, it also was empowered to try slave-trading cases. Both the Lamido's Council and the Dikwa Court took a very serious view of the offence of dealing in children as slaves.

SITUATION OF WOMEN IN THE TERRITORY : DOWRIES (*continuation*).

Mlle. DANNEVIG noted the very interesting statement in the report on the position of women (page 49). She was glad to see that the mandatory Power was aware of the difficulties and realised that there was some suffering among Christian women.

She understood that one of the chief causes of the trouble was that girls were betrothed and a dowry was paid for them at an early age. If they refused to fulfil the marriage contract when they grew up, and their prospective Christian husbands were unable to refund the dowry, their position became very difficult. Would not such a situation be prevented if it were illegal to enter into a marriage contract or pay a dowry for a girl under 14 years of age ?

Mr. HUNT explained that the custom of betrothing girls at an early age was deep-rooted and of very long standing. He thought it would be impolitic to make it a criminal offence to betroth a girl under 14 years of age, but felt sure the practice was declining because girls to-day were able to refuse to fulfil the contract on reaching marriageable age. This made parents progressively reluctant to enter into marriage contracts, so liable to be broken, as they were not anxious to have the trouble of repaying dowries. He did not think the situation was so serious as to call for legal measures.

Mlle. DANNEVIG did not think it would be necessary to make the practice a crime or offence, but to stop enforcing repayment of the dowry in the courts. It would seem to be irrational to apply native customs to a native Christian marriage. Was there any special Ordinance for Christian, as for Moslem, marriages ?

Mr. HUNT said that the Marriage Ordinance, Chapter 68 of the Laws of Nigeria, which governed Christian marriages, applied to the mandated territory. At the same time, side by side with the Ordinance, the native custom of paying dowry still survived, even though the marriage was contracted under the Ordinance.

Mlle. DANNEVIG did not think the missions or women's organisations who had stated their views on this subject would wish to abolish the custom of paying dowries.

With regard to widows, she was glad that the mandatory Power was aware of their difficulties, but saw no reference to their position in the report. She understood that a widow needed somebody to take care of her. Could she not be entitled to dispose of herself and her minor children as she thought fit, remain with her husband's family, return to her own family, or re-marry?

Mr. HUNT said that, according to native custom, a widow fell under the protection of the head of her husband's family, probably his brother. At the present time, however, she was not forced to marry him, but was free either to stay with his family or to go back to her own. If she married another man, her dowry would go to the first husband's family, unless it had already been repaid.

Mlle. DANNEVIG asked whether repayment would be enforced by the courts even if she were an old woman.

Mr. HUNT said that the native courts were usually very reasonable in this respect; when a woman was old, no dowry would ordinarily be exacted.

Mlle. DANNEVIG asked whether a widow was allowed to retain her minor children.

Mr. HUNT said that, according to custom, the children should remain with the husband's family, but, at the present time, the British authorities would not allow minors dependent on their mother's care to be taken away from their mother against her or their will. Native custom had been modified by the British authorities to that extent.

Mlle. DANNEVIG hoped that the mandatory Power would pay as much attention as possible to the recommendations of the missions, which it was now considering. It seemed as if the high dowries prevented young men from marrying, the older men being in a better position to pay the dowry, which might influence the birth rate unfavourably.

Mr. HUNT assured her that the recommendations in question would receive sympathetic attention.

LABOUR. HEALTH INSPECTION ON THE PLANTATIONS.

Lord LUGARD noted with great interest the excellent regulations, particularly Regulation No. 3 of January 1933, defining the nature of minor communal services, and Regulation No. 36 of August 1933, dealing with the medical care of the workers.

He noted that the Government Medical Officer at Kumba was in medical charge of eight estates with about 2,000 workers (page 58). Was he able efficiently to discharge his ordinary duties as well as to attend to the health of the men on so many different estates, probably some distance apart?

Mr. HUNT said that, in view of the report of the Deputy Director of the Health Service, whose visits included the inspection of the plantations in the Kumba Division, he thought it must be taken that medical attention was satisfactory. The conditions were admittedly not ideal, but, in the present time of financial stress, which had forced the Government to withdraw a medical officer from Buea, it did not wish to press the plantations unduly.

Lord LUGARD explained that what he had in mind was that, if the Government medical officer performed his duties towards the labourers effectively, it must have been to the neglect of his ordinary duties.

Mr. HUNT did not think that need be assumed. The medical officer at Kumba would have more time to travel than the medical officer in Victoria.

Lord LUGARD asked whether work for the plantations was regarded as private practice for which fees were received from the estates.

Mr. HUNT believed that it was so regarded.

Mlle. DANNEVIG asked whether there were any trained native dressers, as in the French colonies.

Mr. HUNT replied in the affirmative, drawing attention to the statistics given on pages 57 and 58 and to paragraph 218.

Mr. WEAVER asked whether the withdrawal of a Government doctor from Buea would affect medical assistance on the plantations.

Mr. HUNT said that it must inevitably result in fewer visits of inspection. The position was much the same as a few years previously, when no doctor was stationed at Buea.

Mr. WEAVER asked whether the plantations could not be placed under a statutory obligation to provide the necessary medical officers to look after their employees.

Mr. HUNT said that the labour health regulations did impose that duty, but it was left to the discretion of the Director of Medical and Health Services to decide whether the conditions were fulfilled. There was no statutory obligation to provide a doctor to so many labourers. The rules were elastic in this respect.

Lord LUGARD asked whether small estates could not form groups with a medical officer attached, the employment of Government medical officers for a fee being entirely done away with.

Mr. HUNT agreed that that would be the ideal system, but was doubtful whether the Government would wish to press it upon the plantations at the present time.

Lord LUGARD, referring to contracts for the repair of roads (paragraph 226), asked what regulations were in force with regard to the inspection and medical care of the labour employed by the contractor.

Mr. HUNT said that these were small native contractors employed to build a mile or so of road, who engaged labour living within easy reach. He did not think official inspection was called for.

Mr. WEAVER understood that road-building operations were subject to inspection by the official Public Works Department.

Mr. HUNT replied in the affirmative, adding that it was the general practice throughout Nigeria to give out this work to native contractors.

Lord LUGARD noted that it was not considered necessary to fix a minimum wage (paragraph 210). He understood, however, that a minimum wage had now been introduced for Nigeria.

Mr. HUNT understood that, although powers to do so had been taken under the Ordinance, no minimum wage had as yet been fixed, nor was any action in that direction contemplated at present.

Lord LUGARD asked what was the maximum duration of the contract which the German estates were allowed to enforce.

Mr. HUNT said that, as far as he was aware, there were no labourers under specific contract on the German plantations. They were engaged daily or by the month.

Lord LUGARD said that he had been informed that, when men were engaged under contract, their families looked after their live-stock and attended to their farms for two or three years, so that when they returned, at the expiration of their contract, they found everything as they had left it.

Mr. HUNT thought that was very probable, though he had not gone into the question. He added that, since the United Kingdom had assumed the mandate, there had been no labour employed under written contract in the Cameroons.

Lord LUGARD thought the statement interesting, since it was at variance with other evidence, and asked the accredited representative to give in the next report any information on the matter he was able to obtain.

Mr. WEAVER associated himself with Lord Lugard's remarks on the value of Regulation No. 3, issued under the Forced Labour Ordinance of 1933. He asked whether it was intended to issue regulations with regard to labour which might be called out by chiefs for other than communal services.

Mr. HUNT said that the Ordinance did not recognise forced labour other than that specified. The chiefs were not empowered to call out labour except as specified in the regulations.

It was, he thought, the Government's intention to enact regulations governing the case of carriers who might be called out by the chiefs for public services and for labour called out in urgent and exceptional circumstances for the public benefit.

Mr. WEAVER observed that the Forced Labour Ordinance (No. 22 of 1933) provided that recognised chiefs who did not enjoy adequate remuneration in other forms might, on or after the coming into operation of regulations regulating the enjoyment of such services and subject to such regulation, have the enjoyment of such personal services as were reserved to him by native law or custom. Did the Administration intend to issue these regulations at an early date?

Mr. HUNT said that the need to issue regulations governing personal services to recognised chiefs was not urgent, nor, if and when they were issued, would they affect the mandated territory, as there were no recognised chiefs therein who fell within that category.

Mr. WEAVER noted from Appendix III—Labour on Plantations : Inspection Reports—that wages were still very low, the rates on one large plantation being $2\frac{1}{2}d.$ to $5d.$ per day, plus rations.

Mr. HUNT said that $2\frac{1}{2}d.$ would be paid to boys and not to full-grown men.

Mr. WEAVER said that he had raised the point in order to express the hope that the matter would be kept in mind and that, if necessary, the Government would intervene in the matter of minimum rates.

With regard to compensation for death or injury caused by accidents (paragraph 207), he noted that the rates paid were far below the maximum which could be awarded under the Labour Regulations, 1929. He assumed that the Administration was satisfied that the rates were adequate to the extent of the injuries.

Mr. HUNT said it must be taken that that was so. The amount of compensation varied with the district and the average wealth of the people, particularly in the case of death.

Mr. WEAVER observed that the compensation paid in the case of death—£5 to £12—seemed very small.

With regard to the three convictions for the illegal recruiting of labour (paragraph 209), he thought it would be interesting to know something of the nature of the offences.

Mr. HUNT said that these convictions were for the recruiting of labour with a view to taking it to Fernando Po. There had been no case of illegal recruiting within the territory.

Mr. WEAVER thanked the mandatory Power for giving the information asked for in 1933 with regard to timber concessions (paragraph 211).¹ The inspections carried out seemed to show that there was still room for progress, and he hoped that future reports would indicate that conditions on concessions were quite satisfactory.

Mr. HUNT said that the supervision of labour on timber concessions was very difficult, owing to the great distances to be covered and to the frequent movement from one area to another as one was worked out.

Mr. WEAVER noted that no reference was made to convictions for refusal to labour. He assumed that such cases had been included in the 1933 report under "convictions for resistance to authority" (pages 37 and 41) and suggested that separate figures should be given in future.

¹ See Minutes of the Twenty-fourth Session, page 23.

Mr. HUNT said that separate figures would be furnished in future reports.

Mr. WEAVER said, with regard to the system of plural wives, that it had been represented to him that this system was in many cases used as a form of unpaid forced labour, the women being exploited by their husbands as labourers on their own plantations. Had the accredited representative any remarks to offer on that subject?

Mr. HUNT said that he had not heard that such a position obtained in the Cameroons and was very doubtful of its existence. Enquiries would be made and information furnished in the next report.

Mlle. DANNEVIG had been given similar information and had read a description of how even pregnant women were forced to carry very heavy loads.

CO-OPERATIVE SOCIETIES.

Mr. WEAVER noted with great interest the information with regard to the progress of co-operative societies (paragraph 329). That seemed a very hopeful and satisfactory development, and he hoped it would continue.

MISSIONS.

M. PALACIOS noted with satisfaction that the relations between the Roman Catholic Mission and the non-Christian population or native authorities had improved (paragraph 235). He asked what results had been achieved by the heads of the missions with a view to the "promotion of cordial relations between the Roman Catholics and others".

Mr. HUNT said that he could give no specific results of the cordial relations between the missions on the one hand and the non-Christian population or the native authorities on the other. There was a general absence of friction and both sections were working together harmoniously for the general good.

M. PALACIOS asked whether the relations between the missions themselves and the population had become satisfactory.

Mr. HUNT said that they were very satisfactory. Christianity was making great headway throughout the Province, and, at the same time, arousing no hostility from the pagan elements. Christian sentiment to-day definitely swayed opinion in the Victoria Division.

EDUCATION.

Mlle. DANNEVIG noted that expenditure on education amounted, according to paragraph 239, to £10,025. On page 91, however, a lower "proportional" figure was shown. What was the explanation?

Mr. HUNT replied that the actual expenditure was £10,025. The system of preparing the budget on a proportional basis, according to the population of the territory, had been followed at the suggestion of the Mandates Commission.

Mlle. DANNEVIG understood that school fees were charged in the Government as well as the mission schools, though they were not mentioned in the revenue account.

Mr. HUNT said that they were included in "Miscellaneous Receipts", head 3, page 88. The revenue from school fees could easily be given separately in the next report, if desired.

Mlle. DANNEVIG was gratified to note that the Administration had been able to increase its expenditure on education and its grants-in-aid to the missions. That being so, however, it was somewhat surprising to find that the educational activities of the Basel Mission had been reduced considerably.

Mr. HUNT pointed out that grants-in-aid were only made to schools that had reached a certain standard. They would not affect the activities of the Basel Mission, in relation to non-assisted schools. The fall in the number of non-assisted schools from 147 to 111 would be due either to lack of funds or lack of support in certain villages.

In reply to a further question by Mlle. Dannevig, who asked whether grants were based on examination results, Mr. Hunt said that they were based on the standard reached by the school and the number of certificated teachers with which it was staffed.

Mlle. DANNEVIG noted (page 65 of the report) that the number of pupils in Government schools had increased, presumably owing to the reduced fees. Attendance at native schools, however, had decreased. Was that because of the slump?

Mr. HUNT said that the decrease was very small; the average attendance was only twenty less than the previous year.

Mlle. DANNEVIG asked for an explanation of the statement that the children of the Gwoza school had been exposed to influences that were not acceptable to their parents or the village elders (paragraph 273).

Mr. HUNT said that they had been exposed to Mohammedan and cosmopolitan influences, and the School Committee had desired to remove them to an area where the influence of village life and tribal traditions would predominate.

Mlle. DANNEVIG noted with interest the reference to the setting up of a moving school which would work for some time in one group and then proceed elsewhere (paragraph 273). A similar system had produced very good results in Norway, where it was used in some mountain districts with a sparse population. The school was moving regularly from district to district and back again.

Lord LUGARD said that that was not what had hitherto been regarded as a "moving school", and asked whether any experiments had been made with itinerant schools which passed from village to village, staying a few weeks in each.

Mr. HUNT said that that system had not been tried in the mandated territory or Nigeria. It would be brought to the notice of the Director of Education.

Mlle. DANNEVIG asked whether it was proposed to change the character of the instruction given in girls' schools as recommended by the missions (paragraph 189).

Mr. HUNT said that the Government was giving full consideration to the recommendations of the missions, but, so far as he was aware, had not yet reached conclusions.

Mlle. DANNEVIG noted that the boys in the Dikwa schools were taught weaving, sewing and embroidery (paragraph 268), which were usually regarded as girls' subjects. Were there no girls' schools there?

Mr. HUNT said that that was due to local custom. He doubted whether the time was yet ripe to open a girls' school in a Mohammedan area.

Lord LUGARD asked whether the curriculum of elementary and middle schools included agriculture.

Mr. HUNT said that work in the school garden was always part of the curriculum, and elementary instruction was given in agriculture.

ALCOHOL AND SPIRITS.

Count DE PENHA GARCIA asked for an explanation of the small—but, in view of the crisis, somewhat disquieting—increase in imports of spirits (page 72). He also asked whether there was any special explanation for the fact that Germany was the principal supplier of spirits, and also the principal importer and exporter of most other goods.

Mr. HUNT said that it was difficult to assign any specific cause to the small increase in the consumption of spirits, or to ascertain in what areas the additional quantities had been sold. It might be due to a slight increase in prosperity near the coast, though he was doubtful if that was so.

Germany was the foremost importer and exporter, because nearly all the big importing firms in the Cameroons Province were in German hands.

Count DE PENHA GARCIA said that he would be glad if particulars could be supplied in the next report as to the results of the steps taken to suppress illicit distilling—namely, police action and the encouragement given to substitute palm wine for spirits.

He also asked whether the Liquor Ordinance was sufficient to prevent the natives in the "prohibited areas" in the Northern Cameroons (paragraph 277) from following the example of illicit distilling set by the natives in the neighbouring areas.

Mr. HUNT said that it was evident from paragraph 135 that the practice of illicit distilling had already penetrated beyond the prohibited line to the Bamenda Division. The inhabitants of the Mamfe and Bamenda Divisions had often made representations that the prohibition line should be extended to include those divisions, and so reduce the temptation to resort to illicit liquor.

Lord LUGARD asked why the tariff on methylated and non-potable spirits had been increased from 3*d.* to £1 15*s.* (paragraph 91). Was it because the natives were found to be drinking these spirits?

Mr. HUNT was afraid there had been such cases.

(M. Orts then took the chair.)

PUBLIC HEALTH.

M. ORTS asked, on behalf of Marquis Theodoli, whether a single dresser could attend to so many as 28,239 cases a year, an average of about eighty-four per day (paragraph 316). He himself did not regard it as impossible.

Mr. HUNT thought that it was quite within the capacity of a dresser, and thought it often occurred in other dispensaries in Nigeria, of which he had inspected quite a number. These cases would consist entirely of minor ailments and minor dressings. The dresser might possibly have some assistance that was not mentioned in the report.

M. ORTS referred to the difference between the activities of a single native in the case he had mentioned and those of the ten health centres of the Basel Mission, which had treated only 1,000 patients (paragraph 301).

Mr. HUNT said he could not help feeling there must be some mistake in the return of patients attending the ten centres controlled by the Basel Mission. Possibly, the figure referred only to major cases treated by the mission doctors and perhaps a dresser was not attached to each centre.

M. SAKENOBE, referring to that point, drew attention to the great difference in medical service between the Northern Provinces and the Cameroons Province. The latter was well provided with doctors and dispensaries, but the former had had only one dispensary in 1932 and two in 1933. That was the reason of the disparity mentioned by M. Orts.

Mr. HUNT pointed out that the Cameroons Province had been opened up and developed for many more years than backward areas like the Adamawa Province. Every effort was being made to extend medical services in the northern territories, and it was hoped that they would soon bear comparison with those of the Cameroons Province. The situation was to a large extent governed by the financial stress.

Count DE PENHA GARCIA said that paragraph 289 revealed the existence of considerable difficulty in obtaining registered medical practitioners and asked what was meant by "medical qualifications". Did the Medical Practitioners and Dentists Ordinance apply chiefly to mission staffs, or could any qualified person interested in the natives obtain a licence out of a spirit of charity, "to practise medicine or surgery without fee or reward"?

Mr. HUNT said that the Ordinance applied more particularly to the missions, and the amendment to the laws had been made for that reason.

Mlle. DANNEVIG asked whether the expression "without fee or reward" prevented missionaries from accepting fees for treating the natives.

Mr. HUNT said that a fully qualified medical missionary was entitled to ask for a fee or reward, but an exception was made in the case of persons holding a temporary licence to practise medicine or surgery.

Mlle. DANNEVIG wondered if qualified practitioners would accept work in those circumstances.

Mr. HUNT said that he knew of only one case in Nigeria in which a licence had been issued.

Count DE PENHA GARCIA noted that the mandatory Power itself recognised that the health situation was very unsatisfactory. Specific cases of malaria were treated, but no attempt was made to remove the sources of infection by drainage and other means. There had been a considerable increase in sleeping-sickness and leprosy was also increasing. Frequent outbreaks of and deaths from smallpox had occurred. The Commission could only hope that an improvement in the economic situation would enable the mandatory Power to increase the medical services. Apparently, there were only five or six official doctors to look after some 780,000 natives. Though he could not expect the mandatory Power to do the impossible, he hoped the next report would indicate whether any means of improving the situation had been found.

M. RAPPARD presumed that the small number of doctors was due primarily to the financial situation and not to a lack of candidates. The Commission had often discussed the possibility of engaging persons of a nationality other than that of the mandatory Power. A new factor was now contributed by the number of highly qualified physicians available on account of events in Germany. Had the attention of the Colonial Office ever been called to the possibility of obtaining the services of those unfortunate practitioners who were at a loose end and would doubtless be willing to accept work on satisfactory terms?

Mr. HUNT was unable to say whether it had been brought to the notice of the Colonial Office, and was doubtful whether it would be an easy matter to appoint equally well qualified medical officers on a different footing from those already in the service. The matter however, would be drawn to the attention of the Colonial Office.

M. ORTS said that Mr. Hunt's objection had not proved insuperable in other African countries where, in addition to members of the regular staff, doctors were engaged on a relatively short-term contract with different conditions.

Lord LUGARD asked what was meant by the term "travelling medical officer" (paragraphs 312 and 315). He took it that every medical officer was a travelling officer. Were there any medical patrols travelling with full medical equipment—operating theatre, ambulance and so on—and spending some time in each village?

Mr. HUNT said that a travelling medical officer was not stationed permanently at any one post, but was available for travelling at all times. He did not, however, travel with an operating theatre, but with as much equipment as would enable him to perform minor operations.

M. ORTS said that, as Lord Lugard had pointed out, medical officers in Africa were generally travelling officers, except those attached to the central services or doing laboratory work. Was the Commission to understand that all the doctors in the Health Service travelled from time to time and got into touch with the natives on the spot, or did they wait for the people to go to them? The adequacy of a health service depended largely on the frequency and regularity of the visits paid by the medical officers to native villages.

Mr. HUNT said that all medical officers in the Cameroons were liable to go on tour when the work at their headquarters station permitted, and they frequently did so.

Lord LUGARD pointed out that there were fully equipped medical patrols with dressers and native assistants in New Guinea and—he believed—in the Congo. He would like to know whether anything of that sort had been adopted, apart from the ordinary medical officers on inspection duty.

Mr. HUNT said that the practice had not as yet been introduced in the mandated territory or Nigeria. The suggestion seemed a valuable one and would be borne in mind.

Mlle. DANNEVIG regretted that the leper camp at Bulu had been closed owing to unpopularity (paragraph 308). She hoped that, later on, the people would be made to realise that it was a very useful institution.

Mr. HUNT said that it had been difficult to overcome the popular prejudice against the leper camp in Victoria. The Bamenda leper camp, on the other hand, had been a success, because the interest of the chiefs had been enlisted from the first, and they had been able to bring influence to bear upon their people. In addition, the Medical Officer at Bamenda had had more time than the Medical Officer at Victoria to give personal attention to the leper camp.

M. ORTS said that the remark he was about to make was on his own account and did not bind the Commission. It was a general remark and did not apply to this territory alone.

He was convinced that it would be impossible to organise a satisfactory health service to meet the needs of the population until the principle of free medical treatment was abandoned. It could no longer be taken for granted that all the natives were without means ; moreover, they attached greater value to services for which they had to pay. The present principle created a sort of vicious circle. While the necessity of developing the medical services in the African territories was universally admitted, free medical treatment in all cases involved financial burdens which no budget could possibly support.

Mr. HUNT agreed that there was much in what M. Orts had said, and that people valued more what they had to pay for. It should not be assumed, however, that medical attendance in the mandated territory was free. Fees were demanded from patients who were obviously in a position to pay. The principle of payment was sound, but it was doubtful if the people to-day could bear a charge for all medical services ; not did it seem possible that, for a long time to come, sufficient revenue from fees could be obtained to permit of an expansion of the health service.

LAND TENURE.

Lord LUGARD asked whether the land alienated to plantation companies and now acquired by the Government for native communities (paragraph 322) was cultivated or derelict land. The price seemed rather high. Had there been a forced sale, or had the owners been glad to relinquish the land ?

Mr. HUNT said that it was all cultivated land in the Victoria Division, previously developed by the plantation companies. It had been purchased by negotiation, but the Government would have taken powers to acquire it had the negotiations been unsuccessful.

M. RAPPARD understood that the policy of purchasing land from the plantations was a reaction against what was considered the excessive alienation of native land before the war. What was the legal situation ? Was the Government the landlord of the native communities, or was the land handed over free of charge ?

Mr. HUNT said that the land was handed over to the natives and became native lands under the Native Rights Ordinance. In practice, it was the same as other native lands which had not been acquired ; no rent or other dues were exacted.

FOREST RESERVES.

Lord LUGARD was not quite clear as to the position with regard to the reservation of forest areas. Some of the reserves were " approved and awaiting settlement " (paragraph 324). Had none been completed ?

Mr. HUNT explained that, as yet, the constitution of the Nkom-Wum and Mbembe reserves only in the Bamenda Division had been completed. Of the four in the Mamfe Division, all but one now awaited formal approval.

The constitution of forest reserves always took a considerable time, particularly the visit of the Settlement Officer, and the adjudication of the claims of natives residing or farming in the reserves ; but efforts were being made to speed up the process by simplifying the somewhat cumbersome procedure under the Forestry Ordinance.

Lord LUGARD understood that, up to date, only 153 square miles had been completed.

Mr. HUNT said that that was so, but all the negotiations with regard to the Takamanda, Mbo and Nta-Ali reserves in the Mamfe Division had been carried through, however, and their final constitution was only a matter of form.

DEMOGRAPHIC STATISTICS.

M. RAPPARD, comparing the population statistics on page 83 of the 1933 report with those given on page 100 of the previous report, pointed out that, in various cases, there had been an appreciable decrease in the native population. According to paragraph 86 of the 1933 report, however, the annual census in the Adamawa Districts showed a remarkable increase in population. How was it that there was an increase there, whereas the figures for the total

population had decreased? He put the question because the figures on page 83 were so precise—though not necessarily accurate—that he wondered what was the real explanation of the increase, if it were not statistical.

Mr. HUNT said that he had asked the Resident of Bornu why the population of the Dikwa Division had fallen by nearly 7,000. He had been informed that the annual census was taken by the native administrative staff and that administrative officers had made test checks here and there. The figures given by the village heads were not always reliable, and it should not be taken that there had been a real decrease in the population. The census staff concentrated more particularly on taxable males, and the census of women and children was liable to vary from year to year. In Adamawa the annual census appeared to have been carried out with exceptional vigour, which might explain the increase.

M. RAPPARD said that he had expected some such reply. Fluctuations, for statistical reasons, were so general, however, that he wondered what was the use of the figures. They were, of course, very important for administrative purposes, as presumably taxation was based on them. He would be glad to hear the views of the accredited representative.

Mr. HUNT thought that annual or periodical counts, where they could conveniently be made, served a useful purpose. As time went on, they must become progressively more reliable. At the same time, in backward areas, great reliance could not be placed on the figures, particularly those relating to women and children.

Mlle. DANNEVIG asked whether there was any special reason why women were unwilling to give the real number of their children.

Mr. HUNT replied that, in backward areas, they were often suspicious of what might be at the back of the white man's mind. Perhaps they might have an unreasoning fear of new taxation, as was the case at Aba in 1929. But it was a common superstition that the counting of children brought calamity.

In reply to a further question by Mlle. Dannevig, Mr. Hunt said that there was no reduction in a man's tax on account of his having a large family.

AREA OF THE TERRITORY.

M. RAPPARD noted that, in the 1932 report, the area of the territory had been given as 34,559 square miles, whereas, in the 1933 report, it was said to be 34,136 square miles (paragraph 2). Had there been a new survey?

Mr. HUNT said that there had been no new survey. Possibly the area had been recalculated by the Surveyor-General and the new figure was more exact.

CLOSE OF THE HEARING.

M. ORTS thanked the accredited representative for his replies to the Commission's enquiries and called his attention to the points on which members desired further information in the next report, a record of which he would find in the Minutes.

FOURTH MEETING.

Held on Tuesday, October 30th, 1934, at 3.30 p.m.

Togoland under British Mandate : Examination of the Annual Report for 1933.

Mr. H. W. Thomas, Secretary for Native Affairs, Gold Coast, came to the table of the Commission.

WELCOME TO THE ACCREDITED REPRESENTATIVE.

The CHAIRMAN welcomed the accredited representative and expressed the satisfaction of the Commission at this further opportunity of collaborating with him.

GENERAL STATEMENT BY THE ACCREDITED REPRESENTATIVE.

Mr. THOMAS. — Mr. President, I wish to thank you and the members of the Commission for your gracious words of welcome to me on this my second visit to Geneva for the purpose of being present as accredited representative during the examination of the report on Togoland under British mandate, and I trust that I shall be able to explain any points in the report which at present may appear to be somewhat abstruse.

I have little to add to the report itself, which is already before you ; but there are two matters of which I may, perhaps, make mention, as a little further information is available since the report was printed.

The first of these is in respect of the Native Administration Ordinance for the Southern Sphere. It may be recollected, from last year's report (page 16 of the 1932 report), that a certain section of the people, led by a few semi-illiterate persons, endeavoured to prevent this new Ordinance from being passed into law. It was subsequently learnt that the principal objectors to the Ordinance were those chiefs and people who had refused to come under one of the amalgamated groups, mention of which is made in paragraphs 8 and 9 of the report for 1933, preferring to remain independent.

As has been pointed out in paragraph 11, there is still no objection to any division remaining independent, but, in doing so, the advantages placed at the disposal of the amalgamated States, which alone have the right to function under the new Ordinance, will not be available to it.

After the visit of the Governor of the Gold Coast Colony to the territory, when he took the opportunity of dealing with the objections raised, all active opposition died down and the Ordinance may now be said to be working smoothly. There are now forty-eight formerly independent divisions which have come under one or other of the groups, having a combined population of over 80,500 ; the total population in the southern sphere is 125,500.

The tribunals are reported to be working satisfactorily. The fines inflicted and the fees charged have been moderate, while the number of appeals from decisions by them is comparatively small.

The second point with which I wish to deal concerns heading XVI (Conditions and Regulation of Labour). In paragraph 109, it is recorded that a Committee was set up to submit a report dealing with the objections raised by the chiefs in the Gold Coast Legislative Council, when the Labour Bill, which would have given full effect to the requirements of the Forced Labour Convention, was first introduced into the Legislative Council of the Gold Coast. As a result of this Committee, a measure of agreement has now been reached. The main recommendation of the Committee was the deletion of two clauses, which embodied the conception of labour exacted by a chief against the will of his people either as a personal service or for any other purpose, thereby importing a form of forced labour hitherto non-existent and entirely outside native law and custom. Such a proceeding is entirely contrary to the spirit and intention of the Convention, and these sections have therefore been omitted, for under the democratic native institutions of the country there could be no question of a chief arbitrarily exacting labour. He must first obtain the consent of the community in the customary way ; any other course would immediately involve him in serious trouble with his people. Furthermore, the chiefs are anxious to avoid the impression being created that they claim the right to employ forced labour.

The provision for the clearing of roads remains under the Roads Ordinance, but such labour is being regulated in accordance with the provisions of the Convention.

ADMINISTRATIVE REORGANISATION OF THE TERRITORY : AMALGAMATION OF CERTAIN DIVISIONS INTO NATIVE STATES.

Lord LUGARD said he had read with much interest the account in the report of the devolution of authority to the native chiefs and especially of the success in getting forty-eight small independent divisions to combine into three or four States. Mr. Thomas would agree that the fundamental basis of what is called " indirect rule " was the establishment of native treasuries, by which the rulers were taught responsibility and the conception of spending money for the public good and not on personal pleasures. In other countries, a percentage of the native tax was assigned to a native treasury to pay the native district staff and to carry out works, etc. As there was no direct tax in Togo, Lord Lugard asked whether it would be possible to levy a rate for this purpose. He noted that certain fees, etc., had been assigned for this purpose, but they would not be adequate.

Mr. THOMAS asked if Lord Lugard had in mind a poll tax.

Lord LUGARD replied that he had thought of an *ad hoc* rate in support of the natives' own administration, either voluntary or compulsory as the Government thought best.

Mr. THOMAS replied that the absence of any direct tax was certainly a great handicap. It was part of the Government's policy to introduce the principle of direct taxation collected by the chiefs themselves, to be deposited in their native treasuries in Ashanti and the northern sphere of Togoland : but the proposal to introduce an income tax in the Gold Coast had given rise to so much opposition that it had been thought wiser to drop the Bill for further consideration. But now the people were being told that, if they wanted more schools and hospitals, they must contribute themselves towards the cost of construction, through their native treasuries. He hoped there would be less objection to the proposal if the collection was left to the native chiefs, as it was now proposed to do.

Lord LUGARD asked whether the former German Administration taxed the natives directly, and, if so, on what grounds, in extending Gold Coast legislation to the mandated territory, had this policy been revised ?

He further asked whether the native chiefs in Togo had any powers to give concessions for minerals or land.

Mr. THOMAS undertook to embody information in reply to these questions in the next report.

Lord LUGARD observed that, under the Order by the Governor quoted in Appendix II on page 75 of the report, the forty-eight chiefs of divisions which had been merged into three States were all made " native authorities ", and the head of each State was also a native authority. Would not this give rise to friction between the State authority and the subordinate authorities ? Could the former overrule the latter ?

Mr. THOMAS said that the system was working satisfactorily up to the present. Each divisional chieftainship was still an independent unit ; and the only matters which would come before the central councils would be matters raising issues outside the jurisdiction of the single units. So many different elements were represented on the councils that he hoped no question of bias would arise. There had been no dissatisfaction so far as to the judicial functions of the councils, or as to the method of appointment of their members or the apportionment of the sitting fees.

Lord LUGARD noted that the State councils were also State tribunals and dealt with cases which the lower courts had failed to settle. If he understood it rightly, one of the minor courts was named as a Court of Appeal. Would its jurisdiction clash with that of the State Tribunal ?

Lord Lugard observed that the maximum number of members of a court was seven, but in several cases the number of divisional chiefs exceeded seven. How would the selection be made ?

He asked whether members of these native courts received any sitting fees.

Mr. THOMAS replied in the negative.

Lord LUGARD and M. RAPPARD both drew attention to the statement in paragraph 14 of the report with regard to the immigration of " Moshi, Fulani and Yanga . . . from the north and east in a continuous stream " into the Kusasi area. What was the reason for this movement and from whence did the immigrants come ?

Mr. THOMAS thought the object was to avoid the taxation in the neighbouring French territory.

M. SAKENOBE enquired as to the possibility of amalgamating the Konkomba tribes under one native authority.

Mr. THOMAS replied that the Konkomba were the wildest and most lawless of all the tribes in the northern sphere. There was no evidence that they had ever had an independence of their own, and for generations they had been controlled either by the Na of Mamprussi or the Na of Dagomba. The 5,161 Konkomba in the extreme north of the territory to whom reference was made in paragraph 14 of the report formed a detached group, which had been under Mamprussi overlordship for generations. The bulk of the Konkomba were in the south of the northern sphere.

M. ORTS thanked the mandatory Power for the assurance that the reincorporation in the native States of Mamprussi, Dagomba and Gonja of certain areas included in the mandated territory would not jeopardise the territorial integrity of the latter. This assurance was given in paragraph 20 of the annual report.

He would, however, ask the accredited representative for a few additional explanations on the point. This administrative measure had resulted in a certain number of natives of the mandated territory coming under the administration of the Gold Coast Colony. These people

were therefore, for practical purposes, under a colony while belonging, theoretically, to a territory with a different international status. Was that position compatible with the mandate?

Supposing, for instance, that these natives were aware of the existence of the right of petition, could they exercise that right, when the fact of a colonial subject appealing to an international body against decisions of that colony's administration would be regarded as a sign of a seditious tendency?

Mr. THOMAS replied that the majority of the Dagomba were settled outside the mandated territory around Yendi. The alteration in the district boundaries was to bring the smaller section round Tamale under Yendi, where the Na resides, for administrative purposes. The object which the Government had in view in reconstituting the unity of these tribes, which was broken forty years before by the delimitation of the frontier between the Gold Coast and German Togoland, was to prevent the disintegration and denationalisation of the native units. The whole policy of the mandatory Power was to enable the native authorities to learn to stand by themselves, with their existing customs and laws carefully grafted and moulded on to modern conditions, without those tribes in any way becoming denationalised. For, if native tribes and native institutions were permitted to become disintegrated, they would soon find themselves submerged in the march of progress, embroiled in the sea of discontent, to become mere flotsam cast up on the rocks of a superimposed civilisation. No Power entrusted with responsibilities for the future of the African races could take up any other standpoint on that issue.

At the same time, the mandatory Power was most anxious to meet the wishes of the Commission in this matter. He would put M. Orts' point to His Majesty's Government in the United Kingdom, and enquire whether he might make a further statement on the matter next year.

APPLICATION IN THE TERRITORY UNDER MANDATE OF LEGISLATION PROMULGATED IN THE GOLD COAST.

M. PALACIOS, who was supported by M. Orts, noted that, in reply to a question put, he thought, by Lord Lugard, when the problem was examined at one of the previous sessions,¹ paragraphs 81 and 82 of the report described the test adopted in applying the provisions in force in the Gold Coast to the various parts of the territory of Togoland under British mandate. In view of the information supplied in those paragraphs, it would be most useful to have an accurate and full list of the laws applied or not applied in the north, south and any other part of the territory whatever, and to continue in future the method adopted in Appendix V, page 93, of the present report.

Mr. THOMAS undertook to give information as to what legislation by the Gold Coast was, or was not, applicable in the mandated territory. Generally speaking, any Gold Coast legislation applied automatically in the mandated territory.

QUESTION OF THE EXISTENCE OF SEDITIOUS PROPAGANDA IN THE TERRITORY.

M. ORTS referred to a question in the House of Commons on July 31st, 1934, with regard to the arrival in London of a delegation from the Gold Coast and Ashanti to protest against the Criminal Code Amendment Ordinance No. 21 of 1934. The Secretary of State announced in reply that he had received the delegation and informed them that he did not propose to recommend the abandonment of the Ordinance in question. He added that, for some years past, there had been a growing importation of literature of a seditious and grossly blasphemous character.

Was Togoland faced with the same problem, and did the Ordinance in question apply to the mandated territory?

Mr. THOMAS was thankful to say that, so far as the Administration was aware, there was no movement in the mandated territory and he hoped there never would be. It was confined at present to a certain section of the population in the Gold Coast.

JUDICIAL ORGANISATION.

Lord LUGARD enquired as to the changes in the Judicial Department.

Mr. THOMAS replied that a Bill had been drafted to bring all courts under the Supreme Court. It would come before the Legislative Council of the Gold Coast either in November 1934 or in March 1935.

¹ See Minutes of the Twenty-fourth Session, pages 48 and 134.

He agreed that the effect would be to introduce a more "foreign" form of procedure. He could not say whether that would be popular. He did not think the native population took any interest in the proposal.

Lord LUGARD asked whether this step would increase the number of appeals and the number of native practitioners allowed audience in the lower courts.

Mr. THOMAS replied that he feared it might.

M. PALACIOS said that the new judicial organisation of the territory seemed to be working satisfactorily. It was stated on page 28 of the annual report that the native courts were becoming a pronounced success, for their judgments had been, on the whole, intelligent and sound, while the fines inflicted and the fees charged had been moderate.

Pages 29 *et seq.* of the report gave the number of civil and criminal cases dealt with by the courts. The Commission would also be interested to have a table showing the different classes of offences, etc., heard by the courts, as in the reports on other territories. Would it be possible to supplement the next report in that direction?

Mr. THOMAS undertook to include in future reports a table showing the different categories of crimes, etc., dealt with by the courts.

Mlle. DANNEVIG asked if native Courts imposed sentences of flogging.

Mr. THOMAS replied in the negative.

TRIBAL LAW.

M. RAPPARD paid a tribute to the illuminating exposition of the difference between the primitive and the civilised mind in the paragraph 24 on Tribal Law (page 13 of the report).

But was there not a danger of conflict between decisions of native courts embodying native ideas of justice and the standards, based on European civilisation, which the mandatory Power was bound to uphold? In cases of murder, for example, was it not possible that the native conception of an individual crime polluting the whole community might involve the mandatory Power? He would be glad to hear what line the District Commissioners took in such matters.

Mr. THOMAS replied that, as far as possible, the District Commissioners did not interfere with the decisions of native courts, unless they involved very grave miscarriage of justice. In the latter case, the District Commissioner would see the members of the native courts, and get them to revise their decision.

Any less elastic system would, he felt sure, be unsuited to peoples in the stage of development with which they had to deal in the mandated territory.

The Commission might remember the case to which he drew attention in another paragraph (paragraph 103) of the present report of a Konkomba who killed another Konkomba to salve his conscience, and then handed himself over to the white man to be dealt with according to the white man's law. The man was given a long sentence, but was not hanged.

Mlle. DANNEVIG had also been struck by the difference between primitive and civilised conceptions as to offences, when noticing the severe penalties administered by native courts; a fine not exceeding £25 or hard labour not exceeding three months for offences such as the following (page 76, paragraphs 5 (2) (c) and (d), and page 77, paragraphs (f) and (i), of the report):

"The use of slanderous or defamatory words or songs with intent to aggrieve or annoy a person.

"Putting any person in fetish."

What did "putting in fetish" mean?

"Recklessly, frivolously or unlawfully swearing the oath of a paramount chief or divisional chief, or swearing a personal oath or a fetish oath.

"Beating a drum or composing or singing a song with intent to insult, annoy, aggrieve or challenge a person."

Did not such bye-laws point to a high standard of morality?

Mr. THOMAS replied that these were all offences against native custom or law. The native mind took much more cognisance than Europeans would do of slanders and defamatory words.

WITCHCRAFT.

In reply to a question by Lord Lugard, Mr. THOMAS undertook to give further information in the next report in regard to the judicial treatment of witchcraft, and to answer the questions put by Lord Lugard to the accredited representative for the Cameroons under British mandate (see Minutes of the second meeting of the present session).

PUBLIC FINANCE.

M. RAPPARD observed that for £25,380 of Customs revenue for Togoland (see paragraph 46 of the report) it was apparently found necessary to expend £10,399—that was to say, some 40 per cent—in collection (see Appendix XI, item 5 of the table on page 105). Was there any explanation of this extremely high cost of collection ?

Mr. THOMAS undertook to look into the matter. It should be borne in mind that the figures shown separately for Togoland represented only a book-keeping division in the accounts of the Gold Coast.

In reply to further questions by M. Rappard, he undertook to give more detailed information in the next report on the items " Customs import revenue for the colony " and " Domestic commercial exports from the colony " (both in paragraph 46).

Mr. Thomas added that the revenue position had been sufficiently favourable to make it possible to do away with the levy on official salaries.

M. MERLIN asked why specific rates of import duties had been substituted for the previous *ad valorem* rates (paragraph 53 of the report).

Mr. THOMAS said that the new system was found to facilitate collection and it certainly increased revenue. His information was that the results to date were satisfactory, though he had no figures to give the Commission at the moment.

The Commission would note that the changes in the Customs tariff applied equally to the Gold Coast and to the mandated territory.

M. MERLIN presumed that no effective distinction was made between the Customs revenue of the two territories. The arrangement, he thought, was necessitated by the geographical situation of the two territories, and he had no special criticism to offer, however much the arrangement might seem to contravene the mandatory principle.

CONCESSIONS.

M. RAPPARD called attention to the lease of ferries to a local European firm (paragraph 28 of the report).

Mr. THOMAS explained that, the working of the ferries under native authority having been found to be unsatisfactory, the Government had taken them over, and given a concession for their operation to the firm in question. The revenue derived from the concession was handed over to the native authorities.

In reply to a question by Lord Lugard, Mr. Thomas said he regretted that he had no information as to the rents or royalties which chiefs in Togo were authorised to charge for gold-mining or other concessions (paragraph 205).

ROADS.

M. SAKENOBE enquired whether the damage to the roads referred to in paragraph 32 of the report had been repaired.

Mr. THOMAS replied that it had been repaired within a fortnight.

In reply to further questions by M. Sakenobe, he stated that road construction in the cocoa areas around Kajebi and Ahamansu was proceeding, but there was no completed road so far to Ahamansu. The work was being done entirely by the native authorities and, so far as he knew, entirely on their own initiative.

MAINTENANCE OF ORDER IN THE TERRITORY.

M. SAKENOBE, referring to the fact that there was no military force in the mandated territory and that only a very small police force was maintained, asked where was the nearest force available in case of emergency.

Mr. THOMAS replied that it was at Accra, 120 miles from Kpandu in the southern section of the territory, and at Tamale, 60 miles from Yendi in the northern section of the territory.

ARMS AND AMMUNITION.

M. SAKENOBE observed that, in the picturesque description of a native market in paragraph 72 of the report, there was a reference to "a tree upon which hangs a heterogeneous collection of weapons". Was it to be deduced from that that the majority of the natives carried arms?

Mr. THOMAS replied that the market described was supposed to be a market in the northern territory, where it would be true to say that most of the natives carried arms—but rather as a protection against wild animals, or as a means of procuring food (game), than as weapons of offence. In the southern territory, weapons were not generally carried.

M. SAKENOBE asked whether the relicensing of guns, mentioned in paragraph 95 of the report, would be extended to the northern territory.

Mr. THOMAS said that, when the District Commissioners went on tour, they relicensed the possession of guns, when such were submitted to them. Every native in possession of a gun was supposed to have a licence; but there were many who did not comply with the law in this matter. A gun licence cost £1 and was good for the life of the gun.

Lord LUGARD presumed these guns were mostly flintlocks or percussion-cap guns, neither of which was prohibited by the Brussels Convention.

Mr. THOMAS replied that that was so.

Lord LUGARD concluded then that the licences were only for purposes of revenue.

Mr. THOMAS replied in the affirmative.

He added that the number of serviceable weapons in the hands of the natives must be very few. He would give particulars of the number of such weapons licensed in next year's report under the heading "Arms and Ammunition".

SITUATION OF WOMEN.

Mlle. DANNEVIG enquired as to the position of native women in the mandated territory. The last report (pages 39 and 40 of the 1932 report) told about their indecent behaviour; the present report contained quite a sunbeam story of their daily life in the bush. She supposed it referred to different parts of the territory.

Mr. THOMAS replied that, in the northern section, prostitution was practically unknown. In the southern section, he thought it might be said that the situation was improving. The chiefs were trying to keep the younger women at home and prevent them from going to other countries, or other parts of the country, where they sometimes took to prostitution as a means of earning a living.

Mlle. DANNEVIG asked if the women worked on the plantations. If so, what wages did they receive?

Mr. THOMAS explained that there were no plantations. In their own families, the women would undoubtedly work on the land, but there would be no question of wages either for them or for the men. He had never heard of a case of a woman working for an outside party for a wage.

LABOUR.

Lord LUGARD raised the question of forced labour with reference to the objections raised by the head chiefs in the Gold Coast Legislative Council to the Forced Labour Convention (paragraph 109 of the report).

He noted a reference in another part of the report (paragraph 99) to "corporative effort . . . in comparatively large-scale public works".

He observed that there seemed sometimes to be an idea that the term "forced labour" applied only if it were unpaid. The Gold Coast chiefs said that the labour for these "comparatively large-scale public works" was all voluntary. The definition of forced labour in the Convention was that it was called out under menace of penalty. He asked whether any man who absented himself when the chief called for labour for these works would be subject to any disciplinary action or penalty.

Mr. THOMAS answered that the reference in paragraph 99 was primarily to a bridge erected by native effort. No doubt the chiefs were in a position to exercise pressure to get labour for projects of this kind : but he did not know of any case of refusal.

Count DE PENHA GARCIA asked for further details in the next report as to the chiefs' objections to the Forced Labour Bill.

Mr. THOMAS referred to his opening statement.

The two clauses of the Bill to which the chiefs objected related to " Personal Services " and to " Compulsory Cultivation under Famine ". The chiefs believed that, if these two paragraphs were retained, much feeling against them (the chiefs) would arise.

Lord LUGARD asked that the report of the Committee set up by the Government on this matter should be sent to the Commission.

Mr. THOMAS believed it had already been despatched.¹

Mr. WEAVER asked what would be the actual situation as a result of the omission from the proposed Forced Labour Ordinance of the two clauses to which the chiefs objected. Would the chiefs be allowed to exact labour for personal services without being subject to any form of regulation as provided for in the Convention ?

Mr. THOMAS said that " personal services " meant the labour rendered by what were known as " gyasi "—that was to say, the personal households of the chiefs. They would include such work as carrying the chief in his palanquin, or bearing the ornaments attached to the " stool ", on state occasions.

No other services, the chiefs contended, could be carried out without the leave of the people clearly expressed after consultation of the same. Any chief who called out his people against their will would be " dis-stooled ". One chief, who tried to do so a good many years ago, was murdered by his people.

Mr. WEAVER asked whether there was not, however, a penalty attaching to refusal to perform such services. He quoted from the Order by the Governor No. 2, of 1933, the description (paragraph 5 (2) (h)) of the offence of :

" Wilfully refusing to render to a paramount chief, divisional chief, or divisional sub-chief, such homage, services and dues as are sanctioned by native customary law, are reasonably demanded, and are not repugnant to justice, equity and good conscience,"

the penalty for which was stated to be :

" A fine not exceeding twenty-five pounds, or imprisonment with or without hard labour for any term not exceeding three months."

Did not that paragraph cover the personal services rendered to chiefs and bring them within the definition of compulsory labour given in the Forced Labour Convention ?

Mr. THOMAS did not think so. But he appreciated the points made by previous speakers, and undertook to give further information in the next report, and, in particular, to include in it the text of the Ordinance as finally passed.

MISSIONS.

M. PALACIOS stated that pages 39 to 47 of the report contained interesting information concerning the important work done by the missions, especially in education.

Up to the present, their activities had been almost exclusively confined to the southern section of the territory. There was a Catholic mission in the north, in the Krachi district, but " little progress appears to have been made, although there has been no actual opposition . . ." (page 40). No missions operated in the Mamprussi district. In those circumstances, it was a matter for congratulation that an American mission had been established in Dagomba in the north.

It was interesting to note that that mission was working on a translation of the Bible, and that the Gospel of St. Matthew was ready for printing (page 40).

It would be interesting to know in what native language the translation had been made, and whether that language was understood by all the tribes in the territory. Had the accredited representative any information ?

Mr. THOMAS replied that the language used was Dagomba (Dagbon).

¹ Note by the Secretariat: The report in question has not reached the Secretariat.

M. PALACIOS asked if natives of other parts of the territory would understand Dagomba.

Mr. THOMAS replied that, in the ordinary way, only the Dagomba themselves understood Dagomba. But there were many natives in the Dagomba area who spoke three or four languages, though, of course, hardly any of them could read either Dagomba or anything else.

EDUCATION.

Mlle. DANNEVIG observed that the Government's and the missionaries' educational activities were still confined to the southern section, where there seemed to be a growing demand for education. Parents were willing to pay school fees. Was there any prospect of their extension to the northern section, which constituted more than three-quarters of the territory?

What was the influence of educated natives on the rest of the population? Were educated natives of great service to the Administration?

Mr. THOMAS replied that education was undoubtedly improving the moral situation in the southern section.

Mlle. DANNEVIG asked if the pupils in the schools were mostly the sons of chiefs.

Mr. THOMAS replied that this was so at present. These educated sons of chiefs would be a valuable asset to the Administration in the future.

As regards the northern section, the situation was being carefully watched, and a Government school would be opened as soon as there was reason to think such action would be justified.

M. ORTS reminded Mr. Thomas that the Commission had expressed a hope in its report to the Council in November 1933¹ that the mandatory Power would see its way to organise education in the northern section.

Lord LUGARD referred to the statement with regard to the Catholic mission's appointment of a supervisor of schools (paragraph 131 of the report), and asked whether other missions had appointed supervisors.

Mr. THOMAS replied that the Ewe Presbyterian Mission had made a similar appointment. The Government favoured the institution of supervisors.

Mlle. DANNEVIG asked what was the one "undenominational" school listed in paragraph 127 of the report.

Mr. THOMAS said it was the native school of Asogli started by the natives themselves.

Mlle. DANNEVIG thought it was a very interesting feature. She had noticed that the one female certificated teacher in the mandated area had resigned her appointment in order to marry (paragraph 124). Was it not possible to marry and to go on teaching? Was there a chance of other female teachers being trained?

Mr. THOMAS thought it was probable that the Director of Education considered the teacher in question would be too busy otherwise to continue her teaching work.

ALCOHOL AND SPIRITS.

M. MERLIN noted that alcohol smuggling had nearly disappeared.

Mr. THOMAS feared that the explanation was to be found in the increase of illicit native stills.

Count DE PENHA GARCIA drew attention to the question of illicit native stills (paragraph 141 of the report). What liquor was distilled in these stills?

Mr. THOMAS replied that it was distilled palm wine and—a new feature—distilled cassada.

¹ See Minutes of the Twenty-fourth Session of the Commission, page 134.

COUNT DE PENHA GARCIA asked for further information in the next report as to the results of the repressive action by the police in this connection.

The action so far taken appeared to refer only to the southern section, but he noted from paragraph 80 that there had been four cases of possession of illicitly distilled spirit in the Krachi district—that was to say, in the northern section, which was supposed to be a prohibited zone.

Mr. THOMAS pointed out that the accused in these cases were all natives from the Gold Coast. There was no evidence so far of illicit distilling in the northern section.

The whole problem was the subject of increasing concern to the Gold Coast Government. The native distillers were becoming so expert that they could now distil better stuff than they could buy.

LAND TENURE.

In reply to questions by Lord Lugard, Mr. THOMAS undertook to give statistics in the next report as to (a) the "alienation of land to people other than natives of the British sphere" (paragraph 167) and (b) the "area of afforested land" (paragraph 172).

AGRICULTURE (CULTIVATION OF COCOA).

In reply to a question by Lord Lugard concerning research into the diseases of cocoa (paragraph 175), Mr. THOMAS observed that the Government was in touch with the Imperial Institute at Trinidad.

DEMOGRAPHIC STATISTICS.

M. RAPPARD asked if there was any question of over-population in the territory. The excess of births over deaths was very striking.

Mr. THOMAS said there was no question of over-population at present.

PETITION, DATED APRIL 4TH, 1933, FROM THE CHIEF AND INHABITANTS OF WOAME.

M. PALACIOS said that he would be glad to have fuller comments on the petition of April 4th, 1933, from the chief and inhabitants of Woamé, a district of Kluto (Annex 8), concerning the properties in the vicinity of the frontier between Togoland under British and French mandate. In its observations on the petition, the United Kingdom Government had confined itself, so to speak, to communicating a decision to the Commission and mentioning the possibility of appeal, of which the petitioner apparently did not desire to avail himself. It would be interesting, therefore, to know what was the competence of the Deputy Commissioner of the district, particularly with regard to the establishment of a new line of demarcation on the lands which Woamé and Honuta were disputing. He would like to know whether any settlement had been reached; whether the decision, having satisfied or not satisfied the parties concerned, had been approved by the other mandatory Power, France; whether, on that occasion, there had been negotiations between the French and United Kingdom authorities; and, lastly, what was the present state of the question, especially since the decision, which was dated August 31st, 1933, the covering letter from the mandatory Power being dated February 22nd, 1934. One thing appeared to be certain: that the situation, which had seemed clear and about to be settled, according to the mandatory Power, during the Commission's fifteenth session, had not yet been finally settled. He referred to what had been said by the United Kingdom Government on June 28th, 1929 :¹

"... the inhabitants of Woamé will continue to enjoy the possession of their farms, even though these lie on the British side of the frontier, and their fears lest they should be deprived of their property are groundless."

Mr. THOMAS said the dispute was at present in a dormant condition, though the French and British administrations had for some years past made efforts to arrive at a final settlement.

It was open to the loser under the decision of the court before which the case had come to appeal to the Provincial Commissioner's Court and, if he still were dissatisfied, to take his appeal to the West African Court of Appeal, and even to the Privy Council in the United Kingdom.

¹ See Minutes of the Fifteenth Session of the Commission, page 259.

PETITION, DATED SEPTEMBER 25TH, 1932, FROM ANKU SATCHIE, PRESIDENT OF THE
NATURAL RULERS SOCIETY.

The CHAIRMAN said that, in the discussion of the report for 1932,¹ he had drawn attention to a letter, dated September 25th, 1932, from one Anku Satchie, stated to be President of the Natural Rulers Society, in the territory under British mandate. Anku Satchie therein stated that he had addressed a petition on the same date to the League of Nations through the mandatory Power, though no such petition had reached the Secretariat.

In paragraph 213 of the report for 1933, it was said that no petition was addressed to the League of Nations by Anku Satchie; but he had addressed a petition, dated September 25th, 1932, to the Secretary of State for the Colonies, to which the latter had replied. The petitioner did not ask for his petition to be forwarded to the League of Nations, nor was any reference made by him in the petition or covering letter to his having sent a copy to the League Secretariat.

The Commission *takes note of this statement by the mandatory Power.*

CLOSE OF THE HEARING.

The CHAIRMAN thanked Mr. Thomas for his able and frank replies to the questions put by the Commission, and, at the same time, requested him to convey to His Majesty's Government in the United Kingdom how much the Commission had appreciated the annual report.

FIFTH MEETING.

Held on Wednesday, October 31st, 1934, at 3.30 p.m.

Tribute to the Memory of M. Van Rees, Vice-Chairman of the Permanent Mandates Commission.

The CHAIRMAN spoke as follows :

The Permanent Mandates Commission has lost its Vice-Chairman, who passed away yesterday evening. I shall not attempt to express the feelings that the death of M. Van Rees arouses in you or in myself. I could not hope, indeed, to interpret the grief and the sorrow that we feel.

Daniel François Willem Van Rees, the son of Otto Van Rees, Governor-General of the Netherlands Indies, was born on March 11th, 1863, at Surabaya. After having spent part of his childhood at Batavia, he studied at Delft, and in 1882 passed his State examination. Shortly afterwards, he entered the Netherlands Indies Administration and was attached to the Central Government Bureau. He was appointed in succession Director, Secretary-General of the Government, Member and Vice-President of the Council, and his whole career was in the Netherlands Indies. In 1914 he retired, after thirty years of brilliant and valuable service. M. Van Rees, who had been President of the Netherlands Central Committee for the Red Cross and President of the Netherlands Indies Association for Aviation, had also been a member of several important institutes and societies. During his administrative career he published a number of works, more particularly on agriculture, land tenure and various social and economic questions relating to the Netherlands Indies. He was a Commander of the Netherlands Order of the Lion and a Grand Officer of the Order of Orange-Nassau.

The Council of the League of Nations invited him, by its decision of February 22nd, 1921, to be a member of the Permanent Mandates Commission. He was elected Vice-Chairman at the constituent meeting of the Commission on October 8th, 1921, and was each year re-elected to that office, the duties of which he performed with characteristic devotion and modesty. During a period of thirteen years, M. Van Rees regularly attended the twenty-five sessions that we have held. He never spared himself, even though his health at times left something to be desired, and he contributed to our work an admirable conscientiousness and spirit of impartiality. We know how thoroughly he studied, in the intervals between the sessions, the documents that were sent to him and the material that he himself collected relating to the question of mandates in general and, in particular, to the territories under that regime. In 1928, he published, under the title " *Les Mandats internationaux* ", a work which is in every way remarkable and which has become a classic authority on the subject. I may add that, in addition to his duties as a member of the Mandates Commission, M. Van Rees had been a member of the Temporary Commission appointed by the League of Nations in 1924 and 1925 to study the question of slavery. M. Van Rees was also a member of the Commission set up on May 25th, 1926, by the International Labour Organisation for the study of native labour.

¹ See Minutes of the Twenty-fourth Session of the Commission, page 52.

When, two days ago, at our opening meeting, we learned that he was detained by illness, we all hoped that he would soon be restored to health and that he would be able to take his place again in the Commission at the present session. The news of his death has come to us, therefore, as a shock as well as a grief. I can hardly realise that that comrade, that kindly colleague, that faithful friend will no longer take his place among us when we meet together here.

The loss that the Commission has suffered to-day is difficult to describe, for M. Van Rees played an essential part in the Commission and one in which it will be difficult to replace him.

On behalf of us all, I desire to pay a sincere tribute to his memory and to convey to his widow, his family and his country an expression of our very real grief and deep sympathy.

M. ORTS spoke as follows :

My dear Chairman,—You and myself are the oldest members of this Commission, and I would venture, in virtue of that circumstance, to tell you, on behalf of my colleagues, that we associate ourselves with all our hearts with the tribute that you have just paid to the memory of M. Van Rees.

No man, it is said, is indispensable. But when I contemplate the gap that the disappearance of M. Van Rees has created among us, I begin to doubt the truth of that saying. In difficult cases, it was to him that we always turned as a matter of course; it was to him that we looked for the opinion that should form the basis of our deliberations. His presence among us was a token of security, his vigilance a guarantee against those errors, omissions and contradictions that are always possible. He personified, as it were, the living doctrine of the Permanent Mandates Commission.

Now that he is no longer with us, the work in which he has embodied that doctrine will be more precious than ever. We shall often have occasion to consult it in the hope of obtaining guidance as in the past, just as it will always be of invaluable assistance to those who are studying the mandates system.

The name of M. Van Rees is bound up definitely with the development of the system ensuing from Article 22 of the Covenant.

Our constitution demands of members of the Permanent Mandates Commission almost superhuman moral qualifications : forgetfulness of their personal sympathies and prejudices, of their national interests and the passions thus inspired, and independence of the most legitimate influences. It is easy to be impartial in the presence of conflicts of private interests, but how much more difficult it is to remain so in the international sphere.

M. Van Rees united in his person all the qualifications that were calculated to inspire confidence in this Commission and to confer upon it the authority which it is generally recognised as possessing : sure judgment, absolute independence, generosity of heart and a conscience which was deflected by no alien consideration. He will remain for us the model from which we shall derive inspiration in the performance of our task.

He shared in every debate. By nature, however, he had no liking for discussion, and his extreme sensitiveness, if he had allowed himself to be influenced by it, would have prompted him to avoid issues in which there is a difference of opinion.

One day, even in this Commission, when he had decided to raise an important question which he had studied minutely, as was his habit, and which he foresaw might give rise to painful reactions, I, who was sitting beside him, realised how deeply he was troubled by that fact. I was the witness of a victory of conscience over inclination, and the effort that that victory cost him confirmed the profound esteem in which I have always held our colleague.

In the course of a long colonial career, M. Van Rees devoted to the service of his country those qualities which, developed by age and experience, have characterised his activities among us. The rôle that he has played in the international organisation at Geneva and the reputation he has acquired here have contributed to increase the esteem in which his country is held. Are we not naturally inclined to attribute to the whole nation the virtues that we recognise in those who represent it ? M. Van Rees served his country in retirement just as he had served it throughout his active career. Happy are the countries that can call upon such faithful servants !

Our thoughts, my dear Chairman, like your own, are with that admirable consort of our colleague, whom we were accustomed to see at his side, watching anxiously over his uncertain health.

You have rightly interpreted our unanimous feeling in conveying, as you have done, to Madame Van Rees in her grief an expression of our respectful condolence and deep sympathy.

M. DE AZCARATE, Secretary-General *ad interim*, said that he desired, in the absence of the Secretary-General and in his name, to associate the whole Secretariat with the moving tribute to the memory of the eminent member whose loss the Permanent Mandates Commission now mourned in the person of M. Van Rees.

The CHAIRMAN thanked M. de Azcarate on behalf of the Commission. He proposed that the meeting be adjourned as a sign of mourning.

The meeting adjourned.

SIXTH MEETING.

Held on Wednesday, October 31st, 1934, at 5 p.m.

South West Africa : Examination of the Annual Report for 1933.

Mr. Eric H. Louw, Envoy Extraordinary and Minister Plenipotentiary of the Union of South Africa in Paris, accredited representative of the mandatory Power, and Mr. H. T. Andrews, Political Secretary to the High Commissioner for the Union of South Africa in London, substitute accredited representative, came to the table of the Commission.

WELCOME TO THE ACCREDITED REPRESENTATIVES.

The CHAIRMAN, in welcoming the accredited representatives, said that the Commission had already had the pleasure of collaborating with Mr. Louw at its fifteenth session.

GENERAL STATEMENT BY THE ACCREDITED REPRESENTATIVE.

Mr. LOUW. — Mr. Chairman and Gentlemen of the Commission, — I first want to express my very keen appreciation of the kind words with which you have welcomed me here to-day. I have very pleasant recollections of my last visit, five years ago, when I represented South Africa on the occasion of the examination of another report, and I am sure I shall have equally pleasant recollections of this visit.

Before saying anything further, may I take advantage of this opportunity to express, on behalf of my Government and delegation, our very sincere regret at the sad news received this morning of the death of your distinguished colleague, M. Van Rees. I remember him on the occasion of my last visit, and so does Mr. Andrews. We were both impressed by M. Van Rees' sympathetic understanding of the work that is being done by the mandatory Powers and particularly by his knowledge of native affairs. I wish to assure you of our sincere sympathy in the loss sustained by this Commission and by the League of Nations. I am asking our permanent representative here to proceed to Montreux, where I understand the funeral is being held, to represent our Government there and to lay a wreath, on its behalf, on the grave of your late colleague.

As regards the report, I gladly avail myself of your invitation, Mr. Chairman, to make a few remarks. I will do so as briefly as possible, and merely by way of dotting the i's and crossing the t's of the report.

First, let me express to you my Government's sincere regret at the delay in the submission of our report. The delay was due entirely to the unprecedented floods, which cut off the territory from the Union. As the Commission is aware, this report is based to a very large extent upon reports sent in by the magistrates and commissioners in the outlying parts of the territory. Communication with those districts was entirely cut for a considerable period, and it was impossible, in the circumstances, to obtain the information necessary for the preparation of the report in time to enable it to be submitted at the due date. That is the explanation of the delay, which is much regretted by my Government.

As regards the report itself, I think you will agree that its keynote is the word "drought". The drought which continued for a period of three years was, it is stated, the worst experienced for sixty years. It adversely affected all the activities of the territory—farming, education, etc.

As regards the financial position of the territory, you will have noticed that this is not satisfactory. There has been a very big drop in revenue : about 50 per cent since 1929, which was the last normal year, and 27 per cent since the consideration of the last report (1932).

The position is not, however, entirely without hope, and the figures for the fiscal year 1933-34 show a slight increase. This drop in revenue is entirely due to the two main items upon which the territory is dependent : first, Customs and excise, and, secondly, mining revenues. There has been a drop since 1929 in Customs and excise revenue of no less than 70 per cent, and, since 1932, a drop of 27 per cent. The position in regard to mining revenues is even worse : there has been a drop since 1929 of 85 per cent, and, since 1932, a further drop of 66 per cent.

The South West Africa Administration has tried its best to meet the situation by reducing expenditure as much as possible, which has, in fact, been cut almost to the bone ; but, in spite of those economies, it was again necessary to make use of the not very satisfactory method of meeting expenditure by means of a loan from the Union Government.

According to the latest figures—later than those given in the report—the total debt owing to the Union Government is now £2,264,000. This unsatisfactory situation is largely due to

the fact that, in the past, South West Africa has relied mainly on the revenue received from diamonds to pay its way, but the diamond market is now dead as a result of the world depression. Even Kimberley, in South Africa, is like a deserted village, and the position is the same in the South West. In 1929, the production of diamonds was 59,749 carats., and, in 1933, only 2,374 carats.

The other primary industry is farming, and that also has been badly hit by the worldwide depression (resulting in low prices for farm products) and by the prolonged drought, which has caused a loss of about 700,000 small stock.

The only bright spot, from the farming point of view, is the karakul industry, which is developing satisfactorily.

The drought has been followed by extensive floods, which have caused widespread damage, and both the Administration and the farmers have been facing a very difficult situation.

As regards trade figures, there is a little ray of sunshine in the 1933 figures, showing an appreciable increase both in exports and imports, which gives rise to the hope that the economic situation in South West Africa is improving.

It is very difficult to forecast what is going to happen. A Commission has been appointed by the Union Government to go into this matter. According, however, to information received only last week, that Commission has not yet completed its report, which is thus not available for your information.

The diamond market is an important, but very uncertain, factor, and it seems that, in the long run, agriculture will yet be the mainstay of the country ; but here again account must be taken of another uncertain factor—namely, the rainfall. Southern Africa (including South West Africa) is one of the richest countries in the world for farming and ranching, provided it can have a regular rainfall. There are those who say that the dry years have completed their cycle and that we may look forward to a period of regular rainfall. If that proves correct, I am sure that, on the next occasion when we meet here, and on future occasions, I shall have a much brighter picture to present to you.

I do not think there is much I can say in regard to the rest of the Administration's report, which speaks for itself. You will have noticed on page 3 a reference to a resolution passed by the Legislative Assembly in regard to the relations between the German and Union sections in the country. It is there stated that " it became clear that there was no possibility of reconciling the conflicting views of the two parties, and the proposed amendments of the Constitution have not been proceeded with ".

As the members of the Commission may have observed from reports appearing in the Press the relations between the Union and German sections cannot be described as satisfactory, but, in this matter also, there are reasons for optimism because of the fact that the German section has recently decided to co-operate again in political matters and to take part in the elections, which, by a curious coincidence, are being held in South West Africa to-day.

The remainder of the report deals very largely with the native and coloured population, and I think I can say that it bears ample testimony to the fact that the South West Africa Administration fully realises its duties and obligations towards the natives and is carrying out those duties to the best of its ability, often under very difficult circumstances and conditions. It must always be borne in mind that South West Africa is an immense territory with a scattered population—in fact, the population is less than one person to the square mile—and with primitive means of communication in many parts. Regard must also be had to the fact that the native in the hinterland is a person with an undeveloped mind, who looks with suspicion upon the white man and his ways. The quotations from the magistrates' reports show how difficult it is to teach these people even the most elementary rules of farming, to say nothing of hygiene and sanitation. Barriers of prejudice and superstition, and even barriers of fear, have to be broken down, and that " breaking-down process " has necessarily to be a slow one. *Festina lente* seems to be the watchword that has to be observed in connection with that work. The magistrate at his lonely post, the policeman on his long desert patrol, the missionary at his isolated station, are all doing their job to the best of their ability and in the way best suited to the needs and characteristics of the country and the people. I have some personal knowledge of the work and methods of Union officials in our own native territories in the Union—a knowledge based on several years' circuit court work in those areas—and I can testify to the sympathetic interest shown by these officials, coupled with an intimate acquaintance with the workings of the native mind, its prejudices and weaknesses. The officials in South West Africa are of the same type as those in the Union Native Reserves; their outlook and their methods are the same, and I can testify from my own experience that, in these officials, the natives have real friends, though many of them do not realise or appreciate that fact.

I have taken the liberty of mentioning these facts and circumstances because I feel that it might contribute to an appreciation and a sympathetic understanding of the work that is being done by the South West Administration and its officials in those outlying parts, often under very adverse and difficult circumstances.

With these few remarks, I will close, and submit myself to your examination of the 1933 report of the South West Africa Administration.

DELIMITATION OF THE CAPRIVI ZIPFEL FRONTIER.

M. ORTS noted that the position in regard to the eastern boundary of the Caprivi Zipfel, referred to in paragraph 4 of the report of 1932,¹ had been settled by an exchange of notes between the Government of the Union of South Africa and the Government of Northern Rhodesia (paragraph 5 of the report). He understood that there was now no part of the frontiers of the mandated territory that was not delimited. He enquired whether the confirmation of the agreement regarding the northern boundary of the Caprivi Zipfel by the Government of Portugal had been received.

Mr. Louw replied that M. Orts was correct in his assumption that the delimitation of the frontier was now complete. As regards the northern boundary, he could give no information beyond what was stated in the report—namely, that the confirmation of the agreement was still awaited.

ECONOMIC AND FINANCIAL SITUATION.

M. MERLIN noted that, as the result of the world depression, the suspension of the diamond trade and the three years' drought, the present economic situation in South West Africa was very precarious and that it had been necessary to rely on the assistance of the Union Government (page 16 of the report). He enquired to what extent subsidies had been given or were being given by the Union.

Mr. Louw stated that, up to March 31st, 1933, the Union Government had assisted the South West Administration with loans amounting to £2,059,543; since then, the total had been increased and now stood at £2,264,000. He referred the Commission to paragraph 74 of the report, where full details were given of the yearly loans granted by the Union Government to the South West Administration, including loans for capital expenditure, land settlement, etc.

He suggested that that might be an appropriate moment to refer to a statement made by the Minister of Mines on June 2nd, 1934, in reply to a question asked regarding the financial relations between the Union Government and the South West Africa Administration. That reply was as follows :

“ The position in South West Africa depends on the condition of the diamond market. In the past, the Treasury derived its main source of revenue from the production and sale of diamonds. For some time past, that source of revenue has practically come to an end. The mines have stopped working, and the amount of diamonds that have been sold by South West producers has been infinitesimal. In the meantime, the short fall in the revenue has to be provided by advances from the Union Treasury. The Administrator of South West Africa is an officer of the Union Government, and he is administering that territory as the representative of the Union Government. The Union Government has mandatory powers, and the ultimate responsibility for expenditure there is the responsibility of the Union Government.

“ Owing to the failure of the diamond market and the drought, there is no alternative but to keep the expenditure as low as possible and for the deficit to be met by the Union Government.”

He would direct attention to one point in the Minister's statement—namely, that the ultimate responsibility for expenditure was the responsibility of the Union Government, and that any deficit must be met by the latter.

Lord LUGARD observed that the Union Government had met that responsibility by granting loans to the amount of upwards of two million sterling. In some other cases, the other mandatory Powers had given free grants-in-aid. Had the Union Government any intention of giving such free grants-in-aid to help to pay the debt which was now piling up and to balance the budget ?

Mr. LOUW said that Lord Lugard would, he thought, appreciate the fact that the question which he had raised was entirely one of Government policy. He would not like to take the responsibility of forecasting the future. He desired, however, to direct attention to paragraph 83 of the report, which stated that the Union Government had last year appointed a Commission to enquire into certain economic and other difficulties in connection with South West Africa; that Commission's terms of reference included the financial relations between South West Africa and the Union. The Commission's report had been referred back for further information on certain points, and it seemed reasonable to say that the Government was awaiting the final terms of that report before coming to a decision. For the moment, he would simply refer again to the statement of the Minister of Mines that the ultimate responsibility was that of the Union.

¹ See also Minutes of the Twenty-third Session of the Commission, page 87.

Lord LUGARD regretted that the report in question should have been delayed.

M. MERLIN asked when the conclusions of the report were likely to become available. The fact of the territory being so rich in diamonds relieved him of any anxiety as to its ultimate ability to pay off the debt.

Mr. LOUW said that he would acquaint his Government with the interest displayed in the work of the Commission and would suggest that the work might be speeded up.

M. MERLIN observed that the drought had been the cause of heavy mortality in every direction. He asked whether the loss of cattle had been due to drought only or whether any epidemic disease had been responsible for serious losses.

Mr. LOUW stated that, according to information, the mortality was due almost entirely to the long-continued drought. In the Karroo, where conditions were very similar, he had seen farms completely denuded of stock after a drought, and it could be taken that 95 per cent of the deaths in South West Africa were due to drought conditions.

Count DE PENHA GARCIA noted (page 19 of the report), as regards stock-raising, first, that the karakul sheep industry had continued to give good results and, secondly, that the attempt to create and export trade for chilled meat had had to be abandoned for the time being.

Stock-raising was, he observed, carried on by Europeans and also by natives, and it was the chief occupation for some of the latter, who led a nomadic life but engaged in a very rough and ready form of stock-raising. The Government, however, had already adopted the policy of settling the nomadic population in certain districts where both agriculture and stock-raising could be pursued on a better basis. That shifting of the population would probably prove to be extremely advantageous and profitable and in the interests of that part of the population which had, up to the present, been mainly nomadic. If the Administration pursued its efforts to settle the natives under stable conditions, it might prove possible to counter the serious losses of live-stock by the development of agricultural production and thus contribute towards an economic improvement of the territory. At the present time, stock-raising by natives was not very profitable; it should be confined to the most favourable districts.

Mr. LOUW said that the Government would be very much interested in Count de Penha Garcia's remarks. It was clear from the report, and, in particular, from the Administrator's reply to the Herero deputation (paragraph 186 of the report), that one of the prime considerations in South West Africa was water. The uncertainty of the supply made it necessary to sink bore-holes, and the Administration was following the policy of reserving areas where feed could be assured for use in time of stress or of drought. Reference to the magistrates' reports would show what difficulty was found in persuading the natives to sell off their stock, and that over-stocking of sheep and cattle might be said to be the chief trouble.

M. SAKENOBE observed that, during the last two years, and more particularly during the year under review, there had been a slight increase in the export of farm products. He would be interested to have the accredited representative's impression as to the future of such products, in view of the floods which had followed the drought.

Mr. LOUW replied that, while the floods brought destruction in their train, the resulting situation was not so serious as in the case of drought, which had to be followed by a long period of rehabilitation. He understood from Press reports that the South West Africa Administration afforded some measure of relief to persons who had suffered loss through the floods, in cases where it was economically feasible to repair the damage. The karakul industry had not suffered from the drought to the same extent as other farming industries. He added that, while he fully appreciated the importance of the diamond assets of the territory, the soundest policy was, in his view, to build up prosperity on an agricultural basis.

M. SAKENOBE pointed out, in connection with the export of chilled beef, that it had been expected that the Liebig Extract of Beef Company would reopen, with a slight assistance from the Administration, when the gold standard was abandoned in South Africa.¹

Mr. LOUW said that, in 1932, three trial shipments of chilled beef had been sent from Walvis Bay. Prices had been low, but it had been a useful experiment as showing what type of cattle was best suited for the purpose and how the meat should be prepared. He pointed

¹ See also Minutes of the Twenty-third Session of the Commission, page 88.

out that both South Africa and South West Africa had been hit by the loss of the contract for beef for the Italian army ; that had meant a serious blow to the chilled beef trade. The beef exported from South Africa could only be sold in certain markets.

Lord LUGARD enquired whether the Commission set up to enquire into the economic position of settlers had submitted a report (paragraph 110). He asked whether it would be possible for the Mandates Commission to have a copy of the report in question.

Mr. Louw regretted that he was unable to give any information on the subject. The special Commission's terms of reference also included an enquiry into the practicability of extending land settlement, a question which it would take some time to explore. He gathered from the annual report that the Commission was already at work.

Lord LUGARD asked what was meant by the " private debt register " in the territory (paragraph 86 of the report). He presumed that it had nothing to do with the Agricultural Land Bank debt.

Mr. Louw said that it referred to the mortgage bonds registered in the Deeds Office. He directed Lord Lugard's attention to paragraph 448, giving details. The figures quoted there concerned debts, excluding Land Bank debts. There was a further reference in paragraph 449 to a " marked increase and decrease " for the years 1925 and 1930 " due to the registration and cancellation of two bonds "—that was to say, mortgage bonds on property. The Land Bank, he explained, generally had a first preference in South Africa, and the position was probably the same in South West Africa.

Lord LUGARD asked whether the goldfields in the Rehoboth district were likely to be of assistance in helping the economic position.

Mr. Louw replied that there had been an enormous amount of prospecting, but, judging from Press reports, it would seem that to describe the position as " promising " was perhaps too optimistic. If the results of that prospecting proved good, there would be no further need for the Commission to discuss any deficits in the future !

RECRUITMENT OF OFFICIALS.

M. ORTS, referring to paragraph 9 of the report, noted that, in order to overcome the financial difficulties, further reductions in the administrative staff had been effected. At the same time, there had been a slightly increased expenditure on the salaries of officials. In spite of those measures, the report stated, it was being found increasingly difficult to obtain sufficient trained officers to replace the ordinary wastage in staff. Could the accredited representative explain what were the causes of those difficulties at a time like the present, when the keenest competition existed in all countries for any vacant posts ?

Mr. Louw replied that the one fact explained the other. They were complementary. The position was that the trained men in the Union Public Service showed reluctance to go far away to South West Africa, where living conditions were not so congenial. In order to induce them to accept transfers, the Administration had decided to restore certain allowances which had been taken away from officials during the period of economic depression. That had meant increased expenditure.

RELATIONS BETWEEN THE UNION AND GERMAN SECTIONS OF THE POPULATION : NAZI ACTIVITIES IN THE TERRITORY : QUESTION OF THE INCORPORATION OF SOUTH WEST AFRICA IN THE UNION AS A FIFTH PROVINCE.

M. ORTS then commented on the conflict between the two elements of the white population: the Union section of the population and the German-speaking element. The accredited representative had said in his statement that the German element had agreed to take part in the elections which were being held that very day. That would appear to be a sign of appeasement.

However, another cause of discord had arisen owing to the growth of Nazi activities, and he would like to read to the Commission a telegram from Cape Town which had appeared in the *Times* of October 30th, 1934. That telegram was as follows :

“ Capetown, October 29th, 1934.

“ The Nazi movement has been banned in South West Africa. This action has been taken under the terms of the Criminal Law Amendment Ordinance (1933), empowering the Administrator to ban any organisation ' detrimental to the peace, order and good government of the territory ' .

“ Since the banning of the Hitler Youth Movement in July, the Administration has been studying documents and collecting evidence of Nazi activities in South West Africa. Three weeks ago, the Nazi branch offices throughout the territory were raided and documents seized. Shortly afterwards, the Administrator visited Pretoria to consult the Union Government. On Friday, the Administrator conferred with the Attorney-General and other officials at Windhoek, and to-day's notice in the *Gazette* banning the Nazi organisation is the result. Nothing of the contents of the seized documents has so far been published, and it is uncertain whether anything will be.

“ Non-Germans welcome the Administrator's action, and it is believed that there is a minority among the Germans who are secretly relieved, but are afraid to say so. Since the Nazi organisation has now got a firm footing among the Germans in the territory it is very uncertain whether the ban will stop Nazi propaganda or merely drive it underground.”

That pointed to a rather serious situation. He did not expect the accredited representative to be able to give any particulars of so recent an occurrence; but, as it could hardly have been unexpected, he would ask Mr. Louw to be good enough to explain the circumstances which had led up to the present situation.

Mr. Louw said that, in view of the importance of the conflict which had arisen between the two white elements in South West Africa, he had drawn up a memorandum for his own guidance which he would now venture to amplify before the Commission. He proposed to give a summary of the relevant events in South West Africa. In order to understand the position as it existed to-day, it was necessary to go back to 1923.

In 1923, an agreement was concluded between General Smuts, as Prime Minister of South Africa, and the German Government. Under that agreement, the Germans decided to throw in their lot with the Union and its people, and to accept Union citizenship. A system of automatic naturalisation was agreed to, but no compulsion was imposed. In return, it was agreed that, for a period of thirty years, no German would be required to take up arms in the event of a war with Germany. Following on that agreement things had gone on fairly smoothly in the territory.

In 1925, a measure of self-government was granted to South West Africa. In the first Assembly, the German section were in the majority; in 1929, the Union section came into ascendancy, and from that time the first signs of serious differences began to appear. Those, however, were mere ripples on the water, and on April 29th, 1932, the South West Africa Assembly passed the resolution, detailed on page 3 of the 1932 report, asking the Union Government for a larger measure of self-government.

The South West Africa Assembly proposed :

- (1) The acknowledgment of the equality of the German language ;
- (2) The automatic naturalisation of all Europeans domiciled in the territory as at December 31st, 1932 ;
- (3) The reduction of the period of naturalisation from five years to two years.

The Union Government viewed sympathetically the desire of the people to acquire added powers. There was one proviso only : if they undertook additional financial responsibilities —e.g., Land Bank, settlement, police, etc.—they would have to fulfil those obligations.

Then, at the beginning of 1933, the Nazi Party came into power in Germany, and there were immediate repercussions in South West Africa, especially amongst the newer element of the German population. The Union section thereafter became uneasy owing to the political activities of the German section, inspired by developments in Germany. The accession of the Nazi Party had the effect of strengthening the N.S.D.A.P. (German National-Socialist Labour Party) in South West Africa ; the extremist section of the German element began to be very active, and claims were made regarding “ dual nationality ”. The “ Deutsche Bund ” began to acquire a political complexion. The Nazi flag began to be displayed, and resentment and suspicion began to be shown by the Union section.

The two sections drifted farther apart, and the Union element started an agitation for the incorporation of South West Africa as a fifth province of the Union. The German section retorted with the proposal that the Constitution be suspended, and that the country be administered by the Administrator and an Advisory Council.

Owing probably to the influence of the older members of the population, a compromise was, however, effected between the Union-German elements, when, in May 1933, the Assembly unanimously recommended its prolongation for one year—provided that the Union Government did not effect the constitutional reforms contemplated in the Agreement of April 1932, “ until satisfied that no grounds existed for doubting the sincerity of the Germans ” in the territory (fuller details and the views of the German section would be found in paragraph 7 of the 1932 report).

Between that time and August 1933, the political situation further deteriorated, mainly owing to the growth of the Nazi organisation. In August 1933, the Union Party had handed a memorandum to the Chairman of the Legislative Assembly, declaring that, as the "German members openly maintain that German naturalised British subjects have not abandoned their German allegiance, and their actions and arguments imply that they consider they are entitled to accept directions from the German Government for the time being", the Union members repudiated the agreement (of 1932), which was entered into on their part in good faith, "but has since proved a mockery and a sham". The German members presented a counter-memorandum on August 2nd contesting that view, and then withdrew from any further collaboration in the Assembly.

With the repudiation of the 1932 Agreement by both parties, the estrangement between the two sections daily increased during the last months of 1933.

The German section increased its Nazi activities and it was openly advocated that the territory should be restored to Germany. Processions took place, and every German was urged to enroll in the ranks of the Nazi Party.

The Union section was no less active, and continued to advocate the incorporation of South West Africa as a fifth province of the Union. The Union section seemed to have become thoroughly alarmed by the Nazi activities, and, as a result, the Criminal Law Amendment Ordinance was passed in August 1933. That Ordinance prohibited :

- (1) Inciting to boycott ;
- (2) Carrying on racial propaganda ;
- (3) Wearing of uniforms of a political character ;
- (4) Organisations which might be deemed detrimental to peace and order.

The Union Government decided to defer the approval of the Ordinance in the hope that peace between the two sections might be restored.

For a time after the passing of the Ordinance, there was a lull, but that was only temporary. The Nazi Party consolidated its position, and, towards the end of 1933, an official of the Nazi Party in Germany came to South West Africa, accompanied by the German Consul-General in the Union. The "Deutsche Bund" was transformed into a political organisation conforming to Nazi principles, and the *Führer* principle was adopted, a certain Dr. Schwietering being appointed as *Führer* and placed in supreme command of the German section in the territory. The German section agitated for the suspension of the Constitution. At the same time, the Nazi activities were extended also to the children, in the shape of an organisation known as the "Hitlerjugend". As a result of all those developments, the Criminal Law Amendment Ordinance was promulgated by the Government early in 1934.

The accredited representative concluded by stating that events since that date did not fall within the scope of the examination of the 1933 report, but he would add, merely as a matter of information, that a round-table Conference was held in May 1934 which had proved abortive. He mentioned also that the German element had recently decided to discontinue its non-co-operation attitude and that—as he had observed—it was participating in the elections that were being held that day. He trusted that the *Times* report to which M. Orts had directed attention would be better understood in the light of his statement.

The CHAIRMAN said that the Commission would be interested to know what was the total German population of the territory in 1923 and what were the population figures at the present date.

M. RAPPARD enquired whether the 1923 Agreement had contained any provision prohibiting dual nationality.

M. ORTS thanked the accredited representative for his most interesting reply to his question.

SEVENTH MEETING.

Held on Thursday, November 1st, 1934, at 10.30 a.m.

South West Africa : Examination of the Annual Report for 1933 (continuation).

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

RELATIONS BETWEEN THE UNION AND GERMAN SECTIONS OF THE POPULATION : NAZI ACTIVITIES IN THE TERRITORY : QUESTION OF THE INCORPORATION OF SOUTH WEST AFRICA IN THE UNION AS A FIFTH PROVINCE (continuation).

M. ORTS asked what penalties were laid down in the Criminal Law Amendment Ordinance, 1933. Was deportation one of them ?

He also asked whether, in the opinion of the accredited representative, the Ordinance was capable of putting an end to political activities deemed to be disturbing to public order and good government.

Mr. Louw said that the clause relating to penalties was as follows :

“ Any person who commits an offence under the provisions of this Ordinance shall be liable on conviction to a fine not exceeding £100, or in default of payment to imprisonment for a period not exceeding one year, or to such imprisonment without the option of a fine, or to both fine and imprisonment.”

The Commission would have noticed that Captain Lutzinger had been banished because of his activities in connection with the Hitlerjugend Movement, but, as he was not a Union national, he might have been expelled as an alien.

Referring to the supplementary information, asked for on the previous day, with regard to the German population in 1923 as compared with the present German population, he said that he had despatched a cable to South Africa, the reply to which would be communicated to the Commission as soon as it was received.¹

With regard to M. Rappard's question on the subject of dual nationality, Mr. Louw said that, as he had already pointed out, one of the troubles that had arisen in South Africa and had caused friction between the two parties was the claiming of dual nationality by German subjects. In order to obtain a clear view of what had happened, he would again refer to the agreement made in 1923 between the Prime Minister of the Union, on the one hand, and Dr. Ruppel and M. de Haas, on the other hand, as representing the German Government.

At the conclusion of their discussions, M. de Haas had addressed a letter on behalf of the German Government to General Smuts, representing the Government of the Union of South Africa, in which he said :

“ In the name of the German Government, I, for my part, gladly recognise that the Administration established by the Union of South Africa for the mandated territory of South West Africa has been successful in endeavouring to ameliorate the position of the Germans living there as much as possible. Some questions, however, remained open, which stood in the way of perfect co-operation, but these questions have now been settled by the memorandum signed to-day.

“ Recognising that the future of South West Africa is now bound up with the Union of South Africa, and that it would be a wise policy for the German nationals in that territory to throw in their lot with South Africans, the German Government are prepared to use their influence with these nationals to induce them to accept Union citizenship under a general naturalisation law of the Union and to advise them not to exercise their right of declaring themselves outside of that citizenship.

“ It will be hailed with great satisfaction by the German Government, and, I feel sure, by the German people generally, that a complete understanding has been arrived at. This has only been possible owing to the cordial and generous manner and friendly spirit in which Dr. Ruppel and myself, as representatives of the German Government, have been met by you.”²

The principle of automatic naturalisation was applied and the great majority of the German population elected to become Union nationals.

That was the position until later on, when, probably owing to representations on the part of Germans living in South West Africa who proceeded to Germany on visits, on business or for other reasons, the principle seemed to have been conceded that Germans who went outside the territory of the Union could still be regarded as German subjects, provided that, when they were outside the boundaries of the territory, they made no claim to Union citizenship. It was expressly agreed, however, that within the territory there would be no question of dual nationality. Whether such an arrangement was entirely in accordance with the principles of international law, M. Rappard would be able to say, but it was evidently some sort of a compromise, and, as the Commission was aware, a compromise was seldom satisfactory and was not always in harmony with the law.

M. RAPPARD thanked the accredited representative for the admirable clarity and restraint of his statement. The position was, of course, very disappointing to the advocates of a policy of conciliation : nothing could have been more conciliatory than the attitude of the Union Government in 1923. The conception of intermittent if not double nationality was bound to lead to trouble when one of the two Governments abandoned the policy of conciliation and Germans coming under the Union Government unfairly interpreted, in their own favour, a concession made in the interests of conciliation.

The position was also extremely dangerous. He presumed that the movement in question was mainly among the immigrant population and not the old-established inhabitants, who had

¹ At a later stage in the discussion, the Accredited Representative informed the Commission that he had received a reply from his Government from which it appeared that it was unfortunately impossible to supply reliable statistics regarding the German population in 1923. It was clear, however, that the proportion of the population of German origin had increased. It was expected that the census to be held in 1935 would provide reliable figures.

² Report on the Administration of South West Africa for the Year 1923, page 5.

every reason to be satisfied with their lot. He wondered whether sanctions, such as those mentioned, could produce pacific effects as long as the Union Government tolerated official visits of consular representatives accompanied by propagandist delegates from Germany, though that was a matter for the Union Government to decide.

The situation was also dangerous on account of the effect which must be produced on the Union. There had been talk of establishing South West Africa as a fifth province of the Union. That was a very natural reaction : the mandates system, in so far as it had justified its existence, was a compromise between a policy of " no annexation " and the deprivation of the defeated of their sovereignty. When the Germans abandoned the compromise and claimed the territory as their own, it was only natural that the other side should demand complete incorporation in the Union of South Africa. That, of course, was of immediate concern to the Mandates Commission. It was put in an invidious position, because, though the offence in the present case clearly came from the German side, the reaction, though natural, could hardly meet with the Commission's approval, seeing that it tended to modify the international status of the territory.

M. ORTS drew attention to the following passage of the motion adopted by the Legislative Assembly on May 27th, 1933, and reproduced on page 3 of the report :

" . . . it is alleged by German-speaking Union subjects that an agitation was started within a few months of the passing of the said resolution for incorporation of the mandated territory in the Union as a fifth province, in order to undermine the principles of the mandate. . . ."

Articles had appeared in the British Press and in a local newspaper, the *Windhoek Advertiser*, relating to what had been called a " fifth province " resolution. That resolution, which had been voted by the Legislative Assembly of the territory, urged, it was stated, that the territory should be administered as a fifth province of the South African Union, subject to the provisions of the mandate.

Had there really been an agitation of the kind mentioned in the motion of May 27th, 1933 ? Had the resolution in question actually been adopted by the Assembly, and, if so, what attitude did the mandatory Power adopt towards it ?

M. PALACIOS said that the text of the resolution said to have been adopted would be found in the *Windhoek Advertiser* of June 6th, 1934. It stated, in particular, that :

" . . . the time has arrived to amend the Treaty of Peace and South West Africa Mandate Act, 1919 (Act of the Parliament of the Union of South Africa No. 49 of 1919), and the South West Africa Constitution Act, 1925 (Act of the Parliament of the Union of South Africa No. 42 of 1925), so as to provide :

" (a) That this territory be administered as a fifth province of the Union, subject to the provisions of the said mandate ;

" (b) That, accordingly, this territory be represented in the House of Assembly of the Union of South Africa and the Senate thereof ;

" (c) That this Assembly be called a Provincial Council and that the powers given to this Assembly be altered so as to bring them in conformity with those possessed by a Provincial Council of the Union of South Africa in terms of the South Africa Act, 1909 ;

" (d) That the Parliament of the Union of South Africa have full power to make laws for the peace, order and good government of this territory ;

" (e) That the Governor-General's powers of legislation as laid down in the Treaty of Peace and South West Africa Mandate Act, 1919, be altered so as to bring them in conformity with the general powers exercised by him over any province of the Union in terms of the South Africa Act, 1909."

Like M. Orts, M. Palacios also would be glad to know what attitude was adopted by the Government.

The CHAIRMAN asked whether the *Windhoek Advertiser* was an official or a semi-official publication.

Mr. LOUW said that it was an ordinary newspaper.

COUNT DE PENHA GARCIA said that the two important factors in the matter were the mandatory Power and the mandated territory. The question should be considered from this double aspect in the light of the text of the mandate. The white population was relatively small compared with the total population, and yet the former alone took an active part in

affairs. The Assembly's decisions affected only the white population. From the point of view of the mandate, however, the effect of the Assembly's decisions on native policy should be examined. The question of the three official languages was of interest solely to the white population. Count de Penha Garcia would be glad to have additional particulars as to the size of the three language groups—English, Dutch and German. He would also be glad to know whether the three languages had been recognised officially and whether the Assembly's unanimous decision that preference in examinations for official posts should be given to candidates knowing all three languages had been accepted.

Mr. Louw replied that M. Rappard's remark with regard to the agitation having been started more particularly by newcomers to the territory was probably substantially correct. Judging from what he had heard and read, it would seem that they were the more active section of the German population in South West Africa.

The rest of the questions just put to him concerned what was generally referred to as the "fifth province question", the question of incorporation in the Union. He desired to say at the outset, however, that he did not intend to be drawn into a discussion as to whether or not incorporation into the Union would be in contravention of the mandate, which provided that South West Africa could be administered as an "integral part" of the Union. That was a matter of Government policy which he did not feel called upon to discuss at present.

The question of the agitation for incorporation must be divided into two parts. In the first place, there had been agitation amongst a certain section of the population in South West Africa—the Union section. It was later—in 1934—that the Assembly had passed the resolution to which M. Orts had referred. In this connection, Mr. Louw ventured to point out that the resolution had been passed in 1934, and the Commission would therefore appreciate that he could not be expected, at the examination of the 1933 report, to give his Government's view as to a resolution passed in 1934. In fairness to the Union section, however, it must be remembered that the resolution and all the statements made in 1933 had emphasised that incorporation would be subject to the terms of the mandate.

The following passage from a statement made by the Prime Minister of the Union, General Hertzog, in 1934, in reply to a question asked in the Union Parliament—though not with regard to the fifth province agitation—might be quoted as showing the Union Government's general attitude towards the mandate :

"The Government has not the least intention in relation to the mandate for South West Africa to act otherwise than faithfully to carry out its duties as Mandatory and to continue to perform them until such time as the object which was contemplated when the mandate was handed over to us has been attained, and I hope we shall accept that as a fixed policy and decision, not only of the present Government, but of any Government that succeeds it."

In reply to M. Orts's question, Mr. Louw said that there had in 1933 been a political agitation for incorporation amongst the Union section. As regards the Assembly resolution which was adopted in 1934 and the attitude of the mandatory Power in regard to that resolution, those were questions for discussion when the 1934 report was examined next year.

While he thought there might be something in Count de Penha Garcia's suggestion that the Assembly's request for increased powers in 1932 had not been granted because the white population was so small, he was inclined to think that the real reason was as stated in the present report, that "it became clear that there was no possibility of reconciling the conflicting views of the two parties, and the proposed amendments of the Constitution have not been proceeded with" (paragraph 7). No doubt, the Government felt that, in view of the unfortunate situation between the different sections, it would not be wise to give the Assembly additional powers.

With regard to the language question, he believed that the Union Government would probably have been prepared to adopt the Assembly's view, but that, like other matters, had been held up by the conflict that had arisen in the country. Obviously, a very difficult and controversial question of that kind, which might easily give rise to trouble, could not be tackled when the two parties were at odds.

The CHAIRMAN said that, while it was true that the discussion was encroaching on the administration of the territory in 1934, it had arisen out of the passage on page 3 of the report. He emphasised the Commission's earnest desire to collaborate with the mandatory Power ; it was only anxious to avoid being faced with a *fait accompli*.

He added that the Prime Minister's statement which Mr. Louw had just quoted would have been of greater value had it come after, instead of two months before, the events that had occurred in the Windhoek Assembly.

M. RAPPARD, referring to Count de Penha Garcia's remarks, with most of which he agreed, said that, if the Commission were interested in political events among the white population, that was because of the effect they might have on the native population. There were roughly 31,000 white people and 240,000 natives in the territory—a proportion of about one to eight.

The Prime Minister's statement was very satisfactory, but it contained terms susceptible of various interpretations. The system was to continue "until such time as the object which was contemplated when the mandate was handed over . . . has been attained". That was quite normal, but the mandate was temporary in the sense that it was for the administration of the natives until they were able to stand by themselves. The white population was eminently able to do so, but it was clearly not to that population that Article 22 of the Covenant referred.

After watching developments for the last fourteen years, however, he could not find any evidence that progress had been made in that direction. Of all the native populations with which the Commission had to deal, that of South West Africa seemed the most backward: its position was static and static on a deplorably low level. Only the evolution of the natives would justify a change in the regime. Their interests were of paramount importance, because the mandate system was justified by their lack of civilisation.

Mr. LOUW said that, with due deference to M. Rappard, he could not agree with the statement that the native population had made no progress during the last fourteen years.

M. RAPPARD, interpolating, said that he was referring to progress towards political self-administration.

Mr. LOUW thought it was quite clear from the present report and previous ones on the work of the educational authorities that progress had been made. After all, education was a necessary step towards political development. He would be very sorry if M. Rappard's remarks were construed as a reflection on the work of that admirable body of men and women, the teachers of South West Africa, who were doing excellent work in very difficult circumstances.

M. RAPPARD said that he had no intention of discouraging the teachers. On the contrary, he had hoped that his remarks might encourage the mandatory Power to help them more generously than it had been found possible to do heretofore.

M. PALACIOS agreed with what the Chairman and M. Rappard had said in regard to the Prime Minister's statement. He also shared M. Rappard's view of the significance of the mandate for the various native populations. It was not enough simply to refer to the "provisions" of the mandate; the actual "institution" of the mandate, according to the letter and spirit of Article 22 of the Covenant, was what was of chief importance. It was obvious that the tutelary provisions of the mandate were based on that article, but what it chiefly brought out was the special and essential status of the territory and its inhabitants.

The CHAIRMAN said that the Commission took note of the accredited representative's remarks and observed that he had expressed no views, either affirmative or negative, regarding the vote of the Windhoek Assembly.

Mr. Louw repeated that he had refrained from doing so, because they did not come within the purview of the report for 1933.

JUDICIAL ORGANISATION.

M. PALACIOS pointed out that, according to the statistical tables in paragraphs 12 and 32 of the report, the number of civil cases dealt with in the courts had fallen considerably (in the magistrates' courts from 3,198 to 1,860). Criminal cases, on the contrary—in particular offences against property and against the revenue—showed a considerable increase (paragraph 17 of the report).

A comparison of the tables contained in paragraph 18 of the present report with the table given in paragraph 18 of the 1932 report showed that thefts by natives of cattle belonging to Europeans had increased from 400 to 560. Could the accredited representative offer any explanation?

Mr. Louw said that, in times of economic stress, there were always fewer civil cases and a corresponding increase in criminal cases, particularly stock thefts.

M. PALACIOS asked for an explanation of the considerable increase in the number of lashes applied at gaols—2,954 in 1933, as compared with 1,798 in 1932 and 1,400 in 1931 (page 9 of the 1932 report and page 7 of the 1933 report).

Was this punishment inflicted by the courts or was it used as a disciplinary measure in the prisons ?

Mr. Louw said that corporal punishment was inflicted only by the courts. In no circumstances was it allowed as a disciplinary measure in the prisons. The increase was probably due to the increase in criminal offences.

It had been found, in dealing with the native population, that whipping was a far more effective deterrent than imprisonment, and that was why it was employed. It was given under very strict supervision. The prisoner was inspected by a doctor beforehand, and the latter was present during the execution of the sentence. He had full authority to stop the whipping at any time, as well as to decide whether corporal punishment should be applied at all, and if so how many strokes.

A full account of the provisions of the law would be found on pages 10 and 11 of the 1928 report. Whippings were inflicted, not with a cat-o'-nine-tails, but with a rattan cane.

Lord LUGARD asked to what extent executive officers having no special legal qualifications were entrusted with judicial powers, and whether they had used their powers in a manner satisfactory to the native population.

Mr. Louw referred Lord Lugard to the 1928 report, in which the whole question of justice administration and the powers of special justices of the peace and native commissioners (the officers to whom Lord Lugard was referring) was explained.

Lord LUGARD asked whether in future the offences merely mentioned as " Contravening Section . . ." (paragraph 15 of the report) could be specified.

Mr. Louw agreed that more specific information seemed desirable.

WITCHCRAFT.

Lord LUGARD said that he had before him Proclamation No. 27 enacted during the year under review (1933) for the suppression of witchcraft. There had been some discussion on this subject at the recent International Congress on Anthropology and Allied Sciences and in the Press, and it would be of great interest to know how it was being dealt with in the various mandated territories. He would like, therefore, to put two or three questions to the accredited representative, but he did not desire an immediate reply. On the contrary, he hoped that the information for which he asked might be obtained from those who had actually had to adjudicate in such cases, and be given in the next report. He was not criticising the Proclamation, but asking how, in practice, the law was administered.

The difficulty presented arose from the fact that the African ascribed any sickness in man or beast to the work of a malevolent spirit which had taken up its abode in some " witch ", and looked upon the person who professed to point out the witch, or prescribed the poison ordeal, as a benefactor, and regarded the action of Government in suppressing him, or in punishing those who had killed the witch, as incomprehensible and unjust, or even as favouring witchcraft. On the other hand, it was obviously necessary to put a stop to practices involving the death of innocent persons. The questions he desired to ask were :

(1) What distinction is made as to the degree of culpability of the " witch-doctor ", and the men who, believing in his powers, kill the person indicted as a witch ?

(2) Is it the custom at a witchcraft trial to investigate fully whether the witch-doctor had any personal motive in selecting the victims, or in causing the death or sickness which led to his being called in ?

(3) In the particular village in which the case occurred, was it known that the Government had forbidden such ordeals and would hold the perpetrators guilty of murder for any consequent deaths ? Is this proved at the trial ?

(4) Are any steps taken to endeavour to convince the people present at the trial of the error of their belief—for example, by pointing to the lucrative nature of the witch-doctor's profession, or by showing the true cause of death by post-mortem examination ?

(5) Would deportation from the scene of his influence be an equally effective way of dealing with a witch-doctor as imprisonment or a death sentence ?

(6) Should not homicide due to superstitious beliefs (not only witchcraft but the sacrifice of twin children, etc.) be shown under a separate head (as " ritual murders ") distinct from " murder " ?

Mr. Louw said that the mandatory Power would no doubt endeavour to reply to Lord Lugard's questions in the next report.

From his own experience in the circuit courts, he could state that trials for witchcraft followed the usual procedure, and that a very strict cross-examination took place as to the methods employed, personal motives, and so on.

Lord LUGARD said that what he had in mind was that the natives would not understand the distinction between civil and criminal procedure, fines and damages. He would therefore be glad to know to what extent native law was recognised and to what extent the usual court procedure, especially the laws of evidence, was followed.

Mr. LOUW said that the ordinary law of evidence would be followed, but that native custom and law were recognised in certain cases such as, for instance, succession to property. Further information would be obtained and, in the meantime, perhaps Lord Lugard would be good enough to refer to paragraph 96 of the 1928 report, which dealt with native law.

SITUATION OF NATIVE WOMEN.

Mlle. DANNEVIG asked whether there were any specific laws concerning the position of native women—for instance, the age of marriage, the betrothal of girls before the age of 14, the payment of dowries and their repayment in the event of the marriage not being contracted, Christian marriages, and so on. Perhaps information could be given in the next report.

Mr. LOUW said that, generally, those matters were dealt with by native law and custom, which were very difficult to break down. He referred Mlle. Dannevig to a book supplied to the Mandates Commission in 1928 by the South West Administration, entitled "The Natives of South West Africa", which dealt fully with the position of women. If, after reading it, Mlle. Dannevig wished for further information in the next report, perhaps she would be good enough to address a request to the permanent representative of the Union of South Africa at Geneva.

Mlle. DANNEVIG said she had read the book in question, which gave interesting information about different tribes, but said nothing about laws and regulations as regards the status of native women, which was the information in which she was interested.

PUBLIC FINANCE : EDUCATIONAL CREDITS.

M. RAPPARD pointed out that revenue had fallen to an alarming extent. The Commission had often remarked that the budget was based on an unsound foundation, the main sources of income being Customs and excise and mining revenues, both of an uncertain and irregular yield. The yield of the former had fallen in the proportion of 3 to 1 and the latter of 10 to 1 since 1928, causing a fall of over 50 per cent on the total revenue (paragraph 68 of the report). Given the financial situation, the Administration could not, of course, be blamed for reducing expenditure from £750,000 to £600,000 (paragraph 69 of the report) and contracting loans. He noticed, however, that the expenditure on education had been reduced by about one-fifth, and that only one-tenth of the total amount was spent on native education (paragraph 80), although the proportion of natives to whites was 8 to 1. That was bound to cause comments on the efforts of the Administration to train the natives to stand by themselves.

The effect of borrowing from the Union was that interest and redemption were far larger than any other item in the budget. The complete subordination of the territory to the Union financially raised a serious problem, and M. Rappard wondered whether it had not been responsible for the "fifth province" agitation.

Mr. LOUW drew attention to the observations he had made at the previous meeting, during M. Rappard's absence, with regard to the financial situation.

Referring to the reduced expenditure on education, he pointed out that equally large reductions had also been made on other very important and necessary services. As to the disproportion between the sums spent on natives and whites, he would point out that the education given to uncivilised natives must necessarily be of a very elementary character, so that the cost was bound to be far less than the cost of the higher education enjoyed by the European section of the population. Moreover, it would be seen from page 15 of the report that the total expenditure on natives had actually increased from £32,646 for the fiscal year 1932-33 to £38,312 for 1933-34. The sum spent on mission schools and inspection of schools during the same period had increased from £9,778 to £11,400.

M. RAPPARD pointed out that only about 4,000 natives attended school.

Mr. LOUW said that circumstances and local conditions should be taken into consideration, and that progress in native education must necessarily be slow; the Inspector's report, however (paragraph 161 of the report), showed that attempts were being made gradually to extend it. The Administrator's reply to the Aminuis deputation (paragraph 186, page 36 of the report) proved that the Government desired to help as much as possible.

The CHAIRMAN asked whether, during the fourteen years of the mandate, the Government had opened a single school for natives.

Mr. LOUW said that, up to the present, native education had been in the hands of the missions. It was only fair to the Administration to point out (as would be seen from previous reports) that the missionaries had shown no eagerness to allow the Government to take it over and would apparently prefer to continue with it themselves.

The 1933 report, however, stated that the Government was contemplating passing legislation at an early date for the establishment of Government native schools (paragraph 174 of the report).

In regard to the general financial situation of the territory, he directed M. Rappard's attention to a statement made by the Administrator in the Legislative Assembly concerning the estimates for 1934-35 as follows :

“ Until the report of the Economic Committee, which has been called upon to meet again for examination or further information, has been dealt with by this House and the Union Government, it is impossible to make any radical alterations in our administrative system. For this reason, the estimates have been drawn up in the old form.”

M. RAPPARD said that it would have been easier to form an idea of the situation had the report contained more comments on the figures.

Mr. LOUW said that he was inclined to agree and would mention the matter to his Government.

M. RAPPARD, comparing the table of ordinary expenditure for 1932-33 (paragraph 69) with the table showing expenditure for the nine months ended December 31st, 1933 (paragraph 75), noted that, although the expenditure on most items was about one-fourth less in the second table, interest and redemption amounted to practically the same sum. What was the explanation ?

Mr. LOUW explained that this was a question of book-keeping.

M. RAPPARD asked whether, in view of the financial situation, there was any intention of considering the possibility of increasing revenue by imposing direct taxation. He realised that the population was very hard pressed and that it would not be politically easy to do so, but the whole world was in the same position.

Mr. LOUW said that the Economic Commission appointed to enquire into the financial relations between the Union and the territory of South West Africa was still sitting and would probably deal with the matter. A request had been made by the Assembly of South West Africa itself for an expert committee to go into the question, but the matter was being held over until the Economic Commission's report had been published.

MAINTENANCE OF ORDER IN THE TERRITORY.

M. SAKENOBE was gratified to note that peace had been preserved in the territory and that it had not been necessary to call out the Burgher Force, even for military exercises.

Although paragraph 65 of the report stated that no expenditure had been incurred on defence, the sum of £5,468 was shown in the table of expenditure for the year 1932-33 (paragraph 69). What was the explanation ?

Mr. LOUW said that the satisfactory situation in the territory was a testimony to the authority of the police and to the authority exercised by the native commissioners in outlying posts.

The sum referred to related to operations against Ipumbu during the previous year.

ARMS AND AMMUNITION.

M. SAKENOBE congratulated the mandatory Power on the further progress made in the voluntary disarmament of the Ovambos (paragraph 251 of the report).

He noted that there had been a considerable increase in the approximate number of firearms in the territory (page 9 of the 1933 report and page 12 of the 1932 report). At the same time, a comparatively small number had been imported.

Mr. Louw thought the increase might be due to the increased population and to some extent to the replacement of ammunition and revolvers for the police force.

One reason for the increase in combination rifles and shotguns might be that South West Africa was becoming a popular hunting-ground.

M. SAKENOBE asked for particulars in the next report as to the statistics of the firearms possessed by natives and as to how the Arms and Ammunition Ordinance was observed in the territory.

Lord LUGARD agreed that it was most satisfactory that the Ovambos were surrendering their rifles, and asked what types of arms they were handing in.

Mr. Louw said that they were a mixture and would make a good showing in a museum. Some were rifles and some barrels only. In many cases, they were very old, and some had even been buried.

TAXATION OF THE HEREROS AND OVAMBOS.

Lord LUGARD noted that the Hereros had apparently been satisfied with the Administrator's reply given to their deputation, which, in June 1933, visited Windhoek in order to greet the new Administrator and to make representations in regard to certain matters affecting the welfare of the Herero people (paragraph 186 of the report). He observed that they had asked for the substitution of a poll tax for grazing fees. Was the grazing tax customary throughout the police zone?

Mr. Louw said that, as far as he was aware, poll tax was paid in Ovamboland because the Ovambos were agriculturists, whereas the Hereros were a pastoral people. He believed the grazing tax was customary in the police zone.

In reply to a further question by Lord Lugard, who asked what grazing fees were paid on large and small stock, Mr. Louw quoted the following passage from the 1925 report (paragraph 35) :

“ In rural areas, natives pay grazing fees at the following rates :

“ *On Crown Land:*

Large stock — 2*d.* per head per month.

Small stock — 2*s.* 6*d.* per 100 head per month.

“ *In Reserves:*

Large stock (1 to 25) — 2*d.* per head per month.

Small stock (1 to 100) — 1/4*d.* per head per month.

(101 upwards) — 1/2*d.* per head per month.”

NATIVE CHILDREN'S WELFARE SOCIETY AT WINDHOEK.

Lord LUGARD expressed his appreciation of the excellent work done by Mrs. Bowker, the wife of the Local Superintendent, in the “ Native Children's Welfare Society ”, which she had started (paragraph 188).

Mr. Louw referred to the fact that she was assisted by natives from the Union.

REPORTS OF TRIBAL COUNCILS.

Lord LUGARD noted that the reports of the tribal councils, for which he had asked in 1933,¹ would be supplied next year (paragraph 197).

¹ See Minutes of the Twenty-third Session of the Commission, page 91.

BUSHMEN.

Referring to raids and cattle stealing by Bushmen (paragraph 211 and elsewhere), Lord LUGARD asked what the Administration proposed to do with the Bushmen whom they had captured.

Mr. LOUW said that the Bushmen were very difficult to deal with. They were entirely different from the natives. Their hand was against everybody, and everybody's hand was against them. They lived a nomadic life and were probably the only people in the world that did not till the ground or own stock, but lived on others. They were almost like wild animals and, in the early pioneering days, were shot down. They were quite a different race from the natives. Presumably, when captured they would be put in gaol. They were probably responsible for many of the stock thefts to which M. Palacios had referred.

Mlle. DANNEVIG asked whether any attempt was made to educate the Bushmen.

Mr. LOUW said that he could hold out no hopes whatever in that direction. They were a low type, a deteriorated race and were rapidly dying out. Ethnologists described them as one of the lowest types of human beings in the world.

Lord LUGARD pointed out that some little success had been achieved by chief Khama in Bechuanaland in training them to keep stock. That was some years ago, and he feared that it had not been followed up.

Mr. LOUW could only hope that that example would have a beneficial effect on them.

REHOBOTH COMMUNITY.

Lord LUGARD was glad to note that the two sections of the Rehoboth Community had at last managed to reach agreement. He noted, however, that they were described as too idle even to prepare food for themselves (page 63 of the report). What action did the Administration propose to take?

Mr. LOUW said that what was to be done with these people was a matter of policy on which he would not venture to express an opinion. They were a very difficult problem. They had inherited few of the virtues of their European ancestors and all their weaknesses. One could only sympathise with the difficulties of those who had to deal with them.

EIGHTH MEETING.

Held on Thursday, November 1st, 1934, at 3.30 p.m.

South West Africa : Examination of the Annual Report for 1933 (continuation).

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

LABOUR.

Mr. WEAVER noted that the report in paragraph 192 made further reference to "the repatriation of large numbers of Ovambos," which had been reported in the preceding year (paragraph 327 of the 1932 report). Did the tribes have any difficulty in absorbing these repatriated Ovambos?

Mr. LOUW replied that the tendency in the Union was for the natives to find their way back to their kraals whenever they were out of employment, and he had no doubt the same was the practice with the natives of South West Africa. He did not think any difficulties would arise.

Lord LUGARD observed that it was a long way from the diamond mines to Ovambo-land, largely through desert country.

Mr. LOUW said that the repatriated Ovambos would have their last month's pay to help them on the way.

Mr. WEAVER asked if any provision had been made, as had been done for bringing recruited Ovambos to the mines, for motor transport for the returning natives.

Mr. LOUW replied that he had no information on the subject. He would note the point and refer it to the Administration.

Mr. WEAVER said the only reference he could find to the conditions of employment of natives working on farms was in paragraph 192 of the report, in which it was stated that "the rate of wages has fallen". Had the accredited representative any other information on the conditions of farm employment which, the latter would remember, was raised in connection with the previous report?¹

Mr. LOUW replied that Mr. Weaver's enquiry of the previous year had been noted, and the reply was that there were no "plantations" in the strict sense of the word in South West Africa. The farms were mostly dairy and stock-farming concerns. Wages were lower than in industry. During the worst part of the depression, many of the farmers had paid in kind (that was to say, in cattle) when they had no cash: but cash payments were now being resumed. Many natives were now being dismissed, but unemployment was nevertheless decreasing, as there were openings for native labour in connection with the prospecting operations in the Rehoboth district and the work on the railways.

Mr. WEAVER drew attention to the increase in the number of convictions of natives for offences classified under the heading "Master and Servants" (paragraph 18 of the report).

Mr. LOUW said that the statistics of convictions were apt to vary—like the rainfall—from year to year. The great bulk of these particular offences were of a minor character—generally cases of men leaving their employment.

Lord LUGARD asked for further information in the next report as to the nature of these offences.

Mr. WEAVER observed that an increase in the number of desertions was often significant; experience had shown that there was generally a cause for such increases.

Mr. LOUW replied that, in this case, the reason was probably economic.

MISSIONS.

M. PALACIOS observed that pages 47 to 50 of the report dealt particularly with the work of the missions. The information given by the principal missions was very interesting. During the year under review, all of them had had to contend with difficulties resulting from drought and the depression. The Commission might well express the hope that these calamities might disappear and congratulate the missions on their work of civilisation. M. Palacios hoped they would receive all possible encouragement from the Administration.

Mr. LOUW much appreciated M. Palacios's reference to the work of the missions. The Administration, as M. Palacios would have noted, had itself expressed its appreciation of the work done by the missions.

EDUCATION.

Mlle. DANNEVIG was glad to note that the report this year gave very full particulars on the subject of education. Paragraph 150 of the report showed that there was a further decrease of 30 per cent on the expenditure in 1932-33, both as regards European and native education.

It was satisfactory that the Administration had found it possible to increase the estimate on education for next year from £97,180 to £102,563, but the statistical table showing the distribution of educational expenditure (paragraph 150) revealed the fact that the amount spent on the education of native and coloured children was a very small proportion of the total (only £11,333).

It was a matter for regret that there was no single Government school for natives in the territory. All the schools for native and coloured children were at present mission schools. It was stated, however, that the "desirability of establishing Government native schools was considered during the past year, and it is likely that the necessary legislation will be introduced

¹ See Minutes of the Twenty-third Session of the Commission, page 93.

at an early date providing for the establishment of such schools" (paragraph 174). That statement was of the greatest importance, as it seemed to indicate a new policy which would undoubtedly be welcomed by the Commission. She had also noted that the accredited representative had referred in his opening speech to the necessity of natives being educated. Mlle. Dannevig, in pressing for schools for the natives, was not suggesting that they should receive a literary education, but practical instruction in agriculture, hygiene and cognate subjects suited to the needs of the present development of the different tribes, which would make them better and more useful subjects of the community.

She asked for further information in the next report as to the distribution of the money spent on grants to the mission schools for natives. One mission was reported to have received £100, while another received £25 and so on. How was this to be understood?

Mr. Louw took note of the points on which information was requested, and undertook to ask the Administration whether it would be possible to include further particulars on these points in future reports.

Mlle. DANNEVIG noted that there were some 1,000 coloured children who did not get any education. They refused to go to the native schools (paragraph 165 of the report). Were coloured children admitted to the schools for white children?

Mr. Louw replied that in South West Africa, as throughout South Africa, there was a social colour-bar. Coloured children were not admitted to European schools. The question of how to deal with coloured children was a very difficult one.

Mlle. DANNEVIG asked whether the Rehoboths were classified as native or coloured.

Mr. Louw replied that they were coloured and were known as bastards.

Mlle. DANNEVIG observed that in paragraphs 171 and 172 of the report it was said that the capacity of learning of the natives exceeded very much what had been expected. A fifth school-year would therefore be provided when the teachers had the necessary qualifications. This was very interesting, and she would be glad to have more information on the matter in future reports. To what tribes did the above information refer?

She further referred to the statement in paragraph 172 that "the new syllabus provides for more systematic instruction in the mother tongue". What was meant by the "mother tongue"?

Mr. Louw replied that, in the case of some coloured children, the mother tongue would be Afrikaans or English, while, in the case of natives, it would be the vernacular.

Lord LUGARD congratulated the Administration on this encouragement of the mother tongue. Was not that a new policy?

Mr. Louw replied that it was the policy of the Union educational system to give a child its first education in the mother tongue.

Mlle. DANNEVIG said that there seemed to be a great demand on the part of the Hereros for education: but when the Administrator had visited the Aminuis Reserve, he had told the Hereros: "I cannot tax the Europeans to provide schools for the natives" (paragraph 186 of the report, page 36). She knew that their taxes were paid into their trust fund, which would have to supply the necessary money, but if the Hereros were not able themselves to pay for their schools, would it not be possible for the Government to help them as it assisted schools for white children?

Mr. Louw replied that the Administration was already granting to the Hereros some £5,000, representing their arrears of taxation, so, in effect the Administration was paying.

Lord LUGARD was sorry to note that it was not found possible to establish a Government school in Ovambo, and still more sorry that the Government was giving up the inspection of the mission schools in Ovambo and Okavango (paragraph 175 of the report).

Mr. Louw shared Lord Lugard's regret.

Lord LUGARD noted that the Catholic Mission, which seemed to be doing quite admirable work, complained that its subsidies were inadequate or were being withdrawn (paragraph 282).

Mr. LOUW replied that the mission's statement was not correct in all respects. The mission said that only ten of its schools were subsidised : in fact, the number was eighteen (see table in paragraph 175 at the bottom of page 31 of the report). Nor was it correct to say, as did the mission (top of page 49), that " none of the hospitals and none of the sisters solely employed in connection with the nursing of natives receives any subsidy whatsoever ". It would be seen from paragraphs 339, 341 and 345 of the report that the Catholic mission hospitals were, in fact, being subsidised.

Mlle. DANNEVIG asked what was meant by the two subsidised " industrial schools " (paragraph 175, table at the bottom of page 30). She noticed (page 48) that both the Rhenish and the Roman Catholic missions had practical and trade schools, but their subsidies had been withdrawn.

Mr. LOUW answered that such schools taught handicrafts (carpentering and so on) and thus improved the natives' working capacity.

ALCOHOL AND SPIRITS.

Count DE PENHA GARCIA noted that the local production of spirits had decreased in the last few years (paragraph 53 of the report). Was that due to climatic conditions ?

Mr. LOUW replied that it was more probably due to economic conditions.

Lord LUGARD ventured to suggest, though the mandate was only concerned with the traffic in spirits, that it was rather hard that it should be a criminal offence for a native to be in possession of a little Kaffir beer (page 6 of the report).

Mr. LOUW had no information on the subject, but would enquire.

PUBLIC HEALTH.

Count DE PENHA GARCIA said that the position in regard to public health had not improved, partly because of the drought and partly because the financial position of the mandatory Power had not made it possible to increase the expenditure on the medical services. He hoped there would be an improvement in this respect in 1935. He asked for information in the next report as to the number of Government medical officials in Ovamboland, Kaokoveld and Caprivi Zipfel.

It was a very striking circumstance, in these parts of the mandated territory (page 59 and following of the report), that the medical service for the natives was entirely in the hands of the missions. The work of the missions was undoubtedly of the greatest importance ; and it was no doubt for this reason that they were subsidised by the Government. But why was this work left to the missions ? Was it because they were better able to deal with it, or was it because there were not enough district surgeons ?

Mr. LOUW said that the area to be dealt with was very large. Count de Penha Garcia's observations would be noted.

Count DE PENHA GARCIA observed that tuberculosis was said to be spreading amongst the natives (paragraph 321 of the report). Did the Government propose to take any special measures to combat this scourge ?

Mr. LOUW replied that, considering how the natives lived, it was astonishing there was not more tuberculosis.

Mlle. DANNEVIG asked if there was much infant mortality and whether anything was done to help the native women in childbirth.

Mr. LOUW replied that the administration had to deal with a very large area and a scattered population of quite uncivilised natives. The time was very far distant when it would be possible to give any individual attention to native women in childbirth. They appeared to have managed quite well in the past. They did things in their own way.

WELL-BEING AND DEVELOPMENT OF THE NATIVES.

M. RAPPARD noted the distinction made in the statistics (paragraphs 524 to 533 of the report) between the inhabitants of the territory " Within the Police Zone " and those " Outside the Police Zone ". The latter were apparently left to themselves very largely. He had the general impression that the population was stationary—or, if anything, decreasing—within the police zone. Was the position better outside the police zone? The Commission had put question after question on this and similar subjects for years past, and had always received the same reply—namely, that the area to be covered was large, and that the difficulties were great. The Commission could only invoke the principle embodied in the first paragraph of Article 22 of the Covenant that the " well-being and development " of the native peoples in the mandated territories was " a sacred trust of civilisation ". He wondered whether that conception of the mandate was always present to the minds of the public in the Union.

Mr. Louw appreciated the motives of M. Rappard and the Commission in this matter, and would note the particular points which the former had raised. But, if M. Rappard's suggestion was that the Administration was not doing what it could to improve the condition of the natives, he must deny that allegation *in toto*. He wished to repeat what he had said in his opening remarks on the previous day—namely, that account should be taken of the fact that the Administration and its officials had to deal with a widely scattered population of uncivilised natives.

He had, for instance, been asked that morning whether anything was being done to educate the Bushmen. He could only repeat what he had then said, that it was no more possible to educate the Bushmen than it was to bring the sea to Geneva! The Bushmen lived like animals in caves in the ground and they were not susceptible either to education or to civilisation. While the native was a far superior type to the Bushmen, there were similar difficulties in the way of improving the position of the uncivilised natives. It was slow and difficult work.

M. RAPPARD replied that his criticism was not that the accredited representative or the report had withheld information. On the contrary, the Commission greatly appreciated the frankness of the accredited representative. It also fully realised the financial stringency, the vastness of the area under administration and the difficulties of the mandatory Power's task.

But, when the accredited representative informed the Commission that the mandatory Power was doing all it could for the natives, the Commission could not help comparing what was being done in South West Africa with what was being done for the natives in other territories under mandate. The Administration in South West Africa was generous enough to the white minority. One of the great difficulties in this particular territory was that it was a white man's country: and the history of both Australia and the United States of America showed that it was a misfortune for natives to inhabit a white man's country.

Mr. Louw replied that the record of South Africa's relations with and treatment of the natives was very much better than that of either Australia or the United States. The lot of the native in the Union was a very happy one.

PETITIONS FROM MR. W. EICHHOFF: COMMUNICATION FROM THE GOVERNMENT OF THE UNION OF SOUTH AFRICA DATED AUGUST 15TH, 1934.

The CHAIRMAN said that, at its twenty-third session,¹ the Commission considered two petitions from Mr. W. Eichhoff in South West Africa, dated respectively December 31st, 1932, and February 18th, 1933.

In its findings regarding these petitions, which it adopted on the basis of a report by Lord Lugard, the Commission expressed the hope " that, in the interest alike of the petitioner and of the Hereros, the mandatory Power may find it possible to purchase the farm " from Mr. Eichhoff with a view to extending the reserve of the Hereros.

At its twenty-fourth session,² the Commission had before it two new petitions from the same source, dated March 5th and June 8th, 1933, respectively. In its conclusions on the subject of these petitions, the Commission requested " the Council to invite the attention of the Mandatory again to the recommendation made by the Commission at its last session, and accepted by the Council, in regard to a similar petition from the same petitioner; and, in particular, to the hope expressed that, in view of the circumstances described, ' the mandatory Power may find it possible, in the interest alike of the petitioner and of the Hereros, to purchase the farm for the purpose stated ' ".

The Commission had now before it a communication from the Government of the Union dated August 15th, 1934 (Annex 3), in which the latter stated that there appears to be no justification to purchase Mr. Eichhoff's farm on behalf of the natives, for, if additional land is

¹ See Minutes of the Twenty-third Session of the Commission, pages 76, 186 and 196.

² See Minutes of the Twenty-fourth Session of the Commission, pages 70, 130 and 139.

required, there are large areas of public land to the east of the Waterberg reserve which could be utilised for this purpose, without necessitating the purchase of Mr. Eichhoff's farm, for which, it is understood, the latter requires a sum far in excess of its estimated value.

Lord LUGARD presumed Mr. Eichhoff had been informed by the Union Government of its decision. If Mr. Eichhoff were not satisfied, he would perhaps petition again. For the present, Lord Lugard did not see that there was any document before the Commission on which it could act.

The CHAIRMAN said that the Commission, while regretting that the Government of the Union had not seen its way to comply with the Commission's suggestion, noted the Government's communication of August 15th, 1934, which would be annexed to the Minutes (Annex 3).

PETITIONS, DATED MARCH 29TH AND APRIL 5TH, 1933, FROM CERTAIN MEMBERS OF THE REHOBOTH COMMUNITY.

Mlle. DANNEVIG had noted the passage in the annual report (page 63) on the hardships of the Rehoboth bastards and asked whether there was any prospect of the Rehoboth Community being granted any further measure of self-government after they had abandoned their opposition and elected members of the Raad. She understood that the year of probation proposed two years ago by the Administrator was over now. (See the observations of the Union Government on the petition dated June 17th, 1932, from certain members of the Rehoboth Community (document C.P.M.1316).)

Mr. Louw replied that he had no information on the point ; but he doubted whether any further privileges would be given to them. Peace was now said to be reigning between the two factions in the Rehoboth area.

Mlle. DANNEVIG asked whether the development of gold-mining in the Rehoboth country would benefit the natives, who were described as mostly paupers.

Mr. Louw replied that it would not only afford labour facilities but there would also be compensation under South African law to the landowners in respect of mining rights.

He understood, however, that the latest reports in regard to gold prospects in the territory were none too favourable.

QUESTION OF THE INCORPORATION OF SOUTH WEST AFRICA IN THE UNION AS A FIFTH PROVINCE (*continuation*) : POINT OF ORDER.

M. ORTS asked permission, before Mr. Louw withdrew, to submit certain observations with the object of showing exactly what assistance the Mandates Commission felt entitled to expect from accredited representatives of the mandatory Powers in connection with the performance of the task entrusted to the Commission under Article 22 of the Covenant.

At the seventh meeting, M. Orts had put three questions to Mr. Louw :

1. Was it a fact, as was alleged by the German party, according to the terms of the motion adopted by the Legislative Assembly on May 27th, 1933, that there had been an agitation for the incorporation of the mandated territory in the Union as a fifth province in order to undermine the principles of the mandate ?

To that question Mr. Louw had replied in the affirmative.

2. Was it a fact, as stated in the Press, that the Legislative Assembly had passed, in May 1934, a resolution in favour of incorporating the mandated territory in the Union as a fifth province, subject to the provisions of the said mandate.

3. If so, what was the Union Government's attitude towards the passing of that resolution ?

The accredited representative had declined to reply to the last two questions on the grounds that they related to events which had occurred in 1934 and not during the year dealt with in the annual report for 1933, which had now been submitted to the Council of the League of Nations.

It was in that connection that M. Orts felt it his duty to raise a point of order.

He pointed out that, on more than one occasion, the Commission had asked the representatives of the mandatory Powers questions relating to acts or facts that had occurred after the close of the year covered by the annual report. In the case of questions which the accredited representatives had not been able to foresee, it had been impossible for them—and the Commission had realised it—to give the necessary information on the spot. On the

other hand, when the questions related to important events affecting internal order or the actual status of the territory, events debated by the Press and public opinion, the accredited representatives had made a point of supplying any information at their disposal.

There was one exception to that attitude on the part of the accredited representatives : at the eleventh session of the Commission,¹ Mr. Smit, the representative of the Union of South Africa, had expressed doubts as to whether he was under an obligation to answer a question unconnected with the annual report which was then being discussed by the Commission, and had asked the Chairman to give a ruling as to whether the point raised should be discussed.

The Chairman's reply was reproduced in the Minutes of the eleventh meeting of that session. It might be useful to recall the terms of that reply as follows :

“ The CHAIRMAN quoted the rules of procedure applicable to the point of order raised by Mr. Smit :²

“ (b) The mandatory Powers should send their annual report provided for in paragraph 7 of Article 22 of the Covenant to the Commission through duly authorised representatives, who would be prepared to offer any supplementary explanations or supplementary information which the Commission may request.

“ (h) The Commission, acting in concert with all the duly authorised representatives of the mandatory Powers, shall hold a plenary meeting to consider all the reports as a whole and any general conclusions to be drawn from them. The Commission may also utilise such a meeting of the representatives of the mandatory Powers to lay before them any other matters connected with mandates which in their opinion should be submitted by the Council to the mandatory Powers and to the other States Members of the League. This plenary meeting shall take place either before or after the presentation of the annual reports, as the Commission may think fit. ”

Further, paragraph 9 of Article 22 of the Covenant was as follows :

« 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. »

The Chairman had summed up as follows :

“ From this, it was quite clear that the Commission was perfectly within its rights in raising this point. It was for the accredited representative to reply or not as he thought fit.”

Mr. Smit had bowed to the Chairman's ruling, while expressing the hope that, in future, questions similar to the one which had given rise to the incident should be communicated to the accredited representative beforehand.

The decision of 1927 applied to the present case, which was very similar to the previous one, except that Mr. Louw appeared to hold that, in principle, any fact subsequent to the close of the year under review could only be brought up in connection with the examination of the report for the year in which that incident had occurred. If that were the contention, it could not be reconciled with the general duty that the Covenant imposed on the Commission—namely, “ to advise the Council on all matters relating to the observance of the mandates ”.

M. Orts desired to point out once more that the Commission could not, in his view, bow to formalities to the extent of pretending not to know of the occurrence of some important event which had formed the subject of public discussion and Press reports, on the grounds that it had occurred after the period covered by the annual report. The passing by the Legislative Assembly of a motion in favour of incorporating the mandated territory of South West Africa into the Union as a fifth province and the attitude adopted by the mandatory Government towards that resolution were obviously of a nature to interest the Council of the League. The fact was public knowledge, it dated back five months, and it was inconceivable that the Mandates Commission should wait to discuss it until the publication of the report for 1934, with which it would not have to deal for another seven months or even a year.

However that might be, M. Orts, while taking into consideration the accredited representative's scruples, hoped that an answer might be given to the following questions :

What was the Union Government's attitude to the agitation in the mandated territory during the year 1933 for the incorporation of South West Africa in the Union as a fifth province in order to undermine the principles of the mandate ?

Had the Union Government disapproved of that agitation, or had it considered it preferable to ignore it ? If it had disapproved of it, what measures had it taken to proclaim its attitude ?

¹ See Minutes of the Eleventh Session of the Commission, pages 88 and 89.

² See Minutes of the Eleventh Session of the Commission, page 89.

Mr. Louw said he fully appreciated the importance of the point of order M. Orts had raised.

He could not admit that he had refused information on any points of fact, even in connection with occurrences outside the report under discussion. He had, for example, quoted to the Commission the statement made by the Union Premier in March 1934 and had given other information as to events which happened in 1934, as the stenographic report would show.

But, when he was asked what was the Union Government's attitude to the resolution passed by the Legislative Assembly of the mandated territory in May last, the issue was transferred from the region of fact to the region of policy : and there was all the difference between a question put to him on a point of fact, and a question on a point of policy. Questions on points of fact he was prepared to answer, purely as a matter of courtesy, even when they related to matters outside the report under discussion : but he held that he could not be called upon to answer questions on points of policy relating to events which happened subsequent to the period of the report which was being examined.

He might, for instance, tell the Commission, as a point of fact, and merely for its information, that, under Article 45 of the Constitution, the Legislative Assembly's resolution of 1934 was not valid, for the reason that it did not obtain a two-thirds majority. He might add that it was passed by a dying Assembly. It was a very delicate matter for his Government to form an opinion or to pronounce a policy on the important issues involved under such circumstances. Mr. Louw further pointed out that, if the Commission's ruling were correct, it would mean that his Government might be called upon to state its policy in regard to an event which took place two weeks, or less, ago. In reply to M. Orts's new question whether the Government had encouraged or discouraged the agitation, he could only point to the fact that in May 1934 it asked the Administration of the mandated territory to call a round-table conference of the political parties in the territory. Its attitude in so doing was manifestly based on the desire to promote peace and agreement in the territory.

M. RAPPARD said that the Commission could not admit Mr. Louw's distinction between questions of policy and questions of fact. Why was the Commission interested in facts ? Mainly as an indication of policy. With much reluctance he must express the view that, in the light of past experience, the Mandates Commission could not disinterest itself in regard to the policy of mandatory Powers.

The CHAIRMAN said that all the members of the Commission agreed with what had been said by M. Orts and M. Rappard.

He desired to repeat that the Commission was neither hypercritical nor distrustful in its relations with the mandatory Powers. It was anxious to assist the mandatory Powers in dealing with such difficulties as might arise in connection with the fulfilment of their mandates. For that very reason, the Commission was at all times on its guard to prevent the establishment of *faits accomplis* which might face the Commission with the duty, which was not agreeable either to the one or the other, to criticise or censure the mandatory Power concerned.

M. ORTS observed that Mr. Louw had not answered his question. He asked the accredited representative to be good enough to note that he had refrained from expressing any opinion on the substance of the issue. He had merely asked whether the Union Government disapproved or not of the agitation in 1933 in the mandated territory.

Mr. Louw replied that, in giving South West Africa a measure of self-government, the Union had adopted a policy of interfering as little as possible with the internal affairs of the mandated territory. The Union had pursued that policy ever since, and its neutral attitude in regard to the " fifth province agitation " during 1933 was based on that policy. He thought he had dealt sufficiently with M. Orts's question.

On the point of order, he could only reaffirm what he had said—namely, that, while he was ready, as a matter of courtesy, to give such information as he might have available in connection with matters of fact not covered by the report under discussion, he could not admit any obligation either to give information or to declare the policy of his Government on matters not covered by the report under discussion.

CLOSE OF THE HEARING.

The CHAIRMAN thanked Mr. Louw for the information he had given.

He congratulated him on the skill he had displayed in upholding a standpoint on the question raised by M. Orts, a standpoint which was not that of the Commission. He hoped Mr. Louw would not fail to inform his Government of the spirit by which the discussion on this question had been animated.

NINTH MEETING.

Held on Friday, November 2nd, 1934, at 3.30 p.m.

Cameroons under French Mandate : Examination of the Annual Report for 1933.

M. Besson, Chief of the First Bureau of the Political Department at the French Ministry of the Colonies, accredited representative of the mandatory Power, came to the table of the Commission.

WELCOME TO THE ACCREDITED REPRESENTATIVE.

The CHAIRMAN was glad to welcome once more, on behalf of the Commission, M. Besson, whom the French Government had again appointed as accredited representative for the examination of the annual report.

TRIBUTE TO THE MEMORY OF M. FRANCESCHI.

Before inviting M. Besson to make a statement, the CHAIRMAN desired, on behalf of the Commission, to pay a tribute to the memory of M. Franceschi, M. Besson's predecessor, whose death had occurred a few weeks before.

M. BESSON thanked the Chairman for having expressed the Commission's sympathy on the death of M. Franceschi.

TRIBUTE TO THE MEMORY OF M. VAN REES, VICE-CHAIRMAN OF THE COMMISSION.

M. BESSON wished to convey to the Chairman and members of the Commission the condolence of the French Government on the death of M. Van Rees, the eminent jurist. He himself deeply deplored the loss of M. Van Rees, from whom he had always received friendly advice and valuable guidance.

The CHAIRMAN thanked M. Besson for his expression of sympathy to the Commission on the death of the Vice-Chairman, M. Van Rees, whose death they mourned.

STATEMENT BY THE ACCREDITED REPRESENTATIVE.

M. BESSON. — Since the last session of the Commission, M. Bonnacarrère, the French Commissioner in the Cameroons, has come under the hard law of Draconian economy. He was placed on the retired list under the legislative decrees of financial reconstruction, and left the territory in July last. His place has been taken by M. Repiquet, who entered upon his duties immediately. M. Repiquet has served in most of the French colonies and has been Governor of several. He was for a very long time Governor of the Island of Réunion, where he is well remembered. The new Commissioner in the Cameroons is a hard-working man, and his capacity and ability are universally acknowledged. The Mandates Commission may rest assured that the territory is in excellent hands.

May I say at once that, notwithstanding the economic difficulties of the present time, the situation in the Cameroons is still on the whole satisfactory? The reason for this is to be found in the variety of the local products, the organisation of the territory and, first and foremost, the hard work put in by all : administrators, settlers and natives. The chief concern of the mandatory Power has been, in present circumstances, to safeguard the native as far as possible from the repercussions of the world depression.

The Mandates Commission is too well aware of the problems that arise in oversea countries not to realise that the barometer of the real situation of any oversea territory is its budget. Let me state at once that, as the result of an energetic policy of economy, it has been found possible to meet public expenditure without prejudice to the material or social well-being of the native populations.

I had the honour to inform you last year that the budget for 1932 had closed with a surplus of 2,700,000 francs, and that that result had been achieved by cuts in expenditure to the amount of 8,780,000 francs, chiefly affecting the salaries of officials. At the end of 1932, the liquid assets of the reserve fund stood at 7,300,000 francs.

In 1933, there was a serious slump in the rates for agricultural products. The price for palm nuts dropped from 588 francs at January 1st, 1933, to 390 francs at December 31st in that year. The price of palm oils dropped from 800 to 600 francs and that of cocoa from 1,450 to 900 francs. For a budget of which the principal revenue is derived from export duties on raw materials and agricultural materials, that was a real disaster. It was necessary to frame a budget essentially on lines of economy and, in actual fact, a further saving of 5 million francs was effected in 1933 out of a budget of 56 million francs. That result was achieved without prejudice to the standard of living of the population and without fresh taxes. The life of the natives has not suffered; on the contrary, the mandatory Power has pursued a consistent policy of assisting production and backing up the efforts of the natives.

Those efforts and those sacrifices were not in vain, since, according to information that the Department of the Colonies has received from Governor Repiquet, the financial year 1933 closed with a surplus of 2,826,000 francs. The reserve fund, after the close of the financial year, stood at 10,950,000 francs.

From a budgetary point of view, the position of the territory is therefore sound; but a policy of strict budgetary economy is more essential than ever, in view of the continuance of the depression. From an economic point of view, two facts stand out in the year 1933:

(1) The export tonnage improved slightly as compared with 1932 (105,569 tons in 1933 and 99,690 tons in 1932), but, unhappily, the value of the products exported still continued to decline and dropped from 83,116,000 francs in 1932 to 77,562,000 francs in 1933.

(2) Imports, on the other hand, declined as regards tonnage (31,223 tons in 1932 and 28,979 tons in 1933), whereas there was an increase in value (72,598,000 francs in 1932 and 75,263,000 francs in 1933).

It is not necessary to tell the members of the Commission, familiar as they are with the question, what a heavy drop there has been in the prices of colonial raw materials, particularly oleaginous products. The authorities of the territory have endeavoured to counterbalance that almost vertical drop by a policy of more active production. Rather more palm oil was produced (8,330 tons in 1933 as compared with 6,378 tons in 1932) and rather more cocoa (17,188 tons exported in 1933 as against 13,773 tons in 1932). It is interesting to note that coffee exports rose from 26 tons in 1931 to 502 tons, representing a total value of 2,446,000 francs. New crops were introduced: ground nuts in the eastern and southern regions (3,836 tons in 1933); sesame, unknown in 1929 (240 tons in 1932 and 612 tons in 1933). It is a matter for some satisfaction that the yield of fresh bananas suddenly rose from 21 tons exported to 593 tons. There has been a slight recovery in timber.

According to information that we have collected, the general trade of the territory has been hard hit by the economic depression, despite the very considerable efforts made by producers of raw materials. Unfortunately, the increase in values has not been proportionate to the increase in exports.

In the matter of imports there has been a falling-off compared with 1932. Less was bought and prices were higher. That was a vicious circle which might become dangerous but for the support given to the economic activities of the native populations, for whom a certain level, a certain standard of living, must be maintained.

The measures taken, apart from the policy of protection, include further reductions in railway rates.

The Administration went even further and abolished the export duties on oleaginous products. This meant "making a hole" in the territory's taxation revenue, but it is expected to be filled up by the operation of the Act of August 6th, 1933, modifying the French Customs system. The change involves an increase in the import duties on foreign oils, out of which a compensation fund is to be formed, and a percentage of this is earmarked for producers in the Cameroons.

Export duties on cocoa were introduced with the object of raising the value of that product in Europe.

Lastly, the compensation fund for export bounties, of which we spoke at length last year¹ and of which I shall have occasion to speak again this year, was brought into play.

Passing next to the question of native policy, I should point out that the local government has fixed the "status of the native chiefs" by an Order of February 4th, 1934. The Administration of the territory has also set up a school for the sons of chiefs. The reform of the councils of notables has made it possible to ensure more rational representation of the ethnical groups, and, lastly, as you are aware, the Administration has continued the study of the codification of native customs.

Last December, the French Parliament voted a loan of twenty-five millions to pay back to the reserve fund the advances granted by the latter for big public works, and also to provide a certain sum to be paid into the compensation fund for bananas.

As regards big-game hunting, a reserve has been formed in the hope of attracting tourists, who will bring money into the territory.

In the matter of education and welfare of the populations, two important ventures may also be mentioned: the children's settlement and the "Œuvre du berceau camerounais", the latter being due to the initiative of Mme. Bonnacarrère. You know how actively the Public Health Service is pursuing its work. I may say in conclusion that the territory, after very regretfully saying good-bye to M. Bonnacarrère, has found in M. Repiquet a successor whose experience, energy and anxiety for its progress augur well for the future of the territory.

¹ See Minutes of the Twenty-fourth Session of the Commission, pages 39 and 40.

STATUS OF THE TERRITORY.

M. PALACIOS observed that the *Courrier Colonial* had published, on April 20th, 1934, an article stating that the appointment of M. Repiquet to the post of Commissioner in the Cameroons was an indication of the French Government's intention to unite the Cameroons and French Equatorial Africa under a single administration. Could the accredited representative give any information on the subject ?

M. BESSON replied that the French Government had no such intention as was attributed to it in that article, and that, in appointing M. Repiquet to the post of French Commissioner in the Cameroons, it had simply been desirous of entrusting those important duties to one of the persons eligible for governorships who were most capable of performing them adequately.

STATE LANDS.

M. PALACIOS, referring to page 66 of the report, noted that the mandatory Power, taking duly into account the observations of the Mandates Commission,¹ proposed that year to amend Article 1 of the Decree of August 11th, 1920, transferring to the State the ownership of vacant unclaimed lands in the Cameroons. The report explained that that formula had "been regarded as defective in phrasing and not as constituting an explicit provision sanctioning the rights of the State".

He thought that the Commission should express its satisfaction at that statement. A similar measure, it would be remembered, had been taken on March 13th, 1926, for Togoland, after an observation by the Commission, and the report on the Cameroons for 1925 had announced that the Decree would be modified.² Could the accredited representative inform the Commission whether the amendment to the Decree of 1920 was now effective ?

M. BESSON stated that a decree to that effect had been prepared and, after submission to the Colonial Concessions Commission, had been sent to the Commissioner of the Republic for some amendments. It would certainly be returned in time to be published in the *Official Journal* before the end of the year.

STATUS OF HALF-CASTES.

M. PALACIOS said that he had found in the annual report various allusions to the half-castes in the territory, relating more particularly to education. He wished to know :

(a) What was the proportion of the half-caste population in relation to the native population on the one hand and the European population on the other ?

(b) What was the personal status of half-castes (nationality, enjoyment of civil and civic rights) ?

(c) Did the half-caste child possess rights in relation to his father, when the latter was known (maintenance allowance, rights of inheritance) ?

M. BESSON replied that the matter would be investigated and that the results of the enquiry would be included in the next report.

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

M. ORTS pointed out that the French and British accredited representatives had previously had occasion to explain to the Commission³ that the delimitation of the frontier between the two territories of the Cameroons under British and French mandate respectively had been adjourned in view of the financial stringency.

Could the accredited representative inform the Commission whether that delimitation was a matter of urgent necessity and when it was proposed to proceed with it ?

M. BESSON explained that he had had occasion two years before to inform the Mandates Commission that the French Government had appointed a mission to carry out the delimitation, and that that mission had already embarked when a telegram was received saying that the United Kingdom Government desired, for financial reasons, to adjourn the operations. Since then, the French Government had heard no more of the matter ; so far as M. Besson was aware, no frontier incidents had occurred, which would seem to show that the matter was not urgent.

¹ See Minutes of the Twenty-fourth Session of the Commission, page 46.

² See Minutes of the Ninth Session of the Commission, page 75.

³ See Minutes of the Twenty-second Session of the Commission, pages 164 and 202.

The CHAIRMAN directed the accredited representative's attention to the obligation devolving upon the mandatory Powers, under Article I of the mandate, to delimit on the spot the frontiers between the two Cameroons.

M. BESSON replied that in any case the French Government was prepared to carry out the delimitation, since it had appointed a Commission for that purpose.

MIGRATION OF CATTLE BETWEEN NORTHERN NIGERIA AND THE CAMEROONS UNDER FRENCH MANDATE.

M. ORTS directed attention to an article in the *Courrier Colonial* of May 4th, 1934, to the effect that the transfer of cattle from Northern Nigeria to the Cameroons under French mandate during the dry season had led to some fiscal difficulty. The article stated that it had been decided to hold a consultation between representatives of the French and British Administrations, in order to fix an annual lump sum to be substituted for the special grazing tax. Had that meeting taken place, and, if so, had an agreement been reached?

M. BESSON could not say who was responsible for the article in question. The Ministry of the Colonies had never heard of any difficulties of that kind. He would, of course, enquire into the matter, and if the question was of sufficient importance it would be dealt with in the next report.

ECONOMIC EQUALITY.

Loan of 25 millions in favour of the Territory.

M. ORTS had before him an extract from the *Official Journal* of the French Republic in which, under the heading of "Laws and Decrees No. 18, of January 22nd and 23rd, 1934", there was published the text of a "Law authorising the Governments of French Somaliland, Oceania and the Cameroons under mandate to contract loans to the total value of 88 million francs, and amending Article 2 of the Law of February 22nd, 1931, authorising Indo-China to contract loans". Article 7 of that law provided that, as regards such works or development schemes as the loan might make possible, all the materials and stores required that did not exist in the country or could not be obtained from reparation deliveries should be of French origin and be transported on French vessels. If, however, the need were proved, the Minister for the Colonies, after consulting the Finance Minister, could authorise exceptions by decree.

Had the Government made a point of ascertaining whether, so far as the Cameroons were concerned, the obligation to purchase all stores and materials in France, and also the compulsory transport of such materials and stores on French vessels, was in conformity with the provisions of Article 22 of the Covenant of the League and Article 6 of the mandate? That question was not a new one. It had already arisen in connection with the loan granted by the United Kingdom to Tanganyika.¹ At the time, the Commission had not taken any decision as regards the principle, but had reserved the right to decide in each individual case.²

M. BESSON explained that the objects to which the loan of 25 million francs, granted to the Cameroons in virtue of the law to which M. Orts had referred, had been devoted were set out on page 20 of the report. The French Government had always shown by its attitude that it considered itself as absolutely free with regard to essential public works and services.

M. ORTS, referring to the list on page 20 of the report, asked whether the accredited representative thought that mining research could be regarded as an essential public work.

M. BESSON explained that this research work was undertaken by the Administration with a view to ascertaining what exactly were the mineral resources of the territory. It was intended to make a general survey in the Cameroons under French mandate, with the object of preparing a geological map of the territory fairly soon.

M. ORTS understood that the mandatory Administration intended to undertake a geological survey of the territory in order to ascertain whether it contained deposits, the working of which would be likely to provide the country with new resources. He asked the Chairman to be good enough to open a discussion on that point between the members of the Commission.

M. RAPPARD was under the impression that the French Government, in granting a loan to a mandated territory, had adopted the general principle of stipulating that, apart from special exceptions, the funds could only be spent in France. Did it, then, consider that all the works to be financed by the loan would be essential public works?

¹ See Minutes of the Eleventh Session of the Commission, pages 78 and 79.

² See Minutes of the Twenty-second Session of the Commission, pages 359 to 362.

M. BESSON replied that that was so, and stated that the mandated territories only contracted loans for essential public works.

M. RAPPARD observed that loans could also be contracted to make good a budget deficit. In that case, the clause which the French Government inserted in all loan contracts could only be justified if all the amounts shown in the budget of a territory were regarded as spent on essential public works or services. That was a conception which might be far-reaching.

M. BESSON explained that loans were not contracted to meet budget deficits. As he had already said, a list of the objects to which the loan funds would be devoted would be found on page 20 of the report. The clause in question could only come into operation for such of those objects as constituted essential public works or services.

M. RAPPARD asked M. Besson whether it would be possible, for the agricultural and breeding purposes mentioned in item 6 of the list, to import Swiss stud-horses, for instance, with the product of the loan.

M. BESSON replied that, if there were stud-horses in Switzerland of so high a quality that it was desirable to import them into the territory, they could be admitted under the exceptions provided for in Article 7 of the Loan Act.

The CHAIRMAN asked M. Besson whether he could mention a single case of services or public works which, according to his argument, were not essential.

M. RAPPARD thought that the position which M. Besson had just adopted had never been taken up by any other accredited representative. It had never been maintained before the Commission that the whole of the funds advanced by the mandatory Power must be spent in the home country. On the contrary, he remembered having heard it stated that, if any material were more costly in the home country than abroad, it would be purchased abroad.

The CHAIRMAN pointed out that the case under discussion related to a loan—that was to say, money that would eventually be paid by the territory.

M. BESSON observed that he had had an opportunity the year before of pointing out that the Togoland Administration had purchased railway material from Belgium by means of a loan granted by the home country. The French Government's attitude, therefore, was not so rigid as was apparently supposed. The clause which the Commission was at present discussing did not in any way prevent the purchase abroad of material which could be obtained more cheaply than in France. In particular, surgical instruments for the hospitals could be ordered from Germany.

M. RAPPARD said that it was clear that, if the territory was administered satisfactorily, that was not only on account of the provisions of the mandate, but also because the mandatory Power had wide colonial experience. Did the mandatory Power feel that, in cases of the kind under discussion, freedom of purchase was limited by the provisions of the mandate or only by considerations of good administration?

M. BESSON replied that it would seem to him to be limited by considerations of good administration.

M. ORTS thought that the different funds mentioned on page 20 of the report had been led to make advances to the territory for urgent requirements, and that those advances would be refunded from the yield of the loan of 25 millions.

M. BESSON explained that the Rubber and Banana Equalisation Funds and the Agricultural Credit Fund were bound up, as regarded their finances, with the operation of the bounties granted under the 1931 Law. There was a fairly long period between the time when the French Treasury sent the money to the territory and the time when it was received. During that time, however, the producers could not be left unprovided for. That was why advances were made by the Equalisation and Agricultural Credit Funds. The sum of 6,400,000 francs repaid to the Reserve Fund had been advanced by that fund for road construction work.

M. ORTS understood that the Reserve Fund was maintained, in normal times, by surplus receipts. The territory, however, was passing through a crisis at the present time. The fund was no longer receiving any supplies; on the contrary, it was required to make advances for public works. Those advances were refunded out of the proceeds of the loan guaranteed

by the French Government. Did the French Government consider, then, that the material required for works undertaken with money supplied by the Reserve Fund, part of which originally came from the loan, must be bought in France and shipped in French bottoms ?

M. BESSON explained that the money in the Reserve Fund only passed through it, and the fact of its doing so did not involve any kind of obligation as to its destination. In other words, the loan budget and the objects of the advances which had been refunded from the loan were quite distinct.

M. RAPPARD noted that the present discussion was somewhat intricate. At first sight, M. Orts's question would seem to be of no importance, if the situation were interpreted as the mandatory Power interpreted it. In fact, the French Government's argument implied that all budget expenditure was essential, so that the mandatory Power could always apply the clause relating to purchases in the home country whatever the source of the funds. But everybody did not necessarily share the mandatory Power's opinion, and some might consider that the clause in question favoured it to the detriment of other Powers.

M. MERLIN said that, if he remembered rightly, reserve funds could be used at any time, whatever the budgetary position, to enable the Treasury to finance certain works. Advances could be obtained from the funds and repaid later out of the yield of a loan. In his opinion, the fact that they were refunded from sums lent by the home country could have no effect on the destination of sums advanced from the funds.

Lord LUGARD said that he had always regarded the phrase " free to organise essential public works and services " (Article 6 of the mandate) as meaning that the Mandatory was free to construct the railways, harbours and other essential public works with its own staff without calling for tenders from other countries, and similarly to employ its own nationals in public services. In his opinion, the words had nothing to do with the supply of materials. The word used was to *organise works and services*—services did not require materials.

On the other hand, if the Mandatory guaranteed a loan, it gave the use of its credit, without which it might not have been possible to float a loan, and certainly not on such advantageous terms. It seemed to be reasonable that, in return for this benefit, it should be at liberty to make the bargain that materials bought from the proceeds of the loan should be bought in its own market.

M. ORTS asked the accredited representative whether he was in a position to endorse M. Merlin's explanations.

M. BESSON emphasised that, in the case raised by the Commission, there had been a separate loan budget, which clearly proved that the two kinds of transactions were quite separate. Moreover, the perfectly correct explanations furnished by M. Merlin were relevant here.

Preference granted to the French flag by the Law of August 6th, 1933.

M. ORTS, turning to another question, pointed out that, in its report to the Council on the work of its twenty-fourth session, the Mandates Commission had made the following observation with regard to the Cameroons and Togoland :¹

" The Commission took note of a Law, dated August 6th, 1933, Article 1 of which provides that :

" ' The right to the bounty instituted by the Law of March 31st, 1931, and the subsequent laws is conditional, in the case of traffic served directly or indirectly by a French line, upon transport under the French flag of the colonial products benefiting by the bounty.'

" It considers that this obligation amounts to differential treatment in favour of the French merchant marine and may, on that account, infringe the provisions of Article 6 of the mandate.

" It hopes to receive full reassurances in the matter."

It was stated on page 143 of the annual report, in connection with this observation, that " the accredited representative would give the Mandates Commission further and full explanations with regard to the scope of the Law of August 6th, 1933 ". The text of the Law, which the Commission had already had before it during the past year's discussion, was reproduced in an annex to the annual report (page 206).

Was the accredited representative in a position to furnish the promised explanations ?

M. BESSON gave a survey of the question. In order to afford native cultivators and colonists the necessary protection, the 1931 Law had instituted bounties on production : the Customs authorities levied import duties, which were paid into a joint fund, on imports into

¹ See Minutes of the Twenty-fourth Session of the Commission, page 135.

the home country of colonial goods of a certain kind. The fund was then divided among the colonies on the basis of the consignments of the same products sent by those colonies. The legislature did not desire to exclude the mandated territories from benefiting from that system, and a proportion of the amounts paid into the joint fund was therefore distributed to European and native planters in Togoland and the Cameroons through the equalisation funds.

The 1931 Law specified that the bounty should be paid when the goods creating a right to it had been transported under the French flag. The French Government had considered whether that would infringe the principle of economic equality, and it had decided that it would not do so. Indeed, the home country, or rather the consumer in the home country, bore the whole of the cost of the bounty and no foreign country contributed towards the joint fund. One might be tempted to think that only fairly small amounts were involved. In fact, that was not the case. In 1933, 1,264,500 francs had been remitted to the Cameroons and 196,000 francs to Togoland, for distribution among European colonists and native planters in the form of bounties—a total of 1,460,000 francs for both territories. Moreover, as he had already had occasion to point out in the past year,¹ there were certain exceptions to the obligation to transport goods under the French flag. In 1933, 1,934 exceptions had been allowed for the transport of bananas—and they covered almost all the consignments—10 for the transport of rubber, and 143 for the transport of coffee.

Furthermore, the mandatory Power had not in any way made this a question of prestige. The French legislative authority might very well, for example, have excluded the mandated territories from the bounty system, but it had felt that to do so would not be generous. Its sole consideration had been the real interest of the territory, which was that cultivators, European or native, should be assured an adequate standard of living during the depression, when the export of agricultural products was steadily decreasing. He wondered whether there would not be violent protests from the colonists and natives of the mandated territories if the question of withdrawing the bounty were raised.

M. ORTS concluded from M. Besson's explanations that, in substance, the measure, while encouraging to agriculturists, showed generosity at the expense, ultimately, of the French consumer. There was one condition to that generosity—namely, that, with possible exceptions, the goods should be transported under the French flag. In acting generously one could, of course, impose conditions. That attached by the French Government to the granting of bounties seemed to be slight, but it had still to be ascertained whether, in practice, it would not run counter to the principle of economic equality. Was the object of the condition in the present case to lighten, to some extent, the burden of generosity laid on the French community, or was it to permit of supervision?

M. BESSON replied that the question of supervision played a very important part in the allocation of bounties. It was particularly easy on French ships, which were granted certain bounties when transporting goods from the French colonies.

M. RAPPARD observed that to speak of supervision implied fear of fraud.

M. BESSON explained that it was not fear of fraud that underlay the condition concerning the flag, but the desire to ascertain as accurately as possible in what proportion the joint fund should be distributed among the colonies and mandated territories.

M. RAPPARD thought that when a ship unloaded its cargo at Marseilles it was always easy, whether it was French or foreign, to ascertain whence the goods had come. Fraud would only be possible if there were collusion between the transporter and the consignee. Doubtless, what M. Besson had in mind was that, in the case of French vessels, the home Government was more certain of the provenance indicated.

M. BESSON pointed out that the system had been introduced in all the French colonies.

M. RAPPARD quite understood the system. What he did not see was the force of the reason given to justify the condition relating to the flag. In his opinion, it was always easy to determine the origin of goods, and it was not easy to see why foreign vessels should endeavour to benefit one colony or territory at the expense of others.

M. BESSON said that the legislature had thought it legitimate and not contrary to the terms of the mandate to pay a bounty to the flag and in that way to take a step likely to make the system more acceptable to public opinion.

The CHAIRMAN said that the discussion on that point would be continued at a private meeting.

¹ See Minutes of the Twenty-fourth Session of the Commission, pages 39 and 40.

In reply to a question by M. Rappard, M. BESSON explained that the bounties to native planters were paid to them through the village co-operatives, and the equalisation funds allocated the sums in agreement with the co-operatives and with the small native planters.

Decree of December 13th, 1932, relating to commercial aerial navigation.

M. ORTS then explained that the *Official Journal* of the French Republic had published a decree on December 17th, 1932, extending Article 8 of the Law of May 16th, 1930, to the French protectorates and mandated territories. If he were not mistaken, the object of the law was to reserve for French aircraft the commercial transport of persons and goods between two points in French territory and between France and the French colonies. Was not the effect of the decree to confer a monopoly on French air-transport undertakings ?

M. BESSON explained that there was no need for the Mandates Commission to be uneasy regarding the Decree of December 17th, 1932, as the sole object of the 1924 Law, the application of which the decree extended to the colonies, was to put into force in France the International Convention of 1919 on Air Navigation.

M. RAPPARD thought that the kind of air transport involved could be compared to the maritime coasting trade. In this connection, did the mandatory Power consider that any territory under French mandate could be put on the same footing as part of the national territory or its colonies and that traffic between the latter and the former should be reserved for the French flag ?

M. BESSON replied that that was not so. The problem was different from that of the maritime coasting trade. He repeated that it concerned the application of the 1919 International Convention on Air Navigation. That Convention had been made applicable in France by the 1924 Law, and at the time when the law was adopted, the extension of the provisions of the Convention to the colonies had not been considered. In 1926, when the airway France-Morocco had been extended to Dakar, the Government had been led to consider the possibility of extending the Convention to French West Africa. Two years later, the extension of the Marseilles-Saigon line had raised the problem for the whole of the colonies, and the Decree of 1928 had followed. The Law of 1924 had been amended in 1930, and the sole object of the Decree of December 1932, to which M. Orts had drawn attention, was to extend the latter amendment also to the colonies and mandated territories.

M. ORTS pointed out that, in the report to the President of the Republic which accompanied the Decree of December 17th, 1932, it was said that the French Government maintained the rule of the freedom of the flag and only intended to restrict it to meet abnormal situations.

M. BESSON explained that, in the case in point, the abnormal situation was constituted by the obligation to establish a fast line. The 1919 Convention provided for international colonial lines. That was the reason for its existence, and its provisions could not be compared with the provisions of an Act on maritime navigation.

M. RAPPARD understood that the signatories to the 1919 Convention authorised flight over their territories, while at the same time reserving for their own flags a monopoly of what might be called internal flights. There followed a statement according to which this idea of internal flight included communications between the home country and the colonies and between the colonies themselves. Finally, mandated territories had been put on the same footing as the colonies. He asked the accredited representative whether he had described the situation correctly.

M. BESSON explained that the question did not arise in practice. No internal airway served the Cameroons or Togoland ; moreover, the aircraft of international lines could not be prevented from flying over the Cameroons under British and the Cameroons under French mandates. The colonies and mandated territories had probably been placed on the same footing as the territory of the home country in the interests of good general administration.

M. RAPPARD considered that, if the question did not arise in practice, the Commission was all the freer to discuss it in theory. Besides, it might be of some importance in the future. In the present case, it was desired to ascertain whether the French Government intended to reserve communications between the Cameroons and Marseilles for the French flag. If so, the question of economic equality seemed clearly to arise.

M. BESSON explained that the decree had been drawn up by technical services which were perhaps not very familiar with questions of international law. He would obtain information as to the scope of its provisions.

CONCESSIONS.

Lord LUGARD said that the *Official Journal* of the French Republic had published, on January 1st, 1934, an Order granting the Sanaga Plantations Company an agricultural concession of 210 hectares. He asked whether this concession included any land under cultivation by the natives. Was it the policy of the Government to grant concessions to Europeans?

M. BESSON said that he would obtain particulars, in order that they might appear in the next report.

MAINTENANCE OF PUBLIC ORDER.

Lord LUGARD noted, on page 191 of the report, a decree concerning public meetings and demonstrations. Did this decree restrict the right that the natives had hitherto enjoyed of meeting and holding processions in accordance with their old customs?

M. BESSON said that the Order in question was aimed at demonstrations in the public highway, and it was the mandatory Power's duty not to allow such demonstrations to occur in the mandated territory. It related therefore only to meetings of a special character.

CINEMATOGRAPHY.

Lord LUGARD explained that the question that he had asked the previous year¹ with regard to the cinema applied, not only to cinema performances in the schools, but to all kinds of films. Had measures been taken to prevent the showing in the territory of films which were clearly unsuitable to the native population?

M. BESSON replied that a censorship had been instituted and that, in addition, the services of the Ministry of the Colonies were engaged in framing regulations which would cover both actual photography and the recording of sounds. Certain incidents had, in point of fact, occurred owing to the fact that the operators who had recorded certain words uttered by the natives were not acquainted with the native language. It had been realised subsequently that those words were, in some cases, indecent or insulting to the public authorities.

AGRICULTURE.

Lord LUGARD enquired whether the circular on agricultural rationalisation, the text of which appeared on page 196 of the report, had been favourably received by the natives or not.

M. BESSON replied that the natives were only too anxious to be assisted with judicious advice.

Lord LUGARD said that he had before him an extract from the *Courrier Colonial* of November 1933, in which it was stated that cotton-growing was to be encouraged in the north. Would it be a native industry or by foreign plantations? Would it be "rain-grown" or "irrigated"?

M. BESSON said that the associations in question were, in point of fact, co-operative societies which supplied the planters, among other things, with cotton gins and seed. He could not say whether irrigation was the system of culture employed.

NATIVE ADMINISTRATION.

Count DE PENHA GARCIA noted, on page 147 of the report, a provision in a decree relating to sumptuous uniforms for the native chiefs. That decree proved how thoroughly the mandatory Power understood the mentality of the natives and, although it might not be apparent, that was a question of very great importance in the proper administration of the territory.

He would be glad to know how official representation by ethnical groups was achieved in practice.

M. BESSON explained that the Administration chose a certain number of representatives according to race.

¹ See Minutes of the Twenty-fourth Session of the Commission, page 45.

SPECIAL SCHOOLS FOR CHIEFS' SONS.

COUNT DE PENHA GARCIA enquired whether chiefs' sons received a special education or whether they were given the same education as other natives attending the schools.

M. BESSON referred Count de Penha Garcia to page 36 of the report, containing the following passage :

“ After having followed the normal teaching curriculum for the first and second grades in the ordinary schools, where, however, they form a section apart, the heirs presumptive of the chiefs in office—and those alone, in order to avoid subsequent rivalry, dangerous in the extreme from the point of view of actual stability of command—will be sent, according to their region of origin, to one of the four schools for chiefs' sons at Yaoundé, Dschang, Bertoua and Garoua, for one year's special teaching.”

COUNT DE PENHA GARCIA requested the accredited representative to have inserted in the next report the curriculum of studies adopted in the special schools for chiefs' sons.

M. BESSON replied that that would be done.

LORD LUGARD wished to know whether the boys sent to the schools were selected by the officials. They would, he supposed, be guided by the wishes of the chiefs.

M. BESSON thought that there must be agreement on that point between the father and the Administration.

Mlle. DANNEVIG enquired whether the instruction was compulsory for the children selected.

M. BESSON had the impression that the chiefs' sons were only too anxious to be given instruction, and thought that, if they were not good pupils, the school would not keep them.

PENITENTIARY ESTABLISHMENTS FOR MINORS.

COUNT DE PENHA GARCIA noted that a penitentiary for minors had been set up at Malingua and that it had been placed under the direction of the Director of Fisheries. He could not quite see why.

M. BESSON thought that the decision must have been taken as a measure of economy.

Mlle. DANNEVIG noted on page 163 the following passage :

“ Native minors who have been acquitted as having acted without discernment, but whose transfer to a reformatory has been decided on, shall be placed in a penitentiary settlement or, failing such, shall be lodged in the ordinary penitentiary establishments, where a special quarter entirely separate from the premises reserved for adult prisoners, known as an ' Establishment for supervised education ', shall be allocated to them.”

That provision seemed to her somewhat severe for young people who had acted without discernment. By being treated as criminals, they often became hardened and deteriorated.

M. BESSON pointed out that a child who had committed an offence without discernment might, nevertheless, be in need of correction.

PUBLIC FINANCE.

M. RAPPARD thought that the chapter relating to public finance in the report on the Cameroons still left much to be desired from the point of view of clearness. In particular, what exactly was meant by the appellation “ special budget ” (page 16 of the report) given to the first of the three budgets existing in the territory ?

M. BESSON explained that, in terms of colonial administration, the special budget was the ordinary budget of the territory or of the colony.

M. RAPPARD directed the accredited representative's attention to the table showing the results of the budget years 1924 to 1932 on page 13 of the report. For the financial year 1932, for example, the surplus appeared to be quite fictitious, having been obtained by drawing two and a-half millions from the Reserve Fund.

M. BESSON agreed. The actual surplus on the annual administration was, in point of fact, made up out of the assets of the Reserve Fund.

M. RAPPARD said that it was the ordinary budget, or, in terms of colonial administration, the special budget, that particularly interested the Mandates Commission. That budget, however, was not analysed, whereas all sorts of financial information was given—on page 21—which was far less instructive.

M. BESSON explained that an effort had been made to present the chapter on the finance of the territory more clearly, but that chapter, he admitted, still called for improvement. The table on page 21 had been inserted at the request of the Mandates Commission itself, while the ordinary budget, for which M. Rappard had asked, had been sent to the members of the Commission.

M. RAPPARD enquired what was meant by the reference on page 23 of the report to "rebates to native chiefs on taxes".

M. BESSON referred M. Rappard on that point to page 35 of the report, where it was stated that an Order of December 24th, 1933, ". . . had defined the functions of district chiefs, who, while retaining their political character, henceforth no longer receive rebates on taxes but a fixed allowance, and are, moreover, assisted by paid secretaries". It was in order to avoid exacting demands on the part of the chiefs that a fixed salary had been given them.

M. RAPPARD agreed that it was quite right and proper that the native chiefs should be interested in the yield of the taxes, but he wondered whether the immediate interests of the territory were affected thereby.

M. BESSON said he would be inclined to think so, since it was certainly in the immediate interests of the territory that its finances should be in order.

M. RAPPARD pointed out that, in that case, the idea of immediate interests extended to the budget as a whole. Instead of the eight pages of explanations and miscellaneous figures contained in the present report, he personally would prefer to have an analysis of the budget, showing in a page or two what sums were allocated to each of the principal items.

M. BESSON said that, while the report on the Cameroons was in the hands of the printers, he had had before him the Belgian report on Ruanda-Urundi, and the chapter in that report on finance had seemed to him suitable as a future model for the same chapter on the Cameroons.

M. RAPPARD thought that an excellent idea.

He noted (page 19 of the report) that all the "immobilised assets" of the Reserve Fund had been invested in shares of the West African Bank. He had already had occasion to ask a question on the exclusive character of the fund's investments.

M. BESSON explained that the West African Bank had a privilege in the matter of issue in the West African countries. When that privilege had been extended to Togoland and the Cameroons, it had been decided that the Bank should make over shares to these two territories, just as it had done to the colonies, and it was those shares that appeared in the balance-sheet of the Reserve Fund. These were securities that had been given, vendors' shares, the dividends from which supplemented the funds of the territory.

M. RAPPARD directed the accredited representative's attention to the list of subsidies on page 20 of the report. At a time of economic depression, the subsidies enumerated under "subsidies granted in the home country" were, in his view, hardly justified, and he wondered whether the various purposes to which they were allocated should not be sacrificed in preference to the payment of certain salaries of colonial officials, for example.

M. BESSON expressed his sincere appreciation of M. Rappard's observations. For his own part, he had continually protested to the competent services at the granting of those subsidies for the home country, and he would quote M. Rappard in a further attempt to secure a substantial decrease.

M. RAPPARD said that he desired, however, to congratulate the mandatory Power on the relatively satisfactory financial situation of the territory. The efforts made to realise economies would certainly give satisfaction.

Count DE PENHA GARCIA enquired whether it was the intention to abolish subsidies such as were granted, for example, to the "Œuvre du berceau".

M. BESSON replied in the negative, and explained that it was proposed to reduce, not the subsidies granted to local institutions, but those intended for the home country.

Count DE PENHA GARCIA thought that, even among the subsidies for the home country, there were some that were perfectly justified ; moreover, the total figure for those subsidies did not appear to represent a very large percentage of the budget of the territory.

M. ORTS had noted a credit in the special budget (item relating to railways) for the replacement of a narrow gauge by a metre gauge. Had not the railways of the Cameroons been built to the normal African gauge, which was one metre and a fraction (1.067, if he was not mistaken) ?

M. BESSON believed that the African gauge was not found throughout the French colonies and territories.

TENTH MEETING.

Held on Saturday, November 3rd, 1934, at 10.30 a.m.

Cameroons under French Mandate : Examination of the Annual Report for 1933 (continuation).

M. Besson came to the table of the Commission.

ECONOMIC AND AGRICULTURAL DEVELOPMENT : CO-OPERATIVE SOCIETIES.

M. MERLIN said that, after reading the passage in the report concerning the economic life of the territory, he felt that, during the period of economic depression, the local authorities had made a remarkable and successful attempt to attenuate the effects of the crisis, for it would seem from the report that the situation in the Cameroons was particularly favourable compared with the position in most other colonies and territories. A certain economic activity had been maintained. There had been neither a financial nor an economic deficit.

He directed attention to a circular of November 16th, 1933, addressed by M. Bonnacarrère to the district chiefs (page 196). Reference should also be made of the measures he had taken to continue the formation of health units and hospitals, to increase the number of co-operative societies and to assist the natives.

M. Merlin desired to ask the accredited representative for certain additional information to supplement that given in the report.

What was the part played by Europeans and natives respectively in the effort to intensify agriculture, particularly coffee-growing ? It was a very wise policy to see that the crops were not limited to purely native or purely European crops.

M. BESSON said that, according to the information in his possession, there were about a hundred European planters and that the native cultivation was still considerably in excess of the European.

M. MERLIN noted that the report (page 62) dealt at length with the increase in the number of native co-operative societies. He enquired whether they were organised in the same way as the other European co-operative societies. To what extent did the representatives of the Administration intervene in their working ? Were the natives interested in the system of agricultural friendly societies ?

M. BESSON pointed out that a considerable amount of information had already been given on the subject in previous reports. The co-operative societies in the Cameroons were constituted on very much the same lines as in the French colonies—that was to say, with a fund consisting of members' contributions. Administrative supervision was carried out by the chiefs of subdivisions. The report stated that the natives were making use more and more of those institutions.

Mr. WEAVER added that he greatly appreciated the extension of the co-operative movement, and hoped that the latter would continue.

M. BESSON said that the Administration placed great hopes in it.

Count DE PENHA GARCIA, associating himself with the tribute paid by M. Merlin to the Administration, and to M. Bonnacarrère in particular, desired to refer to the serious question of the extension of crops and production. The various countries were only too prone to make the mistake of aiming at economic independence, a policy which was so prejudicial to the resumption of international trade. Without going so far as to say that that tendency was particularly noticeable in the Cameroons, he wondered whether the mandatory Power had considered the possible consequences of intensifying production in the event of such a development exceeding certain limits. There was the risk of creating a very delicate situation as regards certain countries producing the same commodities and of aggravating competition in the matter of colonial products between the countries possessing colonies. Obviously,

the colonies were in a position to produce a large number of raw materials more cheaply. The continued and exaggerated development of such a system might possibly lead to an acute situation. The whole world was at present suffering from the theory of economic self-sufficiency as applied to each individual country. Moderation was clearly desirable in this respect.

M. BESSON said that that was a vast problem far beyond his competence. He understood that, during the last six months, considerable work had been done at the French Ministry of the Colonies in anticipation of the Imperial Colonial Conference, which would probably be held at the beginning of December. The purpose of that Conference was precisely to go into the whole question of colonial economy and the effects of the relations between the home country and the colonies, and also between the colonies and foreign countries. No doubt the records of the Conference would give Count de Penha Garcia the information with which the accredited representative was unable to supply him.

Mlle. DANNEVIG said that she had been much interested in that particular problem for some years and had raised the question in connection with the examination of the previous year's report on Ruanda-Urundi.¹ Would it be possible for the Europeans to maintain their standard of living, as long as the natives could produce raw materials and even manufactured products in such quantities at such low wages that they could not buy European goods in return?

M. BESSON said that that was the whole colonial problem of the present day and, generally speaking, the whole problem underlying the economic depression.

TRANSIT AND RE-EXPORT TRADE.

M. SAKENOBÉ noted (page 83 of the report) that there had been a large increase in the transit tonnage for the re-export trade: it had risen from 663 tons in 1932 to 8,323 tons in 1933. What was the cause of that sudden increase?

M. BESSON said that all the necessary explanations on this matter would be given in the next report.

M. SAKENOBÉ noted (page 83) the reference to the transport trade between the territory and the Chad, through the port of Garoua. How was that transport effected?

M. BESSON replied that the goods were taken up as far as Garoua and sent on thence to the Chad. That was a cheaper and quicker route than by way of the Congo, Brazzaville and Oubangui.

COMMERCE.

M. MERLIN referred, on page 83 (Section V, "Commercial Undertakings"), to a table showing the various categories of commercial establishments. What was the proportion of Europeans and natives included in those several categories? He did not think that the native element was very large.

M. BESSON replied that there were 443 Europeans employed in the commercial firms in question. The proportion of natives would be given in the next report.

M. MERLIN noted (page 199) a Decree of April 26th, 1933, instituting the Duala Chamber of Commerce. There were two native members and a deputy, appointed by the Commissioner. What were their functions? Did they possess the same qualifications and prerogatives as the other members?

M. BESSON replied that they were treated on a footing of equality with the European members. The only difference was that they were not elected by an electoral body, but were appointed by the Commissioner.

LIVE-STOCK: ORGANISATION OF THE VETERINARY SERVICE.

M. SAKENOBÉ thanked the mandatory Power for the details given in the report concerning live-stock, and congratulated the Mandatory on the consistently energetic measures taken in the matter. Most of the cattle was adequately protected against disease. According to the statistics, part of the live-stock was exported. The tonnage for exports of hides and skins, in particular, showed a considerable increase in 1933. He enquired whether there was any industrial activity in connection with live-stock, such as butter- or cheese-making, dairy produce, etc.

¹ See Minutes of the Twenty-fourth Session of the Commission, page 77.

M. BESSON replied in the negative. There was no industrial activity, but only village work. Hides and skins were sent direct to Europe.

M. SAKENOBE observed that the existing veterinary staff had been supplemented by the appointment of two military veterinary surgeons (page 56 of the report). What were their duties ?

M. BESSON replied that, in their own special sphere, their duties were similar to those of army surgeons. Natives who could not afford to pay for a visit could apply to the army veterinary surgeons, who gave them, free of charge, consultations, advice and so forth.

MEASURES TAKEN BY THE ADMINISTRATION TO DEVELOP A KNOWLEDGE OF LOCAL NATIVE LANGUAGES AMONG OFFICIALS.

Lord LUGARD drew attention to the Order of April 21st, 1933, providing a bonus for a knowledge of local native languages (page 148). With that system it would be possible to dispense with, or at any rate to keep a check on, native interpreters, who were often unsatisfactory, and would lead to a closer contact with and understanding of the natives. The Commissioner had selected eight of the most widely spoken of the native languages. Lord Lugard was sure that the Cameroons Administration could count upon every possible assistance from the " International Institute of African Languages and Cultures ", which was concerned with the question of native languages, if such assistance should be requested, especially in regard to orthography and the symbols used for expressing sounds. One of its two Directors, M. Labouret, head of the Ecole coloniale, in Paris, had just returned from a visit to the Cameroons, and the other Director, Professor Westermann, an expert in African languages and phonetics, had visited the west coast.

LEGAL RATE OF INTEREST ON LOANS.

Lord LUGARD noted the order promulgating, in the territory, the Decree of November 23rd, 1933, fixing the rate of interest on loans (pages 230 *et seq.*). Did that relate to moneylenders ?

M. BESSON said that information on the subject would be given in the next report. The decree concerned commercial and ordinary loans. The question was one not of moneylenders but rather of the legal rate of interest.

Lord LUGARD asked whether persons lending money to natives were registered, and whether there was a legal rate of interest for exceeding which a lender would be prosecuted for usury.

M. BESSON replied that there was certainly a maximum rate, though he did not know what it was. It could be given in the next report.

POLL TAX.

Mlle. DANNEVIG noted the table showing the rates of poll tax (pages 158 *et seq.*). It was stated in the report that full account was taken of differences in wages in fixing the tax. How did that apply in the case of women, who were taxed just as men, and whose income must be very difficult to ascertain if they were not wage-earners. Could the accredited representative give further particulars ?

M. BESSON said that the question of the poll tax was an old question in African native policy. The system was now considered as customary. It was easier to verify the existence of a man or woman than the exact amount of his wages or income. Moreover, an annual tax of 20 francs on men and 10 francs on women was not very high.

Mlle. DANNEVIG observed that at Duala and Kribi the tax was 30 francs for men and 26 francs for women.

M. BESSON explained that, at Duala, a good many women were employed either in local industry, in offices or in the harbour. These conditions had never given rise to any difficulties.

Mlle. DANNEVIG asked at what age the tax was levied on women.

M. BESSON replied that it was levied when they were practically of full age. It was very difficult to fix the age of a native. Men were taxed at sixteen.

LOYALTY OF THE NATIVE POPULATION IN THE CAMEROONS.

Lord LUGARD called the accredited representative's attention to an extract from a Berlin newspaper, the *Deutsche Bergwerks-Zeitung*, of July 1st, 1934. It was alleged that natives were agitating for the return of the territory to Germany. He attached no great weight to such suggestions, but would like to have an assurance from the accredited representative that there was no disaffection among the natives of the territory.

M. BESSON said that the Cameroons Administration had never noticed any sign of such a feeling among the natives of the territory. The population in the Cameroons was now as loyal as could possibly be desired.

JUDICIAL ORGANISATION : CODIFICATION OF NATIVE CUSTOMS.

M. PALACIOS thought that the Commission should be grateful to the mandatory Power for the very clear statement and the detailed tables given on pages 29 to 32 of the report, on judicial organisation. The codification of native customs, which had been referred to at the previous session,¹ appeared to have made some progress. Could the accredited representative give a few details to supplement what was said in the report ?

It seemed to him that the mandatory Power had made praiseworthy efforts in regard to the codification of customs. It had also given an excellent survey of that problem in its report, which showed the different groups of customs and also included a linguistic map (page 90 of the report)—two points of very great interest. Referring to the comments on the work outlined, M. Palacios preferred the survey given on page 89 and the following pages to the observations on page 31. It was difficult not to see in the latter a reflection of the different views put forward last year by the members of the Mandates Commission. Personally, he felt very optimistic about the sociological, ethnographical and paleo-legal results of this initiative—results which, in the end, would fully meet the requirements of legal practice and of the Administration.

As regards the judiciary in particular, the French Government had promulgated, on May 18th, 1934, a decree abolishing certain posts and duties in the magistrature in the Cameroons. Under the terms of that decree, the first-class Higher Court of Appeal in the territory had been abolished and its area of jurisdiction attached to that of the Brazzaville Court of Appeal. The accredited representative would perhaps be good enough to give the Commission some information on the subject, even though the measure had been taken in 1934.

M. BESSON recalled that the Dakar Court was the supreme instance for cases occurring in Togoland and said that it had seemed quite natural to entrust the Brazzaville Supreme Court with the settlement of cases occurring in the Cameroons. In this matter, moreover, the question of budgetary economy in the territory arose : the Administration did not wish to maintain an expensive court at Duala. The necessary details would be given in the next year's report.

Lord LUGARD was happy to see that a Commission had been set up to study and codify native marriage and other customs and especially divorce laws, and he welcomed the decree forbidding the marriage of immature girls. As soon as the Commission had completed its work, it would be interesting to have an account of it in the text annual report.

WITCHCRAFT.

Lord LUGARD said that there had been some discussion on the subject of witchcraft at the recent International Congress on Anthropology and Allied Sciences and in the Press, and it would be of great interest to know how it was being dealt with in the various mandated territories. He would like, therefore, to put two or three questions to the accredited representative, but he did not desire an immediate reply. On the contrary, he hoped that the information for which he asked might be obtained from those who had actually had to adjudicate in such cases, and be given in the next report. He was asking how, in practice, the law was administered.

The difficulty presented arose from the fact that the African ascribed any sickness in man or beast to be the work of a malevolent spirit which had taken up its abode in some "witch", and looked upon the person who professed to point out the witch, or prescribed the poison ordeal, as a benefactor, and regarded the action of the Government in suppressing him, or in punishing those who had killed the witch, as incomprehensible and unjust, or even as favouring witchcraft. On the other hand, it was obviously necessary to put a stop to practices involving the death of innocent persons. The questions he desired to ask were :

(1) What distinction is made as to the degree of culpability of the "witch-doctor", and the men who, believing in his powers, kill the person indicated as a witch ?

¹ See Minutes of the Twenty-fourth Session of the Commission, page 35.

(2) Is it the custom at a witchcraft trial to investigate fully whether the witch-doctor had any personal motive in selecting the victims, or in causing the death or sickness which led to his being called in ?

(3) In the particular village in which the case occurred, was it known that the Government had forbidden such ordeals and would hold the perpetrators guilty of murder for any consequent deaths ? Is this proved at the trial ?

(4) Are any steps taken to endeavour to convince the people present at the trial of the error of their belief—for example, by pointing to the lucrative nature of the witch-doctor's profession, or by showing the true cause of death by post-mortem examination ?

(5) Would deportation from the scene of his influence be an equally effective way of dealing with a witch-doctor as imprisonment or a death sentence ?

(6) Should not homicide due to superstitious beliefs (not only witchcraft, but the sacrifice of twin children, etc.) be shown under a separate head (as "ritual murders") distinct from "murder" ?

PENITENTIARIES. (continuation)

M. PALACIOS directed the Commission's attention to the Decrees of July 8th (page 163 of the report) and December 7th, 1933 (page 168), concerning the regulation of penitentiaries and the establishment of a penitentiary settlement for native minors. Those texts showed that an effort had been made to improve the lot of prisoners.

POLICE FORCE : RECRUITMENT.

M. SAKENOBE observed that the report reproduced (pages 169 *et seq.*) two decrees relating to the reorganisation of the native guard and to that of the militia battalion. It would seem from a superficial examination of those texts that the two units were organised on practically the same lines and that their duties consisted of keeping order in the territory. Were they two separate bodies, which together constituted the police force of the territory ?

M. BESSON recalled that the previous year's report contained very full information on the subject (pages 69 *et seq.* of the report for 1932). The forces in question were intended for the maintenance of public order and police work in general, including rural police and the policing of the roads, since there was a considerable amount of motor traffic in the territory. They were not, strictly speaking, military forces. The difference between the two categories was that the militia was always at the disposal of the administrative authorities. On the other hand, the native guard was on the lines of a gendarmerie corps in France.

M. SAKENOBE observed that, as regards recruiting, the natives were required, in the native guard, to undergo medical inspection, after which they were appointed on trial for two months and then given a definite appointment. Were reading and writing among the necessary qualifications ?

M. BESSON said that he believed that these natives attended a school where they were taught to speak a little French.

M. SAKENOBE, referring to Article 2 of the Decree on the militia battalion (page 177) noted that the strength, provisionally fixed at about 570, was to be gradually increased to that of regular army battalions. Did that mean that the strength would be increased annually or that, after a certain time, it must reach a given figure ?

M. BESSON replied that the intention was to raise the strength to that of a regular army battalion, which, in peace time, was from 500 to 600 men.

CHILD WELFARE.

Lord LUGARD expressed his great satisfaction at the establishment of the "Cité enfantine" (page 108) and at the admirable work of the "Œuvre du berceau" for the benefit of the natives (page 134), and asked whether the accredited representative could give any further particulars.

M. BESSON said that the number of children eligible for admission to the "Cité enfantine" was far greater than the number provided for. He was sure that M. Repiquet intended to increase as much as possible the number of places available for native children. Admission was free—in short, it was a kind of scholarship or orphanage system. The "Œuvre du berceau" was only in its early stages in the Cameroons. It was expected to have very gratifying moral and social effects.

Mlle. DANNEVIG paid a tribute to the work accomplished by the Commissioner and Mme. Bonnacarrère on behalf of native women and children and associated herself with the accredited representative's expression of regret at the premature retirement of M. Bonnacarrère.

SITUATION OF WOMEN.

Lord LUGARD remarked that he had received letters from three different women's organisations asserting that the condition of women in the Cameroons was unsatisfactory. Only the previous evening he had received a letter from the " Association for Moral and Social Hygiene ", in which it was stated that evidence suggested :

(1) That there is arising in Africa, among native peoples, a trade in wives which is not merely the giving of cattle in token of a properly arranged and duly recognised marriage, entailing all the responsibilities of such marriage, but is more akin to slavery or to traffic in women for immoral purposes ;

(2) That the hiring out by men of their wives to other men is a not uncommon practice in some parts of Africa ;

(3) That, among the native peoples affected by industrial development, prostitution is developing and the position of women is worsening.

He had been asked by his correspondents to obtain full information regarding these three points from the countries under mandate, if possible. He would observe that they did not directly concern the Cameroons, and that he himself did not take responsibility for the view expressed.

They would be grateful if the accredited representative could reassure them on these questions.

M. BESSON said that the French Government and the Commissioner in the Cameroons were following closely the question of the social evolution of women brought into contact with civilisation, and were endeavouring to make the native mind gradually more receptive of more rational and European ideas.

Lord LUGARD thanked the accredited representative, and said that he would convey the latter's replies to his correspondents.

Mlle. DANNEVIG drew attention to the importance of the Governor's circular on native marriage (pages 232 *et seq.*) ; it was indicative of a praiseworthy endeavour to adapt legislation to native development. In this connection, it should be noted that, according to the *Courrier colonial* of September 7th, 1934, the marriage of girls under the age of puberty was prohibited by Article 4 of an Order dated May 26th, 1934. Had any steps also been taken to assist widows ?

M. BESSON replied that the question of widows was also dealt with in the circular. An attempt was being made to improve their position, but the question was bound up with that of native custom. When full information on the subject had been collected, it seemed likely that valuable results might be achieved. Custom, which varied from tribe to tribe, played an important part in the matter.

Count DE PENHA GARCIA emphasised the importance of the marriage and divorce problem, particularly in the Cameroons, owing to the complications introduced by polygamy. The circular to which Mlle. Dannevig had referred constituted the beginning of an investigation. The Commission would be glad to be informed of the results in the next report, if possible.

M. BESSON said that the result of the investigation into marriage would certainly be communicated to the Mandates Commission, but the information would have to be collected and examined by the Commissioner's office for the territory, and that might take some years.

REGULATION OF PROSTITUTION.

Mlle. DANNEVIG noted the decree regulating prostitution in the territory (pages 244 *et seq.*). Could the accredited representative explain why it had been necessary to introduce into the Cameroons a system which recent international conferences had universally condemned. Was this perhaps a temporary system ?

M. BESSON replied that it was from every aspect a preventive measure. He did not believe that prostitution was widespread in the Cameroons, but the Governor had thought fit to regulate it on the assumption that prostitution would increase side by side with the increase in the European and native populations.

Mlle. DANNEVIG hoped that, in those circumstances, the measure would be provisional: all the commissions that had studied the question had reached the conclusion that the results of regulation were relatively worse than those of non-regulation.

M. BESSON replied that that was a governmental question on which opinions differed.

Mlle. DANNEVIG asked what was the meaning of the words "persons of the same status" in Article 14 of the Order.

M. BESSON replied that there must be no mixture of the black and white populations in that connection.

Mlle. DANNEVIG asked whether the enforcement of the Decree of September 20th, 1933, extending to the Cameroons the legislation against living on a prostitute's earnings had produced satisfactory results in the territory.

M. BESSON believed that this offence was decreasing as a result of the measures taken.

SLAVERY.

Lord LUGARD noted, on page 106 of the report, a table showing sentences for slave-trading. It was stated that the Kirdi population, in consequence of the famine in 1932, had sold their children as slaves. The report added that, the situation having returned to normal, the number of such cases in 1933 was distinctly lower. When had the famine begun and ended? Furthermore, the children rescued had been placed with Moslem families where they would practically be regarded as more or less slaves. Why had they not been placed in the "Cité enfantine", where the Administration could have kept an eye on them?

M. BESSON pointed out that he had referred, in the previous year,¹ to the placing of Kirdi children in the Baroua district. They could not be placed in the "Cité enfantine" as none then existed. He could only repeat what he had said last year—namely, that the Administration kept a very careful watch over the Kirdi children and that there was no possibility of their becoming slaves.

Lord LUGARD asked whether the Administration intended to send the children to the "Cité enfantine".

M. BESSON did not think that that was the Governor's intention.

Count DE PENHA GARCIA recalled that it was known that there were still slaves in the French as well as the British Cameroons, in spite of the repressive measures taken by the mandatory Power. The table on page 106 contained the number of sentences passed. While the number of cases was less in 1933 than in 1932, the number of sentences had increased as well as the total number of years of imprisonment and fines imposed. Very often what was important was not the number of cases, but their gravity. He added that he realised the difficulties encountered by the mandatory Power.

M. BESSON replied, with regard to the suppression of the slave trade, that the increase to which Count de Penha Garcia had called attention was explained in the first place by the fact that the repressive measures were even more severe than formerly and, secondly, that the sentences passed in 1933 related to acts which had occurred in 1932, as a result of the famine from which the Kirdi population had suffered.

LABOUR.

Lord LUGARD noted that General Stuhl had visited the Cameroons to study the extension of the Duala-Chad railway towards Lake Chad. He again expressed the hope that an excessive burden would not be placed on native labour in consequence, especially in the matter of forced labour. Could the accredited representative give further details?

M. BESSON explained that the visit paid by General Stuhl, a member of the Colonial Commission of the French Senate, had not been for purposes of inspection, but a study tour. In view of the present financial situation, he did not think the construction of a railway would be undertaken.

¹ See Minutes of the Twenty-fourth Session of the Commission, page 41.

Mr. WEAVER greatly appreciated the clarity of the sections on labour. He noted with satisfaction the information given on page 103 with regard to the appointment of a labour inspector. He would be glad if it were possible to have in the next report a summary of the inspector's reports such as were given in the reports of some other mandated territories.

M. BESSON noted this request.

Mr. WEAVER regretted that the wages of the workers were so low. In 1933, the average wage was 1.41 franc per day. As Mlle. Dannevig had pointed out, an improvement in the standard of living could hardly be expected so long as wages did not rise. The more his wages were increased, the more would the native be able to purchase European products.

M. BESSON replied that the depression and the fall in prices kept salaries down, and must be borne in mind. Nevertheless, at Duala, for instance, the average wage was 4 francs a day and the poll tax was 32 francs a year. Consequently, it could not be said that there was any abuse.

Mr. WEAVER pointed out that he had not said that there was any abuse, but he thought that an increase in salaries as soon as possible would be in the general interest of the territory. At the top of page 105, there was a paragraph relating to labour accidents. Could some idea be given as to the rates of compensation paid for accidents ?

M. BESSON said that all labour contracts now provided that compensation for accidents should be paid either to the person injured or to his family. Fuller information with regard to the legislation in force could be given in the next report, and it would then be seen that it was as liberal as possible.

Mr. WEAVER asked that further particulars should also be given with regard to the actual amounts of compensation paid.

Referring to labour on public works, he asked whether the number of days of labour cited in the report included both forced and voluntary labour.

M. BESSON replied that there were a good many days of voluntary labour, as, owing to the depression, there were even unemployed men available, and the Administration had at its disposal more voluntary workers than it required.

Mr. WEAVER noted that, although there was no recruiting, the text of a Convention on Labour Recruiting with Spanish Guinea was given on page 234. A model labour contract was appended to the text. Was this model contract intended to apply to workers proceeding to work at Fernando Po ?

M. BESSON said that the Convention was still the subject of negotiation.

Mr. WEAVER asked whether the labourers would be allowed to take their families with them or whether they would go alone.

M. BESSON replied that they were individual labourers engaged for a limited period, which would doubtless not exceed two years.

Mr. WEAVER said that he asked the question because the Convention provided for two-year contracts with possible re-engagement for six years, which would mean that the labourer would be away from his family for a long time. That was contrary to the policy recommended by the Commission of Experts on Native Labour.

M. BESSON said that no reference was made to the labourer's family in the contract. Perhaps he would be able to take his family with him, but the accredited representative did not think that would be absolutely essential. He would, nevertheless, certainly call the attention of those concerned to the experts' recommendations. Moreover, he would be surprised to find that labourers were re-engaged.

Mr. WEAVER asked that the Commission should be informed as to the operation of the Convention when it entered into force.

M. BESSON thought that the proposed Convention would meet a real need in preventing abuses. The Commission would be kept informed. The Administration was watching the matter very carefully.

FREEDOM OF CONSCIENCE.

M. PALACIOS noted that, as the accredited representative had announced in the past year,¹ the French Government had promulgated a decree on March 28th, 1933, fixing the forms of worship in the Cameroons under French mandate. The decree, which was described on page 100 of the annual report, was given as an annex to the report (pages 226 *et seq.*). In the previous year, the accredited representative had been good enough to explain that the decree had been drawn up in agreement with the representatives of the Catholic and Protestant missions, Monsignor Le Houzec and Pastor Allegret.

M. Palacios would like to ask the following questions :

(a) Did the system laid down in the decree satisfy the Administration and the missions concerned ?

(b) Article 16 of the decree provided that " only the French or Latin languages and the native dialects spoken in the Cameroons territories may be used in public worship ". Did that mean that a religious community speaking a foreign European language could not hold its services in that language ?

(c) Article 25 prohibited " the raising or fixing of any religious sign or symbol on public monuments or in any public place whatsoever, with the exception of the buildings regularly used for public worship, cemeteries and funeral monuments ". Did that mean that the ornamentation on schools could contain no religious sign or symbol even in the missions ?

(d) Under Article 27 of the decree and Article 8 of the Rules of Application, a number of precautions had to be taken regarding the presence of native women in the missions. A list of those provisionally resident in the domanial concession of a mission was required, so that they could at once be identified. What was the reason for that stipulation ? Had it any connection with the differences of opinion among the native chiefs who were constantly complaining of the religious influence that was being used for the purpose of eradicating the old customs ?

(e) According to information which had appeared in the *Courrier colonial* of March 30th, 1934, the Commissioner of the Republic had authorised the opening for public worship of fifty-six Catholic churches, thirty evangelical chapels, seventeen Baptist chapels, seventeen Presbyterian chapels, two Lutheran chapels, and two Adventist chapels. Did this relate to new buildings for public worship, or was it simply a confirmation, in accordance with the Decree of March 28th, 1933, of those already existing ?

(f) Reference was made on page 37 of the report to the activities of a native Baptist group known as the " Native Church " whose promoters were disguising their ambition to make themselves prominent under the cloak of religion. The report added that no difficulties had arisen in this connection. Were the supporters of the so-called " Native Church " movement entirely separate from the European Baptist missions ? What political influence did that movement possess ?

M. BESSON replied that the new regime had met with the approval of Monsignor Le Houzec and Pastor Allegret.

Article 16 was very clear : either a native dialect or French or Latin must be spoken ; consequently, foreign languages were not allowed.

The prohibition to affix religious symbols was in accordance with the lay policy of the French Government.

Lastly, the so-called " Native Church " movement was entirely local and was confined to the natives.

M. PALACIOS asked why the movement had an English name.

M. BESSON replied that a number of English expressions were used in French.

Mlle. DANNEVIG noted from Article 7 of the decree in question that permission was regarded as having been granted, if no reply had been made to a request from the missions within six months. It seemed surprising that no answer would be made to a written request. What was the explanation of that procedure ?

M. BESSON said that, when no reply was made, it was considered that the request was reasonable.

MISSIONS.

M. PALACIOS, referring to the table on page 100, asked what test was applied in making grants to the missions. The American Presbyterian Mission received most assistance (38,100 francs), although, judging by the number of places of worship and of religious meetings, the Catholic Mission, which received only 10,500 francs, was the largest. Even the Evangelical Mission of Paris, whose figures were much smaller than those of the Catholic Mission, received 19,800 francs.

¹ See Minutes of the Twenty-fourth Session of the Commission, page 44.

M. BESSON explained that the grants were divided between the missions on the basis of the number of certificated teachers. That information was given in the section on education.

M. PALACIOS said that it would be advisable to add this information to the table in question in order to facilitate comparison.

Mlle. DANNEVIG observed that reference to the results of the examinations showed that the American mission had been more successful than the schools maintained by the Government. Probably that mission had more certificated teachers.

M. BESSON drew attention to the table on page 109, which gave the number of certificated teachers in each mission. It would be seen that, in allocating the grants, the same proportion had been followed closely.

The CHAIRMAN explained that, according to M. Palacios, the allocation was not proportionate to the work done by the missions.

EDUCATION.

Mlle. DANNEVIG noted that the section on education (pages 107 *et seq.*) was rather summary, though it was evident that there was no small development as regarded education. There were several passages relating to this subject, but they were scattered throughout the whole report—school of planters, school of fishermen, school of sanitary assistants, etc. It would be convenient for the Commission if references could be given in the report showing the pages on which information regarding education was to be found.

M. BESSON said that the Administration would endeavour to make the section on education clearer.

Mlle. DANNEVIG pointed out that the Ordinance of January 9th, 1933, on school legislation mentioned on page 107 had been omitted from the annexes.

There followed an exchange of questions and answers between Mlle. Dannevig and the accredited representative with regard to education :

Question: Comparison would be easier if the number of pupils attending the schools last year were given, as in previous reports.

Answer: This practice will be resumed in future reports.

Question: The elementary schools would appear to be open to girls as well as to boys. How many girls attend these schools? The sons of chiefs, for whom there are special schools, cannot attend the ordinary schools. Can the daughters of chiefs do so?

Answer: Yes.

Question: The high school was cut down last year to half its size without impeding the recruitment of native personnel. For what administrative posts does it prepare the pupils?

Answer: They are what are known in the British administration as "clerks".

Question: Where are teachers trained?

Answer: In the high schools.

Question: If the staff in the high school has been reduced by half and "clerks" are trained there, how is it possible to train a sufficient number of teachers at the same time?

Answer: The next report will describe how teachers are trained.

Question: We should also like to know how women teachers are trained and how many there are.

Answer: There must be very few of them.

Question: There are only two European teachers and sixteen classes for 1,038 pupils at the Duala district school. Are the rest of the teachers native assistants?

Answer: Yes.

Question: It is stated in the report that, by degrees, the district schools will increasingly be open to the sons of chiefs. Is there not a danger that that will deprive the other native children of education?

Answer: No. There are not so very many sons of chiefs. It is simply that special classes are arranged for them, but other pupils are not refused.

Question: Are the village schools distributed throughout the whole of the territory or are they concentrated in certain areas, so that some districts are without schools ?

Answer: These schools are scattered throughout the territory.

Question: Do the pupils generally remain to the end of the course ? I know that it is the considered opinion of the French Government that most of the time is devoted to teaching French. How long is it before the children can profit by instruction in other subjects given in the French language ?

Answer: The pupils in the village schools leave as soon as they are able to take the cattle to pasture. No attempt is made to teach them French thoroughly ; they are simply taught the rudiments of the language and, generally speaking, they stay at school long enough to learn them.

Question: Is the teaching in vocational and domestic science schools, etc., also in French ?

Answer: As far as possible.

Question: Is there not a danger of training natives to become good linguists who distinguish themselves in the usual examinations, but are inadequately equipped for manual work ?

Answer: The pupils are taught both French and manual work.

Question: The recognised mission schools have 5,800 pupils and the unrecognised schools 65,000. What would happen if the educational work of the missions ceased in both the elementary schools and professional schools ?

Answer: The Administration has never contemplated withdrawing the grants.

Question: Is not the grant per pupil to non-Government schools very small—roughly speaking, 70,000 francs for 10,000 pupils ?

Answer: The territory does what it can within the limits of its budget.

Lord LUGARD noted that the native population was over two millions. No details were given as to the number of men, women and children. What was the approximate number of (1) children ; (2) children of school age ?

M. BESSON said that it would be very difficult to give quite accurate statistics.

ALCOHOL AND SPIRITS.

Count DE PENHA GARCIA noted that no case of alcoholism had been reported to the health services (page 113 of the report). The Administration had taken drastic measures against illicit distilling and had succeeded in reducing the number of offences of that kind. It would be interesting to have in the next report a statement showing the cases of drunkenness brought before the courts, for, apart from cases of alcoholism treated by the health services, offences committed by persons in a state of drunkenness also revealed an abuse of liquor.

M. BESSON took note of this request.

Count DE PENHA GARCIA asked what kind of penalty the law imposed on persons found guilty of illicit distilling.

M. BESSON replied that they were fined. Particulars would be given in the next report.

Count DE PENHA GARCIA wondered whether a fine was sufficient, and whether the village chiefs should not be made to some extent responsible for cases of illicit distilling occurring in their territory.

PUBLIC HEALTH.

Lord LUGARD referred appreciatively to the liberal financial assistance given for the improvement of the health of the natives.

Count DE PENHA GARCIA was glad that the mandatory Power had increased the number of doctors and dressers. Leprosy had been very prevalent in the territory and the escape of patients had been reported. How were they punished ?

M. BESSON said that patients who ran away were sent back.

Count DE PENHA GARCIA thought that the morbidity statistics on page 119 were somewhat disquieting. There had, for instance, been 475 cases of smallpox and 171 deaths from that disease. The figures for meningitis were 781 and 720 respectively. He thought these astonishing proportions were explained by the fact that, while deaths were reported, many of the cases were not notified.

M. BESSON said that, as a matter of fact, the native only went to the doctor in the last resort.

Count DE PENHA GARCIA relied upon the Administration to endeavour to improve such a situation.

He noted that the Administration's efforts had led to a slight improvement with regard to sleeping-sickness. He hoped that that improvement would continue.

M. SAKENOBE asked that the next report should show the distribution of doctors among the different circumscriptions.

M. BESSON noted that request.

Mlle. DANNEVIG noted that the Administration trained dressers (pages 111 *et seq.*). Did that mean that women were also trained? Were native midwives trained?

M. BESSON pointed out that previous reports contained particulars on this matter. Women were also trained. A woman nurse had been sent from France for child welfare work and a midwife to give the necessary instruction to young women training as native dressers.

Lord LUGARD asked what were the special features of the model hut being exhibited to the natives.

M. BESSON explained that it was intended to show the natives the use and usefulness of a chimney as a means of preventing themselves from being smoked alive in their cabins if they did not wish to die of cold. They had been very interested in the experiment and a large number of orders had been given. The model consisted not merely of a chimney but of an entire hut complete with chimney.

LAND TENURE (*continuation*).

Lord LUGARD asked whether the mandatory Power's policy was to grant concessions of land to foreigners.

M. BESSON replied that there was nothing to prevent the granting of land to foreigners, but there were very few applications for such concessions.

FORESTS AND TIMBER EXPORTS.

Lord LUGARD asked whether it was the Government's policy to establish forest reserves, and also to reforest the territory. He was not referring to the establishment of reserves for firewood as mentioned in the report (page 61).

M. BESSON recalled that the question had been dealt with fully in the previous report. Reserves had been established to prevent the forest areas from decreasing.

Lord LUGARD asked what proportion of the territory was being reforested.

M. BESSON said that particulars were given on pages 60 and 61 of the report.

M. ORTS noted, from the trade statistics on page 77, that timber exports constituted a considerable part of the total exports and that they were increasing. Was the mandatory Power endeavouring to standardise the description of exotic timber? The native terms for the timber were used in those statistics; those terms might be understood in some ports but not elsewhere. The export trade in timber would doubtless have more facilities if a standard description—for instance, the more usual trade terms—were used.

M. BESSON recognised the general importance of the question. He believed it had been studied by the Timber Department of the Colonial Ministry, and that that Department had arrived at standard terms for the home country. It would be informed of M. Orts's observations.

DEMOGRAPHIC STATISTICS.

M. RAPPARD noted that the native population had increased and the white population decreased (pages 93 *et seq.*). The number of white women and children had increased, however, which showed that the territory was becoming more and more habitable for European families.

According to the map on page 94, there was no demographic information with regard to the Edea circumscription, although, according to the table on page 93, it was in that circumscription that the population figures had fallen most.

M. BESSON replied that the table had been prepared before information on Edea was available. Efforts would be made to improve those statements as soon as possible.

M. RAPPARD asked that, for the sake of comparison, circumscriptions should be shown in the graphs as well as in the statistical tables. Generally speaking, he was very satisfied with the section on population.

Count DE PENHA GARCIA noted that an interesting diagram showing the composition of the population according to age and sex was given on page 137 of the report. He noticed in passing that the statement "old persons over 45 years of age" was somewhat unusual. He observed that people became old rather too soon in the Cameroons.

CLOSE OF THE HEARING.

M. ORTS thanked M. Besson, on behalf of the Commission, for the information he had been good enough to give and for his promise to insert the desired particulars in the next report.

M. BESSON said that he greatly appreciated the liberal spirit shown by the Commission. It was valuable to those who were working in the territory and were endeavouring to collaborate to the best of their ability with the Mandates Commission.

ELEVENTH MEETING.

Held on Monday, November 5th, 1934, at 10.30 a.m.

Islands under Japanese Mandate : Examination of the Annual Report for 1933.

M. Ito, Envoy Extraordinary and Minister Plenipotentiary of Japan in Warsaw, accredited representative of the mandatory Power, came to the table of the Commission.

WELCOME TO THE ACCREDITED REPRESENTATIVE.

The CHAIRMAN welcomed on behalf of the Commission M. Ito, who had often collaborated with the Commission in its examination of the reports on the administration of the Islands under Japanese mandate.

TRIBUTE TO THE MEMORY OF M. VAN REES.

M. ITO said that he desired to express the Japanese Government's sincerest sympathy for the great loss which the Commission had just suffered. There was no need for him, especially before the members of the Commission, to praise M. Van Rees or testify to his ability, but, having worked with him for some years on a Commission of the International Labour Office, he desired, on his own behalf, to express his deepest sympathy with M. Van Rees's family.

The CHAIRMAN thanked M. Ito for his tribute to the memory of M. Van Rees.

FORM OF ANNUAL REPORT.

M. ITO, before replying to any questions which the Commission might desire to ask him, said that his Government had borne fully in mind the observations made during the examination of the past year's report. He hoped that the mandatory Power had succeeded in satisfying the Commission as far as possible. He also pointed out that the form and arrangement of the report had been slightly altered. He would be glad to hear the Commission's opinion on the changes made.

The CHAIRMAN noted that the report contained (page 106) the replies to the observations presented to the Council as a result of the twenty-fourth session of the Mandates Commission. There was also an index on page vii containing references to the mandatory Power's replies to the questions asked by members of the Commission during the twenty-fourth session. It would facilitate the work of reference if, in future reports, the pages of the Minutes on which there appeared the questions asked by the members of the Commission were indicated.

Lord LUGARD said that it would be useful if, in drawing up the report, the mandatory Power would keep to the order followed by the Commission in examining the various items, which would be found in document C.P.M.1086. As at present arranged, the Japanese report differed considerably as to the order in which the various questions were dealt with.

M. ITO said that this suggestion would be taken into consideration in preparing the next report.

SURVEY AND CENSUS OF THE ISLANDS.

M. PALACIOS noted that it was stated in Chapter I, paragraph II, "Position and Area" (pages 1 and 2 of the report), that there were more than 1,400 islands. That kind of information was repeated year after year. The survey and census operations would appear to be continuing. Could the Commission be informed of the present position of the work?

M. ITO said that the question was mainly financial. He did not know whether a new census was being taken, but would certainly ask his Government whether any further information was available.

INTERNATIONAL CONVENTIONS.

M. ORTS noted that a list was given on page 10 of the treaties which had become applicable in the mandated territory during 1932, although obviously what was meant was 1933.

M. ITO was under the impression that the list of treaties was somewhat arbitrary. He did not understand why some of the Conventions were mentioned. It would be explained in a subsequent report how the Conventions applicable to the territory were selected.

ENQUIRY INTO NATIVE CUSTOMS AND TRADITIONS.

M. ORTS hoped that the Commission would be informed of the results of the work of the Commission for the Investigation of Time-honoured Usages (page 10 of the report).

M. ITO said that the final reports of the Commission were not yet available. When the time came they would certainly be communicated to the Mandates Commission.

ACCESSIBILITY OF THE ISLANDS TO FOREIGNERS.

M. ORTS asked, with regard to the control of the residents (page 26), whether it should be assumed from the information given in the report that no foreigner would be prohibited from residing in the islands. Some newspapers alleged that the movement of foreigners in the islands was not always encouraged and was even sometimes discouraged by the mandatory Power.

M. ITO pointed out, in the first place, that the term "residents" also covered visitors. As to the question of fact, he said that the movement of foreigners or tourists had not been very great in 1933. In view of the geographical situation of the islands, very few foreigners could visit them. His Government had not reported to him a single case in 1933 of a foreigner who had been prohibited access to the islands. He would therefore be glad to see the text of the newspaper articles in question in order to throw some light on the matter.

M. ORTS explained that he did not endorse the allegations made in this connection. In response to the accredited representative's desire, he read extracts from an article published in the *Stockholms-Tidningen* of August 28th, 1934. It was entitled: "A Prohibited World: The Islands under Japanese Mandate: Vast Fortified Territory in the Heart of the Pacific: How the United States of America are kept out of Asia".

He also mentioned a note published in a New Guinea newspaper, the *Rabaul Times*, of May 25th, 1934. He would be glad to be assured by the accredited representative that access to the islands was open to foreigners who wished to visit them.

M. ITO thanked M. Orts for the information he had just given. He would give explanations of the concrete cases referred to in the next report. He desired, however, to make one preliminary observation. It had become a kind of fashion with some newspapers to publish alarmist news on Pacific questions. Too much attention should not be paid to this sometimes tendentious news, in view of the delicacy of the international situation in that area. He doubted whether a Swedish journalist would have gone to the spot to see what was happening; his information must, therefore, be at second-hand.

With regard to one of the allegations published in the Swedish newspaper, the accredited representative was in a position to explain that his Government had arranged an expedition for astronomical observations, and it had invited not only Japanese scientists but also foreign scientists, including scientists from the Union of Soviet Socialist Republics the United States of America, and so on. In those circumstances, it was not clear why it should have been necessary to arrange another expedition for the same purpose. It was necessary to treat with caution any information from sources which were not mentioned and which did not present the facts in their true light. Moreover, he did not think that any country would facilitate the movement of ships in its vicinity going in a direction in which they were not concerned at a time when naval manœuvres were taking place in a particular spot. However that might be, fuller information would subsequently be supplied by him when he had received it from his Government.

QUESTION OF COMMUNICATING PRESS NEWS TO THE ACCREDITED REPRESENTATIVE DURING THE YEAR: METHOD OF REFUTING TENDENTIOUS RUMOURS.

M. RAPPARD observed that the discussion that had just taken place was merely a repetition of similar discussions in previous years. He could not help feeling that the situation which it revealed was unsatisfactory to all concerned. The Mandates Commission received newspaper articles and statements from travellers; the only sources of official information it had were the reports sent in to it. During the session, the articles and statements in question were laid before the accredited representative, who made a general declaration and assured the Commission that it would receive the necessary information next year; and that was all. The result was that rumours continued to prevail. That was unfortunate both for the mandatory Power and for the Mandates Commission, which could not fully discharge its duties. Perhaps the current procedure ought to be altered. Doubtless, there was a Press bureau in Japan, but perhaps not all the Press-cuttings it obtained were sent to the accredited representative. He thought it would be desirable for the accredited representative to receive from the Secretariat or from members of the Commission, during the year, copies of such reports as reached them, so that when the annual report came up for consideration he could supply any necessary additional particulars or deny any statements that might be incorrect. Needless to say, the information so received by the Secretariat or by members of the Commission ought never to be looked upon as an accusation brought by the League; such information would be forwarded on the sole responsibility of its authors.

M. ITO thanked M. Rappard for his suggestion, and said he would be very glad if the Commission could see its way to take that line of action. For his own part, he endeavoured during the year to keep in touch with what was said in the Press about the administration of the territory under Japanese mandate; but he only saw a certain number of newspapers. In certain typical cases, he asked his Government for further particulars; but the Government could not know what was said in the Press of every country in the world. When it had not sufficient notice of any particular allegation, it could necessarily reply only in general terms. The procedure M. Rappard had suggested would be to the advantage both of the mandatory Power and of the Mandates Commission. If he received the information in question in time, he would be able to write to his Government for further light on the points involved.

The CHAIRMAN said that M. Rappard's suggestion would be considered by the Mandates Section, which would study the means of putting it into practice. Apart from that, he supported M. Rappard's remarks; for three or four years the accredited representative had been urging the Commission to view reports about the islands under Japanese mandate with the utmost circumspection. It was a fact that, for some years past, rumours had been coming in from various sources and various authorities, and that, in consequence, there was some suspicion as to the nature of the work done in one or two of the islands under Japanese mandate. For instance, the accredited representative had not said whether the Japanese ship that had

replaced the American ship (as reported in the Stockholm newspaper) had touched at the forbidden ports. He would be glad to know whether aircraft other than Japanese could land at the aerodromes that Japan had lately constructed. Would it not be in the mandatory Power's own interest to take the first opportunity of authorising foreign warships to go to the islands under mandate? Mention had been made of the dangers of reefs, but did such dangers still exist, seeing that widening of the channels had been going on for years? If foreign ships wanted to go there, could they not do so at their own risk? The Mandates Commission entirely believed the statements made to it with regard to definite facts and he hoped that next year the Commission would be in a position to state that all these reports were pure fabrications.

M. ITO thanked the Chairman for his suggestions. He agreed that, in the interests of the mandatory Power, something more might be done than to state year after year that nothing irregular had taken place. For the past two or three years, the observations made by various members of the Commission had been merely a reflection of suspicions that were entertained over a large part of the world with regard to two of the islands under Japanese mandate. From a general standpoint, it would be in his Government's interest to find some practical means of demonstrating to the world that such suspicions of Japanese administration were undeserved. He would call his Government's attention to the point, and was sure that it would give serious consideration to the best means of securing the object which the Chairman had defined. He would be grateful to members of the Commission for any suggestions of a technical nature that they might be able to offer with that end in view.

M. ORTS handed to the accredited representative copies of the two newspaper articles he had mentioned.

CONTROL OF LOCAL AND FOREIGN NEWSPAPERS.

On page 122 of the report, M. ORTS observed, reference was made to amendments to the Rules for the Control of Newspapers in the South Sea Islands. He understood that that control had been strengthened. Why? Were not a surprising number of newspapers published in that small territory? Were there any regulations governing the circulation of foreign newspapers in the islands?

M. ITO said that he had been able to make a collection of newspapers published in the South Sea Islands. They were not, strictly speaking, newspapers in the European or American sense, but were often merely roneoed sheets, chiefly consisting of local gossip. They had only been called newspapers in the report for want of a better word. These sheets had a very small circulation, and their tendency was to discuss minor matters of purely local interest. It had therefore been thought desirable to introduce the possibility of control so that their editorial staff might not express themselves at undue length on local happenings. The necessity of such control arose out of the very nature of the publications in question, and there was no other reason for it than that.

As to foreign newspapers in the territory, he did not think that any restriction or control whatever had as yet been imposed. Hardly anybody but missionaries and a few foreign residents had any occasion to receive newspapers from abroad. With very few exceptions, the natives could not read anything in any foreign language. That, he thought, was why there had been no necessity to impose any control on newspapers from abroad.

M. ORTS pointed out that it was stated on page 20 of the report that no fewer than nineteen "newspapers" were being published in the islands under Japanese mandate.

M. ITO drew attention to the fact that there were only six daily newspapers, and those were on a very small scale and were of no interest politically or socially. They were sheets published by individuals with the most rudimentary equipment. By way of comparison, he asked whether anybody would venture to describe the polished and carved stones of the neolithic age as newspapers.

M. RAPPARD asked the accredited representative whether he could give any idea of the capacity of the natives to learn foreign languages. Were they for the most part illiterate, or could they read "newspapers" in their own language?

M. ITO was unable to answer this question, because at the time when he had visited the islands no newspapers were being published at all. He knew, however, that the natives of the Saipan Islands, for instance, read books that had been published in their own language in German days, and also works published by the missionaries. As for the Kanakas, he did not think that they had any love of reading.

In reply to a question from Lord Lugard, M. Ito said that all the newspapers published in the islands were written in Japanese, and none in any other language. It must be borne in mind that the Micronesian language was subdivided into countless dialects which were spoken in different islands or groups of islands, and which differed so widely that the natives of different islands could not understand one another.

PRESERVATION OF NATIVE LANGUAGES.

Mlle. DANNEVIG said that, since the vehicle of education was to an increasing extent Japanese, it was doubtful whether, after a certain time, there would still remain any natives who could read or speak the native languages of their islands. From the scientific standpoint, it was regrettable that a number of native dialects should disappear.

M. ITO replied that the native languages were not disappearing as fast as all that. Careful linguistic researches had been carried out as far back as the time of the Spanish administration. He himself had taken an interest in the question, and, to his knowledge, works on the different dialects had been written by Germans and Americans.

Mlle. DANNEVIG observed that, in spite of that, the native dialects were not used in the schools.

M. ITO answered that the native dialects were still used in the home. Moreover, what method could be found of teaching children the native dialects, seeing that they were not written? He would, however, gladly bring the observations that had been made to his Government's notice.

Mlle. DANNEVIG thought that, since some of the islands or groups of islands were not very far apart, it might not be impossible to give teaching in a native language inside those groups. That, however, was merely her personal opinion, and the mandatory Power apparently preferred to use Japanese.

Mlle. Dannevig asked how it was that the Germans and the Americans had been able to compile grammars of native dialects if those dialects had no alphabet.

M. ITO replied that Latin characters had been used to represent the sounds. Following another remark by Mlle. Dannevig, he added that it was impossible to use such grammars for teaching the natives; if the Latin alphabet were employed, it would have to be taught.

PUBLIC FINANCE : ORGANISATION OF CERTAIN PORTS IN THE ISLANDS.

M. RAPPARD said that the financial position of the islands seemed to be satisfactory, inasmuch as the mandatory Power was no longer required to make good deficits, as it had been in the early years. In addition to the main sources of revenue (port dues and phosphates), figures were given for the poll tax (page 36 of the report). On page 41, it was stated that there were two kinds of poll tax—one on natives and one on non-natives. On the next page, the yield of the tax was shown according to the class of taxpayer, but no reference was made there to the distinction between natives and non-natives. The rate of tax was shown for "men of property" and for "people in general". He would like to know whether "men of property" meant non-natives.

M. ITO explained that taxpayers had been graded on a property basis. "Men of property" were men who paid more than ten yen. The classification on page 42 was indeed an arbitrary one, but it concerned the native population only.

M. RAPPARD pointed out that the total figure for the 1932 settled accounts for the poll tax ought to be identical throughout, whereas it was shown at 51,019 yen on page 36 and 50,709 yen on page 42.

He was glad that the mandatory Power had given (pages 37 and 38 of the report) the figures for the 1932 and 1933 estimates and the figures of the settled accounts for 1932. Under the head of "Police and Prisons" and elsewhere, he would like further particulars of the fairly low amounts shown for "Salaries" and the far higher "Office expenses".

M. ITO explained that the officials and employees of the Administration received various allowances in addition to their salaries. For instance, police officers living in remote islands were given a furnished house, etc. That came under the head of "Office expenses".

M. RAPPARD observed that a special appropriation of 94,000 yen was made for "Construction and Repair of Police Stations and Official Residences". The 39,000 yen provided for salaries was not much, but, according to the accredited representative's explanation, it represented only a small part of what the police officers actually received, because they also had the benefit of the 208,000 yen allowed for "Office expenses".

M. ITO explained that, on account of the difficulty of recruiting policemen and elementary-school masters in Japan, it was necessary not only to increase their salaries but also to grant certain privileges. In the second place, in these distant islands, the police-station or schoolhouse had, on occasion, to be used for accommodating travellers.

M. RAPPARD pointed out that there was another category of expenditure which would no doubt be carefully scrutinised by persons who had heard the rumours current regarding naval expenditure. He referred to the expenditure on the harbours—*i.e.*, 150,000 yen for a new pier at Saipan, 215,000 yen for the construction of anchorage in the Palau harbour, 115,000 yen for anchorage at Rota (page 39 of the report). The increase in this expenditure, coming to the knowledge of certain circles, could not fail to give rise to comments. Could the accredited representative give any information on this subject ?

M. ITO explained that the expenditure incurred in the Saipan harbour—151,435 yen—was for the continuation of improvement works begun in 1932 (56,585 yen). In particular, reefs had been broken up and piers were now to be erected. As regards the Palau harbour, the entrance required widening. At Rota, it was proposed to start sugar plantations next year and a shipping route had been established last year between this port and Saipan. The work in question was intended to enable sugar to be transported and unloaded in a year or two. The harbour work in question was for the moment restricted to the two places mentioned.

M. RAPPARD noted that the accredited representative stated formally, on behalf of his Government, that the expenditure was intended solely for civilian and commercial purposes.

M. ITO confirmed this remark.

M. RAPPARD noted that the same chapter contained considerable subsidies to navigation. This expenditure was no doubt incurred in the interest of the islands, since the supplying and exporting of their products were concerned, but the size of the figure (689,000 yen) called for comments in the case of such a poor territory.

M. ITO replied that the necessary details were given on page 91 of the report. The subsidies had on the whole decreased from 1931 to 1933. Moreover, there were two kinds of subsidies :

(1) Subsidies to shipping between Japan and the islands. — This shipping did not pay. Heavy expenditure had been involved ; in view of the nature of the sea, the tonnage of the ships had had to be increased ; there were now regular services between the islands and Japan. It was sufficient to look at the map in order to realise that these vessels could not, as it were, reckon on a large passenger or goods traffic ; they had to carry all the provisions and fuel they required. At the rate of two voyages per week, these shipping lines could not work without subsidies.

(2) Subsidies to coasting traffic between the islands. — The sums in question were not very large.

M. RAPPARD was somewhat surprised at the reply given. More than 10 per cent of the budget would thus be expended on shipping subsidies. It was stated that these subsidies were necessary on account of the absence of traffic, while, on the other hand, harbours were being constructed at heavy cost on account of the traffic. The exports should cover their cost. It was conceivable that some subsidies to shipping were necessary, but it was not comprehensible that they should be so large.

M. ITO pointed out that, in speaking of the deficiency of cargo, he meant deficiency in relation to the tonnage represented by a fortnightly service of a vessel of 4,000 tons between the islands of the east and west or between the islands and Japan. Expenditure had been incurred on the harbours in order to make them accessible to vessels of a larger tonnage. In Palau harbour, for instance, the entrance was so narrow that vessels of 3,000 tons almost touched the banks ; this entrance had had to be widened for vessels of 4,000 tons. He mentioned the case of one of these vessels which had been obliged to remain outside the harbour and, having been caught by a storm, had sunk. At Saipan, vessels had to anchor three or four kilometres from the place of unloading.

M. RAPPARD said that the fact nevertheless remained that, in spite of insufficiency of cargo, there was a fortnightly service for Government requirements. Formerly, there had not been sufficient cargo even for small boats. It was therefore the Government services which involved such expenditure. Moreover, the exports of phosphate and sugar were fairly considerable since they reached 40,000 tons. These curious facts tended to arouse anxiety in the minds of unbiased persons with regard to the rumours current regarding the purposes of this large expenditure. The Mandates Commission would be glad if these rumours could be denied, not only by the facts but also by the explanations furnished.

M. ITO said that, after his personal experiences of the serious inconvenience of shipping in these parts, he had himself, on returning to his country, stated that vessels of 3,000 tons were too small. It was therefore necessary to increase the tonnage and consequently to widen the harbours. All these measures were interconnected.

The PRESIDENT had always understood that Japanese navigators were excellent, and had never heard that small vessels were less seaworthy than large ones. It was such facts as these which tended to keep alive doubts as to the objects of the heavy expenditure incurred in the two small harbours in question. He was sure that, having accepted a mandate over the South Sea Islands with all the obligations involved, Japan would wish by her explanations to allay the Commission's anxiety.

IMPORTS AND EXPORTS.

Lord LUGARD said that the entire financial situation of the territory raised an important question. The table on page 97 showed that, in 1932, the value of the exports was more than twice that of the imports. How was the balance of trade established? Was the difference made up by corresponding payments in money?

M. ITO explained that the exports were intended principally for Japan; very little went to other countries. Similarly, the imports came mainly from Japan. The difference in the balance was settled in Japan. Up to the present, there were no banks in the islands under Japanese mandate, so that the balance of trade could not be settled there. These settlements were made through the intermediary of the financial organisations of Japan.

Lord LUGARD asked if it were to be understood from this that the favourable balance meant an annual revenue of 7,000,000 yen for Japan. It would appear to be an asset of the mandated territory.

M. ITO replied in the affirmative.

M. RAPPARD did not think that the accredited representative himself could find this explanation convincing. This difference between the imports and exports was not explained by the absence of banks in the islands under mandate. It was impossible that the islands should continue to export twice as much as they imported without enriching Japan. Equilibrium must inevitably be established. Was this done by means of salaries which Japanese officials received in the islands?

M. ITO said that a more detailed examination might perhaps be necessary. There were points on which he would ask his Government for information. For the moment, he could only say that, as regards imports, if there were importing firms with their head office in Japan, the settlement would be effected in that country. The exports related mainly to two articles, phosphates and sugar. The phosphates were in the hands of a company which had its headquarters in Japan. It would be advisable to ascertain where the payments were made. Sugar was dealt with by the South Seas Development Company, which also had its headquarters in Japan. Probably part of the sums was used in order to cover the export costs, but M. Ito had no information as to the manner in which the two companies disposed of the surplus. He would enquire into this subject.

M. RAPPARD thought that an explanation was possible; the phosphate mines being owned in Japan, the owners distributed the excess revenue to their shareholders. The conclusion was that the exploitation of the islands was excellent business for the nationals of the mandatory country.

M. ITO pointed out that Japan had purchased the interests which it held in the Angaur mine. Moreover, this sugar export industry was not carried on gratuitously. It had been organised by Japan.

M. MERLIN noted that recently the exports and imports had considerably increased. In particular, during the first six months of 1933 there was a marked increase over the corresponding period of 1932 (page 97 of the report). What was the cause of this sudden development? Was it due to a special effort or to a natural development?

On examining the exports in detail, it was satisfactory to note that the islands under mandate had very varied exports (pages 98 and 99 of the report). The exports of copra, for instance, represented a value even higher than that of phosphates. Similarly, the value of the exports of dried bonito came near to that of the two above-mentioned articles.

M. ITO did not think there was any special reason for this increase from year to year. As regards the development in the trade in products of the sea, much importance had in recent years been attached to the development of fisheries. This effort began to bear fruit and was

responsible for the increase in exports. The export of phosphates might vary from one year to another, but maintained a fairly constant volume. The same was the case with sugar. The development in products of the sea, which had taken place in recent years, accounted for the apparent difference in the export trade.

M. MERLIN recalled that the report for 1932 contained tables specifying the imports from Japan and from other countries (pages 150 *et seq.*). The report for 1933 did not contain such tables, no doubt because almost all the trade was with Japan and therefore there did not seem to be any particular purpose in presenting such tables where practically nothing would have been entered in the columns relating to the other countries.

M. ITO explained that it had been desired to simplify the report, but these tables could be reinserted. The trade with the other countries represented only 5 to 6 per cent of the total and, under these circumstances, it did not appear necessary to compile a special table.

M. MERLIN asked (1) whether the exports of dried bonito went entirely to Japan. (2) If so, whether the product was consumed in Japan.

M. ITO replied in the affirmative to both questions.

M. SAKENOBE asked to what extent the natives took part in the manufacture of dried bonito. Where was the centre of this industry? Was it carried on in all the islands?

M. ITO replied that latterly the most developed fisheries were exploited mainly by Japanese emigrants. The natives did not take part to any appreciable extent. Hitherto the fisheries had been centred in the western islands. They did not yet extend to the eastern part.

Count DE PENHA GARCIA said it was to the honour of the mandatory Power that the economic life of the territory was well balanced. Production increased every year in the case of four main products intended to be exported. A policy of economic self-sufficiency was therefore not being pursued in this territory. If there were a considerable export surplus, all the better. As a matter of fact, this surplus did not return to the mandated territory, but this was due to other reasons than the absence of banks. The economic system was a fairly closed one, and was limited to relations between Japan and the territory. The surplus balance of payments was retained by companies or firms of the mandatory Power. The natural conclusion to be drawn from that state of affairs was that the mandatory Power was in a position to devote larger sums to the welfare of the natives. This conclusion was also confirmed by the further fact that the budget showed a surplus. The material benefits which subjects of the mandatory Power derived from their undertakings in the territory could, by means of moderate taxation, be in some part devoted to the well-being of the natives.

TWELFTH MEETING.

Held on Monday, November 5th, 1934, at 3.30 p.m.

Islands under Japanese Mandate: Examination of the Annual Report for 1933 (continuation).

M. Ito came to the table of the Commission.

FORM OF ANNUAL REPORT (continuation).

M. PALACIOS observed that the admirable arrangement of the report made it possible to follow systematically, rapidly and with ease the progress made in the administration of the islands. That, however, did not prevent him, in the interests of standardisation, from supporting Lord Lugard's remark, made at the previous meeting, with regard to the adaptation of the report to the Mandates Commission's questionnaire.

ENQUIRY INTO NATIVE CUSTOMS AND TRADITIONS (continuation).

Lord LUGARD asked whether the reports mentioned on page 10 could be communicated to the Commission.

M. ITO explained that those reports existed—in draft form, moreover—only in Japanese, but said that, if any particular subjects were of special interest to the Commission, he would endeavour to have translations made of the passages relating thereto.

JUDICIAL ORGANISATION.

M. SAKENOBE noted the reference, on page 34 of the report, to the practice of substituting penal labour for imprisonment in certain cases. Was that practice found satisfactory, and was it in force in all the islands under Japanese mandate ?

M. ITO said that he had no further information on the matter. He knew, however, that the system referred to by M. Sakenobe had been legally introduced in the islands, where it had already existed in fact, in virtue of custom. There it had proved fairly satisfactory. If M. Sakenobe wished, the mandatory Power could give in its next report the names of the islands in which the system had been adopted.

M. SAKENOBE said that he would be glad if that information could be given in the next report, and asked the accredited representative to be good enough to supplement it by information as to the kind of labour in which the prisoners were engaged.

M. PALACIOS observed that it would be seen from Appendix I, " A Collection of Laws and Regulations ", that only a law on judicial fees had been amended ; this modification called for no special comments.

M. Palacios also noted from the table on page 31 that the number of criminal cases tried by the courts had increased in 1932 and that fifty Japanese and fifty-one natives had been sentenced to penal servitude. Could the accredited representative explain the increase ? For what offences had penal servitude been imposed ?

M. ITO explained that the increase in question was due to a change in the way of counting the cases dealt with. Hitherto, only the principal crime or offence had been included in the list of such cases, whereas, in the report for 1933, each accessory offence had also been counted.

Mlle. DANNEVIG referred to a Press report stating that corporal punishment had been introduced in the islands. Was there any law which provided for the penalty of flogging, and had employers the right, in certain cases, to have their employees flogged ?

M. ITO replied that he had not heard of any change in the existing system regarding this matter.

POLICE.

M. PALACIOS observed that the chapter on police (pages 18 *et seq.* of the report) was also very interesting and contained a very methodical account of the questions dealt with. After " Organisation of the Police " came " General Conditions of Police Control ", which was arranged in various sections on offences, the control of newspapers, of meetings and associations, of guns and gunpowder, of alcohol, of dangerous drugs, of prostitution and of residents. The only legal regulation amended was that of 1930 with regard to newspapers, which seemed to contain nothing very special, especially as the importance of the regulation had been diminished by what the accredited representative had said at the previous meeting with regard to newspapers.

M. Palacios noted from page 19 of the report that the personnel of the police was 146 in all in 1933, whereas it was only 120 in 1932. What was the reason for the increase ?

M. ITO said that he had no special information on the subject. He only knew that, in certain sparsely populated islands, police-stations had recently been set up, which might explain the increase noted by M. Palacios.

ORGANISATION OF CERTAIN PORTS OF THE ISLANDS (*continuation*).

M. SAKENOBE said that he had very little more to say after the discussion that morning on the military clause of the mandate. Having visited some of the islands under Japanese mandate (including Saipan and Yap), he was convinced that the charges that had been brought against the mandatory Power were devoid of foundation. He could not, however, refrain from expressing the hope that the mandatory Power would act in such a way that all possible suspicion directed against it might be promptly dispelled.

ARMS AND AMMUNITION.

M. SAKENOBE noted (page 21 of the report) that from 1928-1930 to 1933, the number of firearms possessed by Japanese had risen from 55 to 351. Could the accredited representative give the reason for that sudden increase ?

M. ITO replied that, from the report, it appeared that those firearms were mostly used for hunting purposes—bird-shooting—and, so far as he could see, the only reason for the increase noted by M. Sakenobe was a revival of the sporting instinct in the Japanese population. He would, however, ask his Government for information on the subject.

PUBLIC FINANCE, IMPORTS AND EXPORTS (*continuation*).

Lord LUGARD desired to refer again to a financial question which he had raised at the previous meeting and in regard to which he desired to associate himself with the observations submitted by Count de Penha Garcia—namely, that the surplus assets should be placed to the credit of the territory for work such as medical relief for destitute patients.

M. ITO pointed out that Lord Lugard's observation involved a question of principle. True, the balance of payments in the islands had resulted in a balance in the latter's favour, but it must not be forgotten that trade was in the hands of private individuals, that it was not a State monopoly and that the only means at the disposal of the authorities for ensuring that part of the profits should benefit the Treasury was to tax the traders. That point would have to be examined and M. Ito would not fail to bring it to his Government's notice.

The CHAIRMAN suggested that Lord Lugard's views might be further defined as follows : The Commission was certainly not asking the Japanese Government to make any change in the trade regime in force in the islands, but the accredited representative had explained, at the previous meeting, that certain shipping companies were subsidised out of budget funds and that such support was made possible by the favourable trade balance. What the territory was doing to increase the comfort of transport between the islands and the home country it could also do—and there was even more reason why it should do so—to improve the lot of the natives.

M. ITO said that he would bring that suggestion to the notice of his Government.

POLL TAX.

Mlle. DANNEVIG observed that the Kanakas appeared to constitute the poorer element in the population of the islands and she wondered whether the taxes levied upon them were necessary. The report had referred to the low standard of life of the natives and had even stated that the native pupils attending the schools were underfed. Seeing that the country had a favourable trade balance, which would seem to point to a certain state of prosperity, was it absolutely necessary to insist that the natives should pay a poll tax ?

M. ITO replied that that was a question of principle ; he did not know whether it would be so easy to abolish the poll tax. Mlle. Dannevig would find, moreover, on consulting page 42 of the report, that most of the natives paid only the lower rate of tax, amounting to but a few Swiss francs. Moreover, the population could not be described as poor, since it had the wherewithal to clothe and feed itself, and its further requirements were almost nil.

Mlle. DANNEVIG urged that it was desirable to increase their purchasing power and their requirements.

PRICE OF COPRA.

Lord LUGARD noted that the price per ton of copra was given as 75 yen on page 42 and 144 yen on page 99. To what was the difference due ?

M. ITO replied that the price given on page 42 was a more or less constant basic figure adopted by the Administration for taxation purposes, whereas that given on page 99 was derived from trade statistics.

LABOUR.

Lord LUGARD noted that contracts of over a year must be officially approved. He asked how many such contracts had been concluded and approved (page 78 of the report).

M. Ito said that he had no statistics, but would obtain information.

Lord LUGARD asked whether the natives employed to construct roads (page 79 of the report) were actually performing voluntary or forced labour (paid or unpaid).

M. ITO said that there was no forced labour whatever in the territory ; the road construction referred to on page 79 had been undertaken at the request of the natives themselves.

Lord LUGARD noted that, in future, breach of contract would entail civil and not penal proceedings. How would the Administration then deal with those of its native employees in the Angaur mines who did not fulfil the terms of their contract ? Would these natives be brought before the civil courts ?

M. ITO replied in the negative. In such cases, the Administration reduced wages or withheld privileges. No penal sanctions were applied.

Lord LUGARD observed that reduction of wages was in fact a fine—that was to say, a penal sanction. He asked whether, if wages were reduced, the native had any right of appeal against the decision.

M. ITO explained that labour contracts contained a clause on that matter. It would not be advisable to submit to the courts all cases concerning native workers, who were not very familiar with judicial procedure.

Lord LUGARD was afraid that arbitrary reductions might, in such circumstances, be made in the wages paid to the natives.

M. ITO replied that that did not occur in practice ; penalties were only imposed in the case of serious offences. Moreover, the punishment was automatic in the sense that, when a worker paid by the day, hour or piece stayed away or produced less, his wage inevitably suffered.

Lord LUGARD noted that over 200 women were employed in the sugar industry and many also in the mines (page 83 of the report). What work did they do ? What kind of contract did they hold and what accommodation was provided for them ?

M. ITO replied that a distinction should be drawn, in the first place, between women workers in the Angaur mines and those employed in the sugar industry. He pointed out that among primitive peoples, the Kanakas in particular, the agricultural work was done by the women. In the sugar industry it was natural, therefore, that the women should do the agricultural work to which they were accustomed. Furthermore, they were not required to carry very heavy loads.

Women were employed in the Angaur mines for cleaning. They had to carry light objects and so on. In any event, it was not they who actually extracted the phosphates. At Angaur, separate accommodation was provided for the women, whereas in the sugar industry, where they worked with their husbands, each household had its own quarters.

The women's wages were slightly lower than the men's.

Mlle. DANNEVIG said that she was somewhat surprised at M. Ito's last statement, as he had just maintained that the women in the territory were more skilful at agricultural work than the men.

Mr. WEAVER asked that the number of men and women employed in the Angaur mines should be shown separately in the next report.

With regard to the sugar-cane plantations, he had understood, contrary to the explanation just given by the accredited representative, that only Japanese were employed there.

M. ITO replied that, in spite of the apparent implication of a passage in the report, which was perhaps not sufficiently developed, a few Kanakas were employed on the sugar-cane plantations.

Mr. WEAVER said that he would be glad if the mandatory Power would give information in the next report on the two points he had raised. He would also like to know whether the "penal" labour which was sometimes substituted for imprisonment, according to the explanations given on page 34 of the report, was work for the public authorities or whether it was sometimes performed for private persons.

The wages of the Kanakas as shown in the report seemed rather low (page 79 of the report); it was true the employer provided them with board. Did the figures given in the report relate to wage rates or to actual earnings?

M. ITO replied that the figure given in the report was the wage actually paid.

MISSIONS.

M. PALACIOS said that the chapter dealing with religion—and more particularly the tables on pages 56 and 57 of the report—called for certain comments. The number of missionaries, which was 63 in 1932, had fallen to 58 in the following year. On the other hand, that decrease had been accompanied by a considerable increase in the number of believers. There were 34,826 of the latter in 1932 and 41,943 in 1933. That would seem to be due chiefly to the influx into the islands of a considerable number of Japanese, as the greatest increase was among Buddhists. The report attributed the decrease of Catholic believers at Palau in 1932 to the active propaganda of Protestant missionaries, but the 1933 figures showed a further increase in adherents to the Roman Church.

The extent to which the missions were subsidised might have some connection with their activities and results. The Catholic Mission received 8,000 yen, or 1,000 yen more than in the previous year. That was far less, however, than the 23,000 yen which the Government of the islands granted to the South Mission of Japan, a Protestant mission. The grants still seemed to be distributed on a somewhat special basis. The Japanese authorities themselves distributed them in accordance—they said—with the financial requirements of the various missions. M. Palacios hoped that they endeavoured to distribute them fairly.

EDUCATION.

Mlle. DANNEVIG noted that the education budget had increased from 399,000 yen in 1932 to 606,000 yen in 1933 (page 37 of the report). That increase was probably due to the influx of Japanese into the territory.

M. ITO explained that it was due, on the contrary, to the establishment of a technical agricultural and commercial school, which was for the moment open only to Japanese.

Mlle. DANNEVIG referred to the following passage in a note on page 49 of the report:

"It is hoped to insert in the report for the coming year such tables as will meet the desire of the Mandates Commission."

No doubt it would have been impossible to include the tables in the 1933 report.

M. ITO said that the 1934 report would contain fuller information on the point in which Mlle. Dannevig was interested.

Mlle. DANNEVIG drew attention to further changes in the number of pupils in boarding schools (pages 49 and 50 of the report).

M. ITO explained that the number of pupils in the boarding schools depended mainly on the demand. There was no compulsion to enter these institutions.

Mlle. DANNEVIG noted, from the table on page 48, that there were more pupils in the higher than in the lower classes. Was it to be concluded that the number of young children in the islands was decreasing?

M. ITO said that he would obtain information.

Mlle. DANNEVIG asked whether the Japanese authorities had found that the education given in the territory had raised the general standard of the population.

M. ITO replied in the affirmative. The mentality of former pupils of the public schools differed from that of the rest of the population. According to the most recent information at the accredited representative's disposal, the authorities were sometimes compelled to contend with the parents, who disliked sending their children to schools where they acquired a different mentality from that of their family. It would not be correct to say, however, that all the children spontaneously asked to attend school.

Mlle. DANNEVIG noted that there was one native teacher in each school (page 48 of the report). Did he act as interpreter?

M. ITO replied in the negative. He gave instruction in Japanese.

Mlle. DANNEVIG asked, with regard to what was said in the reports as to the unsatisfactory health of children attending the public schools and their insanitary habits, whether the mandatory Administration should not endeavour to give health instruction to all school-children and not only to the top classes.

M. ITO said that special note would be taken of that suggestion.

Lord LUGARD asked what was covered by the item in the curriculum "Essential points of ethics", which was mentioned on pages 45 and 46 of the report.

M. ITO replied that it was very similar to what the schools in France taught as *morale civique*.

In reply to a question by Mlle. Dannevig, he said that the private school at Ebon referred to on page 53 of the report was open to all sections of the population.

ALCOHOL AND SPIRITS.

Count DE PENHA GARCIA drew attention to the intricate character of the question of alcohol and spirits in the territory, which both produced and imported spirits (pages 22 *et seq.* of the report). The statistics on the subject were not sufficiently full, and the only way to obtain any idea as to how the situation was developing was to compare the figures for previous years with those of the report, which only contained statistics for six months. From 1931 to 1932, imports of alcohol and spirits had increased. He would be glad to know why.

M. ITO explained that the increase was mainly in Japanese drinks.

Count DE PENHA GARCIA asked whether the big consumption of alcohol and spirits by Japanese did not set the natives a very bad example.

M. ITO admitted that no doubt the Japanese did not always set the natives the best example, but he pointed out that the increase in the consumption of alcohol concerned only the Japanese; he wondered, moreover, whether any useful measures could be taken.

In reply to another question by Count de Penha Garcia, he explained that, in the case of some of the Japanese who came from the south of the Empire, the women drank as much alcohol as the men, so that, in calculating the average consumption per head of the Japanese population, women should be taken into account as well as men.

Count DE PENHA GARCIA thought it would be interesting if the statistics on alcohol, which had been omitted from the 1933 report, were resumed in the 1934 report.

M. ITO agreed.

Count DE PENHA GARCIA pointed out that there were no statistics in the 1933 report on sentences for drunkenness and the infringement of the regulations on alcohol and spirits. It would be useful to know what sentences had been imposed for those two offences on the Japanese on the one hand and the natives on the other.

M. ITO replied that some information on that point would be found in various sections of the report, in particular on page 20, and that the great difficulty encountered in obtaining the information which Count de Penha Garcia desired was that the Japanese penal code drew no distinction between sentences for drunkenness and other sentences.

Count DE PENHA GARCIA observed, in conclusion, that there was no tax on the production or consumption of alcohol and spirits in the islands. Considerable revenue might be derived from such a tax, and it might have the effect of restricting consumption.

M. ITO said that he would inform his Government of Count de Penha Garcia's very interesting suggestion.

Lord LUGARD pointed out that, according to the tables on page 23, the liquor consumed in the islands contained a very high percentage of pure alcohol. "Shochu", "Sake", "Awamori", "Pineapple Wine" and "Sava Sap Wine" all contained 20 per cent or more of alcohol. Since 12 per cent was, he believed, the maximum for a fermented beverage, all these were, he supposed, distilled spirits ?

M. Ito replied in the affirmative, with the exception of the "brandy" and "whisky".

DRUGS.

COUNT DE PENHA GARCIA said that he would be glad to know whether any sentences had been inflicted for drug addiction.

M. ITO replied that he had no information on that point, but would enquire of his Government.

PUBLIC HEALTH.

COUNT DE PENHA GARCIA noted (page 106 of the report) that a specialist in tuberculosis had been asked to make an enquiry in the territory. Would that enquiry be carried out from a therapeutical aspect only, or would it also cover the prophylaxis of the disease ?

M. ITO replied that the specialist would make a general study. As soon as results were available, they would be communicated to the Commission.

Lord LUGARD noted (page 103 of the report) that, in August 1932, the South Seas Bureau had handed over 1,000 yen to the Association for Medical Relief to Destitute Patients as a gift from the Emperor. But was not the Administration itself responsible for relief of that kind ? Was any subsidy granted to the association in question, and, if so, what was the amount ?

M. ITO agreed that it was the duty of the Administration to make provision for the medical treatment of destitute persons. That, however, was a principle that was not always applied as it should be, and the assistance of voluntary institutions was sometimes most valuable. He was unable to give particulars of the sums expended by the Administration on destitute patients, as the hospitals did not keep special accounts of treatment given free of charge.

COUNT DE PENHA GARCIA, referring to the gift mentioned by Lord Lugard, noted that it would be continued until 1935. He would be glad to see this sum increased.

Mlle. DANNEVIG drew the accredited representative's attention to the tables showing the number of persons who had died, classified according to age (page 66). She observed that 347 children had not reached the age of 15, and that this figure was considerable when compared with the number of births, which was not more than 1,100 per annum. On the other hand, the death rate among the Japanese population was much lower. Was the absence of hygiene among the native population responsible for the difference, and what steps were taken to improve the situation ?

M. ITO said that he was unable to reply definitely to Mlle. Dannevig's question. He must, however, point out that it was only in recent years that the rate of child mortality had decreased appreciably in civilised countries. Nevertheless, he would draw his Government's attention to Mlle. Dannevig's question.

LAND TENURE.

Lord LUGARD asked when the mandatory Power expected to establish the definite land system mentioned on page 69 of the report.

M. ITO explained that a survey of the islands was in progress and, as soon as it was ready, the establishment of a definite land system could be considered. He could not, however, say when the work would be completed. The survey of Saipan Island was nearly finished, and the survey of Palau Island was well advanced. As to the progress made in the other islands, M. Ito had no information. Operations of that kind were necessarily slow in a territory like the South Sea Islands.

Lord LUGARD asked whether steps had been taken by the Administration to reclaim the 24,000 hectares which, according to the report (page 71), might be cultivated.

M. ITO said he had no information on this subject.

Lord LUGARD said that he would like information with regard to Imperial Ordinance No. 264, the text of which was given on pages 128 and 129 of the report. The object of the Ordinance was not clear. What, in particular, was the meaning of Article X ?

M. ITO explained that the Ordinance concerned the survey operations. The text given in the report was a translation from the Japanese. He would study the original and, if necessary, would give Lord Lugard information in writing.

FORESTS.

Lord LUGARD noted that nothing was said in the report as to the policy adopted by the mandatory authority with regard to reforestation or the protection of useful trees.

M. ITO said that information would be given in the next report.

DEMOGRAPHIC STATISTICS.

M. RAPPARD pointed out that, according to the previous year's report, the native population of the islands was 50,000. The present report stated that it was only 49,935, in spite of a statement on page 106 to the effect that the population of the islands was tending to increase. No doubt the explanation of the anomaly was that the census of the islands was neither accurate nor complete. In this connection, he expressed the hope that the survey operations would permit of a better count of the population. In the meantime, he noted that the Japanese element was continually increasing, while the native element was static, or even decreasing. He thought that, if this situation continued, the natives would soon be in a minority as compared with the Japanese.

M. ITO said that he would endeavour, in the coming year, to obtain more reliable statistics. With regard to M. Rappard's last remark, he drew the Commission's attention to the statement on page 106 of the report that, in the Japanese Government's opinion, as the natural resources of the South Sea Islands were very restricted, Japanese immigration to the islands would tend to decrease. Up to the present, immigrants had gone to the two centres of the sugar industry—Saipan and Tinian—and lastly to Rota, where the latest sugar business had been established.

Lord LUGARD expressed his surprise that the mandatory Administration should be able to give the figures for the inhabitants of the islands almost to a man (page 2 of the report), whereas the accredited representative had said that he was not in a position to state the actual number of the islands which were inhabited.

M. ITO explained that the population figures were, in point of fact, not really correct to a man. In certain islands, where there were only a few inhabitants, only approximate results could be obtained by means of the census.

Mlle. DANNEVIG referred to the passage in the report (page 3) where it was stated that the rate of increase of the Chamorro population was high but that that of the Kanakas was low. Could the accredited representative explain that fact ? Could the actual figures for the two populations be given ?

M. ITO thought that it would be somewhat difficult to give accurate figures for the Chamorros and Kanakas, as they were scattered over the territory.

Mlle. DANNEVIG would like at all events to know why the Kanakas were increasing less rapidly than the Chamorros, or were even declining in population.

PETITIONS, DATED SEPTEMBER 3RD, 1931, AND APRIL 28TH, 1932, FROM M. KASHICHIRO MASAKIYO.

The CHAIRMAN pointed out that, at its twenty-fourth session (see Minutes, page 139), the Commission had considered, in its conclusions with regard to the petitions of September 3rd, 1931, and April 28th, 1932, submitted by M. Kashichiro Masakiyo, acting for M. Wan Cablera, that no action should be taken on the petitions, since the petitioner had not yet exhausted the legal remedies open to him. Since then, the Secretariat of the League of Nations

had received copy of a further petition from M. Kashichiro Masakiyo with regard to the points dealt with in his two previous petitions, the original of which would appear to have been sent to the mandatory Power. Could the accredited representative say : (1) Whether the petitioner had applied to the competent courts ; and (2) whether a further petition had reached the authorities of the mandatory Power ?

M. ITO said that he had no information on the matter. He would make enquiries of his Government and would send the Commission a reply in writing.

CLOSE OF THE HEARING.

The CHAIRMAN thanked M. Ito.

THIRTEENTH MEETING.

Held on Tuesday, November 6th, 1934, at 10.30 a.m.

Syria and Lebanon : Convocation of the Accredited Representative of the Mandatory Power for the Examination of Certain Petitions.

M. RAPPARD, recalling that he was rapporteur for four sets of Syrian petitions, said that these petitions might and should have been examined at the last session, together with the report on Syria, but the mandatory Power had not communicated them in time. One of them, for instance, though dated June 2nd, 1933, had only been forwarded by the mandatory Power in a letter dated May 31st, 1934, too late to be discussed at the twenty-fifth session. It would be regrettable, however, if the examination of a petition dated June 1933 were put off until June 1935. On the other hand, they could hardly be examined without the help of the accredited representative. That applied especially to one petition which was so important that the mandatory Power had felt that it called for a memorandum. He would have preferred not to suggest that M. de Caix should come specially to Geneva for the examination of these petitions during the present session ; but it was hardly possible to act otherwise, owing to the mandatory Power's delay in forwarding the petitions.

M. PALACIOS, who was rapporteur for other Syrian petitions, supported M. Rappard's proposal.

M. Rappard's proposal was adopted.

Togoland under French Mandate : Examination of the Annual Report for 1933.

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

GENERAL STATEMENT BY THE ACCREDITED REPRESENTATIVE.

M. BESSON made the following general statement :

Togoland suffered considerably from the economic depression in 1933. It was particularly hard hit because the territory and its population are small ; the soil is, on the whole, poor. It was true that, when the economic situation was good, some illusions might have been created. The unbroken rise in natural products exported by Togoland had created prosperity, but the present depression and the rapid fall in the price of raw materials have shown that it was unfortunately a somewhat artificial prosperity.

The statistics are there. They are singularly eloquent, with an eloquence " that cannot hide the truth ". In 1933, the figure for general trade was 69,850,000 francs, a fall of over 25 millions as compared with 1932. Imports had fallen by 12,122,394 kilogrammes as compared with 1932. Exports also had decreased. They were 23,398,000 kilogrammes less than in 1932. Togoland again sold goods to the value of 28½ million francs in 1933, whereas in 1932 she sold goods to the value of 29,200,000 francs.

The territory had purchased 65,500,000 francs' worth of goods in 1932, but was only able to purchase 41,500,000 francs' worth in 1933. It is stated that the fall has continued throughout the first six months of 1934. Tonnage imported has decreased as compared with the corresponding period in 1932 by 2,000 tons, a drop of 8 million francs.

To make matters worse, in addition to the general economic depression, the harvest was unsatisfactory owing to persistent rain in 1933, which had badly spoilt the crops.

In spite of this difficult situation, the mandatory Power has endeavoured to assist production in the territory. You are aware that it is our colonial economic policy to support native production and production in general as far as we are able. The Colonial Department has therefore applied the following methods: (1) a policy to reduce general charges in order to lighten the burden on the production (reduction of railway rates, withdrawal or lowering of export duties) of a considerable number of products, such as maize and cassava; (2) a policy to assist production, about which I spoke at length last year,¹ and again this year during the examination of the annual report on the Cameroons. The authorities in the territory have endeavoured to increase still further the yield from certain crops in order to replace, for instance, exports of palm-kernels, palm-oil, copra and cotton, which are short, by other exports. Thus, further efforts have been made to export more cocoa, coffee and kapok. Maize is becoming an important export and is making strides from this point of view. There has been a very definite recovery in Shea nuts and butter, tapioca and castor-beans.

You are aware that we have been able by means of the export bounties to which we referred the other day to assist the banana and cocoa producers, both European and native, to the extent of 500,000 francs, which is a good deal for this small territory and has been of real assistance.

We have started an equalisation fund for rubber on the same lines as the funds in the Cameroons.

You will realise, however, that, as a logical and rational consequence of the economic slump, there has been a fiscal crisis, or rather a collapse, in the budget.

In 1929, we had a budget surplus of 3,400,000 francs; in 1930, we also had a surplus of 4,145,000 francs. These surpluses, like those of preceding years, were paid into the reserve fund. Unfortunately, in spite of an attempt to reduce the budget—expenditure having fallen from 46 millions, the budget figure for 1929, to 34 millions in 1930—there was a deficit in 1931 of 1,700,000 francs and, in 1932, of 3,879,000 francs. According to the latest figures for 1933—those of the Colonial Department—it is to be feared that the financial period will show a deficit of 8,192,000 francs, a high figure for so small a budget.

At the same time, the budget has been reduced from 47 million francs in 1932 to 39 million francs. This year, 1934, the Ministry of the Colonies has given the strictest instructions that further reductions must be made. Last year, I described the fiscal measures we had taken; the raising of certain duties, the introduction of an income tax. As you will have seen, they resulted in a slight increase—namely, 1 million francs—in receipts from direct taxation. After a careful examination of the situation, however, by both the local administration and an Inspector of the Colonies, who went to the territory last year and have returned to Paris with a very full report, it was not possible to think of asking the native population to pay still higher taxes. All it was possible to do was to introduce a graduated supertax on incomes over 10,000 francs.

Days of prestation-labour have been increased from four to six, but, in view of the depression, the rate of composition has had to be decreased by half. We have now reached the limit. It is not therefore possible to ask more of the taxpayers. We cannot hope for steady receipts from import and export duties, as here also we are faced with a slump. The problem is obviously very difficult.

In 1933, the sum of 4 million francs was saved out of 39 million francs. The "personnel" had suffered considerably—a reduction of more than 1,500,000 francs had been effected. Unfortunately, it has been necessary to reduce by 700,000 francs the credits for "new works".

But the mandatory Power, mindful of its duty towards the territory and its people, cannot contemplate further reductions, because it sees very clearly that to go further would be detrimental to the material and moral well-being of the natives. In agreement with the present Governor, Commissioner of the Republic, and with the Inspector of the Colonies, who has just returned to Paris with further information, the Ministry of the Colonies has decided to "reduce the style of living" of this little territory Togoland. I will not disguise from you that the problem is serious and very difficult to solve, for how can we do this? Why is it too costly? I have already told you: because Togoland is small and poor and has unfortunately, if I may say so, a staff of officials larger than its fiscal position and economic strength warrant.

On the other hand, the mandatory Power—and I stress this on behalf of my Government and the Colonial Department—intends above all to maintain at the maximum the good administration of the territory. Furthermore—and I also call special attention to this point—the mandatory Power is anxious to preserve intact the individuality and independence of the territory.

¹ Minutes of the Twenty-fourth Session of the Commission, pages 34 and 35.

Savings must, however, be made at all costs. Allow me, in order to give you some idea of the situation, to read what Governor Bourguine, Commissioner of the Republic at Lomé, wrote to the Ministry of the Colonies on September 24th, 1934 :

“ I see no other means of meeting some of the deficit than considerably to reduce the cost of administering the territory by making thorough-going changes in the present administrative organisation.”

The Colonial Department—as was its duty to both the Government and the Commission—has therefore studied this problem very carefully and has drawn up three schemes which I shall be glad to explain to you when we come to consider the financial section of the report.

I should now like to point out that, from the point of view of general administration, the difficulties previously experienced in the territory did not arise in 1933. Native justice was reorganised in a more rational and logical form ; this reform was based on respect for native customs, and, in future, the native assessors will not only sit in the courts in an advisory capacity ; they will be entitled to vote. That is a very important step.

In spite of the depression, the mandatory Power has continued to extend education, and, from the social point of view, I should like to say—to M^{lle} Dannevig in particular—that the present Minister of the Colonies, M. Louis Rollin, has instructed me to inform the Mandates Commission that one of his first concerns in taking over the Ministry was very carefully to study questions relating to the protection of women and children in the colonies. As you are aware, M. Louis Rollin was one of the promoters of the child-welfare movement which conferred recently in Paris, and, since going to the Ministry, he has asked for a very full report on the administrative and statutory measures relating to the protection of women and children in all the colonies, and of course also in the territories under mandate. I should also like to remind you that the Œuvre du Berceau togolais, which was organised by M^{me} Boncarrère has been developed further and that the medical work is being pursued with the same despatch and zeal, thanks to the enthusiasm of the medical service.

The CHAIRMAN thanked M. Besson for his statement, which showed how actively the mandatory Power was coping with the present difficulties. He hoped that the depression would be overcome by the measures contemplated.

HALF-CASTES.

M. PALACIOS noted that the annual report occasionally referred to the half-castes of the territory, particularly in connection with education.

(a) What was the proportion of the half-caste population in relation to the native population, on the one hand, and the European population on the other ?

(b) What was the personal status of half-castes (nationality, enjoyment of civil and civic rights) ?

(c) Did the half-caste child possess rights in relation to his father, when the latter was known (maintenance allowance, rights of inheritance) ?

M. Palacios hoped that the required information might be given in the next report.

M. BESSON replied that, as he had promised in the case of the Cameroons, the next report on Togoland would contain a study on the subject of half-castes.

NATIVE ADMINISTRATION.

M. ORTS noted, with regard to Chapter I, French and Native Administration (page 9 of the report), that some administrative circumscriptions had been changed. Had the natives raised difficulties in connection with these changes, which had involved the transfer of some tribes from one district to another, or had they welcomed them ?

M. BESSON replied that the Administration had encountered no difficulties. On the contrary, the new arrangements had facilitated its work.

STUDY OF NATIVE LANGUAGES.

Lord LUGARD pointed out that the report on the Cameroons said that special attention was devoted in that territory to the study of native languages. Did that also apply to Togoland ?

M. BESSON thought that that was the intention, but that the authorities were awaiting the results of the studies in progress in the Cameroons before opening an enquiry of that kind.

Lord LUGARD asked whether attention was being devoted to the standardisation of the spelling of native languages. Considerable interest was taken in this question at the International Institute of African Languages and Cultures, and a scientific and yet practical orthography had been adopted for a number of colonies. He would be glad to know whether the adoption of such an orthography in Togoland would be considered.

M. BESSON said that this observation would be brought to the notice of the French Government.

Lord LUGARD explained that a system of simplified symbols and phonetics had been adopted after prolonged discussion among the savants.

FRONTIER BETWEEN TOGOLAND UNDER FRENCH MANDATE AND DAHOMEY : RELATIONS BETWEEN THE VARIOUS FRONTIER TRIBES.

M. ORTS recalled that the frontier between Togoland under French and British mandates had been delimited some years previously. Had the frontier with Dahomey been fixed before, when Togoland was German? Was there any doubt as to the marking of the frontier?

M. BESSON replied that the frontier was the same, and that it had in due course been the subject of a Franco-German delimitation Convention and had been marked out on the spot. The boundary-marks now placed at the entry to the roads clearly indicated the line.

M. ORTS asked whether the agreement reached between the two countries at the time had been recorded in a protocol, with a description of the frontier and map appended.

M. BESSON replied that there was an agreement between France and Germany about 1896. He would see that the exact date was given in the next report.

M. SAKENOBE asked what were the relations of Togoland under French mandate with Togoland under British mandate and with the Gold Coast. Were those relations friendly?

M. BESSON replied that they were most friendly.

M. SAKENOBE asked (1) how the difficulties between frontier tribes would be settled and (2) whether there was a frontier arbitration commission or special courts.

M. BESSON said, in reply to the first point, that there was an agreement between the two authorities. The answer to the second point was in the negative.

ECONOMIC EQUALITY.

M. ORTS recalled that he had at the present session asked questions with regard to economic equality in connection with the Cameroons. Had Togoland benefited from the loan to which reference had been made?

M. BESSON replied in the negative.

M. ORTS asked the accredited representative, in those circumstances, to consider that the two questions asked with regard to the Cameroons also referred to Togoland—namely, the application of the 1933 law on preference to the flag and the law on air transport between France and her colonies.

M. BESSON took note of this remark. For the mandatory Power also, the question was the same in both territories.

PUBLIC FINANCE.

M. RAPPARD noted with satisfaction that the mandatory Power had made a real effort to inform the Commission as fully as possible of the financial situation and to enable it to understand the public accountancy system (pages 10 *et seq.* of the report). The very fact of its having made that effort showed how perplexing the situation was. There were, as a matter of fact, four budgets: a local budget, a supplementary public health budget, a supplementary railway and wharf budget, and a special loan fund budget.

In addition, each of the first three budgets was divided into an ordinary and an extraordinary section. The loan budget, like the extraordinary sections of the other budgets, was intended to enable special works to be carried out. This complicated arrangement of the budget made it difficult for lay persons to follow the territory's development.

M. BESSON said that he himself had been somewhat puzzled in studying the budget. It was well known that public accountancy in France was very complicated, but what seemed difficult to outsiders was surely very clear, from the technical point of view, to the experts. He did not think that the special loan fund budget could be absorbed in a general budget. The supplementary public health budget might perhaps be included in the local or ordinary budget. That, moreover, had been done in the case of the Cameroons.

He would bring M. Rappard's observations to his Government's notice and, in the reform to which he had referred in his statement, a change would certainly be made, if not in budgetary methods, at any rate in the structure of the budget.

The CHAIRMAN observed that, while the experts might be satisfied with the budget in its present form, it should not be forgotten that the purpose of the report was to enlighten the Mandates Commission. The report, however, presented difficulties for those who knew how to read it, so that it must be still more difficult for those who were not experts. The Commission asked, though with no intention of criticising, that its work should be facilitated, and it hoped that the accredited representative would place its views on this matter before the mandatory Power.

M. BESSON said he would convey the Commission's wishes to his Government. Some slight progress had been made, as M. Rappard had observed. Efforts were constantly being made to clarify the annual report. The mandatory Power's sole desire was to satisfy the Commission and to demonstrate as clearly as possible a fact which it had no intention of concealing—that the position in Togoland was deplorable.

M. RAPPARD agreed with what the Chairman had said. The publication of the budget afforded some opportunity of supervision, and the essential condition was clearness. It would be desirable to standardise the terminology employed in the reports on Togoland and the Cameroons.

M. BESSON said he would endeavour to get the two budgets somewhat standardised, and in so doing he would be assisted by the remarks that the Chairman and M. Rappard had just made.

M. RAPPARD called attention to a passage on page 10 of the report which seemed to him somewhat obscure, viz. :

“ L'institution (*i.e.*, the introduction of the income tax) a seulement visé le principe même d'une taxe susceptible de rendre seulement lorsqu'elle sera pleinement entrée dans les mœurs et que les taux pourront en être élevés sans inconvénient sérieux.” (“ The intention, in introducing this system, was the introduction, in principle, of a tax that would only begin to yield when it came to be accepted as a matter of course, after which the rate could be raised without serious difficulty.”)

M. BESSON explained that that was the first time that an income tax had been introduced in territories of that kind. In view of the critical position, it had not been thought advisable to enforce the new institution completely.

M. RAPPARD said that it would be interesting to see the results of this effort to increase the yield of direct taxation, not merely in Togoland, but in all the colonial territories, because that would show whether those territories could be associated with the financial administration, in which case the Customs Department could be released from a corresponding amount of liability.

M. BESSON said that that was the policy that France had been pursuing for some years.

M. RAPPARD, referring to the table on page 15 of the report (comparison of final accounts since 1930), thanked the mandatory Power for providing this type of information, which was very valuable. He noted that, under the head of ordinary revenue, there had been a serious decline in Chapters 1 and 2 between 1930 and 1932.

M. BESSON said that that decline had continued in 1933. The territory had reached saturation-point and no more revenue was to be looked for from taxation.

M. RAPPARD, referring to ordinary revenue, observed that the accounts for 1931 and 1932 were balanced. That had been done by withdrawals from the reserve fund. Why was there not a similar balance for the financial year 1930? That year had closed with a surplus, which ought to have been put into the reserve fund, so that the accounts should have balanced like those of the other years to which he had referred.

After a discussion on this point with M. Merlin and the accredited representative, M. Rappard concluded that the method followed was this: When there was a deficit, the accounts for the year to which that deficit related were at once balanced by a withdrawal from the reserve fund. When, on the other hand, there was a surplus, the Administration waited for the results of the settled accounts before paying into the reserve fund the real surplus as revealed by those accounts.

M. BESSON agreed that that was so.

M. RAPPARD, referring to the schedule of expenditure on page 17 of the report, asked for an explanation of the discrepancy in Chapter 1 (debts due) between the appropriations made and the expenditure incurred. The difference was 1,400,000 francs for the service of the debt.

M. BESSON explained that the funds provided had not been wholly expended. Railway construction had been discontinued.

M. RAPPARD asked for details of the 292,000 francs for "contribution towards expenditure for the maintenance of troops passing through the territory" (page 18 of the report).

M. BESSON said that that expenditure was due to the Lomé incidents, which had been discussed in the previous year.¹ It had been necessary to bring in a battalion from Dahomey, and subsequently other troops from the Ivory Coast had replaced it. The expenditure in question was not for the transport of those troops, but for their temporary accommodation in barracks and their removal.

M. RAPPARD observed, in regard to the first schedule on page 23 of the report (statement of the financial situation from 1923 to 1932), that in the last column (extraordinary section) surplus tax collections were shown down to 1927, after which they ceased to appear. He would like to know whether there had been any change in the procedure.

M. BESSON said he would enquire.

M. RAPPARD called attention to the lack of clearness in the information given on page 29 with regard to the state of the reserve fund at December 31st, 1932.

M. BESSON agreed that the statement was not very clear, especially because, according to his information, 7 million francs had had to be paid to balance the budget.

M. RAPPARD referred, merely *pro forma*, to the question of grants (page 29 of the report). At a time of depression, these could surely be reduced.

He admitted that the accredited representative had graphically described the almost desperate position of the territory. Direct revenue had reached its absolute maximum. Indirect revenue was decreasing in proportion to the amount of taxable material. The administrative staff was being reduced to the utmost. It had accordingly proved necessary to draw upon the reserve fund, which had given rise to criticism in the past, but was now proving its value. The reserve fund itself seemed to be verging upon exhaustion. What was to be done? Was there no hope of any financial aid from the mandatory Power? He was, of course, well aware of the position of the French State and French taxpayers, but in similar circumstances financial assistance had been habitually extended to other mandated territories. Was that out of the question for Togoland and, if so, why?

M. BESSON said that the question had indeed been raised by the Ministry of the Colonies but the latter was now confronted by a Ministry of Finance which, so far as the budget was concerned, was absolutely inexorable. Everybody knew what efforts had been made to balance France's budget. Grants had been applied for on behalf of various colonies, but not allowed. The answer that had been given was: first and foremost, economise as much as you possibly can. That had been done, but it did not seem to suffice, because even the utmost possible economies that had already been made ought to be still further increased. He did not think that, at the present time, the Ministry of Finance could be prevailed upon to make any entry in the budget. That did not mean, however, that the position would always remain the same.

M. RAPPARD, in concluding the discussion of the financial position of Togoland, observed that if, notwithstanding the complicated and obscure character of that chapter of the report, the Commission had been able to gain a general idea of the financial position of the territory, that was due to the efforts of the accredited representative. He hoped that, in future, those responsible for that chapter would display the same lucidity as M. Besson.

SCHEMES FOR A PROVISIONAL ADMINISTRATIVE REORGANISATION OF THE TERRITORY.

M. BESSON thanked M. Rappard for his kind words and said he thought he ought to inform the Commission of the schemes which had been prepared by the Department of the Colonies and to which he had alluded in his opening statement.

They had to deal with a budget deficit and a practically exhausted reserve fund and also with an administrative machinery wholly disproportionate to such a small territory as Togoland. The territory could no longer afford such a large body of officials and reductions had therefore to be made. Salaries had already been cut by from 10 to 20 per cent and allowances of various kinds to a considerably greater extent. At the same time, it was impossible to put young men in charge of all the services, because that would not be in the interests of the people

¹ See Minutes of the Twenty-fourth Session of the Commission, page 52 to 55, 122, 129, 139.

of the territory. That being so, it was a problem how to maintain the integrity of the territory and its budgetary and administrative autonomy while at the same time continuing to secure the services of able and experienced administrators.

The Department of the Colonies had thought that, without encroaching upon the individuality of Togoland or its budgetary autonomy, the territory might perhaps for a certain time borrow some high officials from Dahomey—perhaps even its Governor, who would, of course, have a representative residing at Lomé. The Commissioner of the Republic would continue to correspond direct with Paris, and the officials borrowed from Dahomey would devote part of their time to Togoland. Such a system would be highly rational, because the distance between Lomé and the capital of Dahomey was only 40 kilometres. M. Besson then suggested which of the existing officials could be retained in Togoland, and gave details of the salaries of the higher officials of the territory. He summarised the proposed reform as representing for the territory a saving of 3,800,000 francs in salaries, saving which might even be as much as 4 millions with the saving on miscellaneous allowances.

If the Commission thought that that system would mean too close an association with Dahomey, some other system might be devised. For instance—though the Commission would probably not agree to that—there might be an administrator-in-chief at Lomé, and all the heads of services might be dismissed and replaced by subordinate officials. That, however, would not be sound administration or in the interests of the territory.

M. ORTS observed that, according to M. Besson's scheme, the principal point would be the dismissal of the heads of general services.

The CHAIRMAN wondered whether the Commissioner of the Republic could not ensure satisfactory administration with the help of the existing deputy chiefs. While it appreciated the desire to economise, the Commission was obliged to make reservations with regard to anything that might encroach upon the individuality of the territory and its budgetary and administrative autonomy. Moreover, he ventured to recall that, in accepting the mandates, the mandatory Powers had at the same time accepted certain risks, and notably the risk, under Article 22 of the Covenant itself, that they might have financially to assist the territory entrusted to them. So far, France had been favoured, owing to the fact that the Cameroons and Togoland had yielded surpluses of revenue, but there were other mandated territories which had always been financially assisted by the mandatory Powers, often at a dead loss.

M. RAPPARD thought this question should be considered by the members of the Commission among themselves. They must be very grateful to the mandatory Power for informing them of its intentions; that had not happened in certain other cases.

He wished to emphasise two points. In the first place, no encroachment, however slight, on the autonomy of the territory could be tolerated. The mandatory Power could not shift the responsibility on to authorities over which the Commission had no control. If an official from Dahomey were to be appointed to Togoland, it must be perfectly clear that the mandatory Power would thereby become responsible to the League of Nations for his administration.

M. Rappard's second point was that the people of a country under mandate could not be made to pay for the disadvantages of an unnecessarily expensive system of government. He entirely agreed that the Commission should not display any indulgence towards administrative measures that might restrict its right of supervision. But, on the other hand, it could not object to measures for a sound and economic administration, simply because they affected a mandated territory. Nothing would make such a system more odious to the country that suffered from it. He attached almost as much importance to this second danger as to the first.

M. BESSON said that, if the proposed scheme could be put into effect, the mandatory Power's first care would be to make the task of the Mandates Commission even easier and to maintain unimpaired the administrative autonomy and individuality of the territory. It was absolutely essential to rescue the territory from its present difficulties, and the mandatory Power would not fail to take steps.

The CHAIRMAN said that, whatever view the Mandates Commission might take, it could not but be grateful to the mandatory Power and the accredited representative for the declaration that had just been made—namely, that their first care would be to uphold the individuality of the mandated territory and its budgetary independence.

M. RAPPARD remarked that the accredited representative had not yet made any statement about the third scheme to which he had referred in his opening speech. What was that scheme?

M. BESSON said it involved an appeal to the officials at Dahomey, exclusive of the Governor. He did not think that would be a good solution, as the Commissioner of the Republic would not have sufficient authority over the departmental chiefs at Dahomey.

ECONOMIC SITUATION : IMPORTS AND EXPORTS.

M. MERLIN said that the method of trying, by increasing output and exports, to compensate for the fall in prices did not seem to have given as good results in Togoland as in the Cameroons. The authorities had, however, spared no effort, and the report described the various steps that had been taken (adaptation of crops, development of the road system, etc.). If these efforts had not proved so fruitful as in the Cameroons, the reason was that economically the foundations in Togoland were weaker.

The circular of the Commissioner of the Republic, reproduced on pages 133 *et seq.* of the report and dated October 12th, 1933, showed the remarkable effort that had been made to shield the territory from the effects of the depression. A table annexed to this circular showed the weight and value of the chief commodities exported from the territory between 1921 and 1932. The total values disclosed a definite upward tendency until 1930, when the total exports amounted to almost 80,000,000 francs. This figure, which fell to 48,000,000 francs in 1931, became further reduced to 28,400,000 francs in 1932, or less than three-eighths. These facts explained, partly at least, the economic and fiscal upheaval experienced in the mandated territory.

That state of affairs was general, and M. Merlin saw no remedy for it but the lifting of the depression, which was not in anyone's power. Togoland could not fall back on local devices to increase its resources. The accredited representative said that the maximum economies had been made. Perhaps something more could still be done, even without having recourse to help from Dahomey. As M. Rappard suggested, once it had been proved to the home country that Togoland had done its best and that all the measures resorted to were insufficient, it would be necessary to appeal to the home country, not for "subsidies", but for the Treasury advances that the territory might ultimately need.

CATTLE.

COUNT DE PENHA GARCIA drew attention to a Decree of October 28th, 1933, regarding "administrative flocks" (page 143 of the report). If a close examination were made of the provisions of that decree, particularly Article 2c, it might be asked whether Togoland was not in some ways suffering from too much red tape and administrative formality.

M. BESSON pointed out that the expression "administrative flocks" was very common. Studs, for instance, were nothing but administrative flocks. Moreover, it had to be admitted that the compilation of reports was an essential feature of good administration. Finally, too great importance should not be attributed to the details mentioned by Count de Penha Garcia. It was very probable that the regulations were simplified in practice.

SITUATION OF WOMEN IN THE TERRITORY.

M^{lle} DANNEVIG, referring to Article 6, paragraph 1, of the Decree of April 21st, 1933, on the reorganisation of native justice in Togoland (page 111), saw that it was the "custom of the women" on which decisions were based in the event of a conflict between customs in marriage cases. She wished to know if any special ordinances were enacted dealing with the marriage of girls under fourteen years of age, the payment of a dowry, its repayment in the event of divorce, and the position of native women married under Christian laws.

M. BESSON said that steps were being taken in the Cameroons to clear up the main problems of native custom, but it was not an easy matter. In Togoland there was not one but several races, not one but several bodies of custom. This legislative work was gradually being done. In some years' time a complete record of native customs would be available. It was precisely because customs were so different that European magistrates were assisted by native assessors, who explained to them the custom.

M^{lle} DANNEVIG was very grateful to the accredited representative for this information and also for the passage in his statement showing the interest taken in the situation of native women and children.

JUDICIAL ORGANISATION : IMPRISONMENT FOR DEBT.

M. PALACIOS remarked that, on pages 31 and 32 of the report, a description was given of the new judicial system set up by the Decree of April 21st, 1933 (pages 109 *et seq.*). It was interesting to note the progress made by the natives in the new organisation. Whereas the native assessors had formerly acted in an advisory capacity only, they were now represented in all the various kinds of suits and courts and were entitled to speak and vote.

Were the European assessors mentioned at the bottom of page 31 of the report officials or settlers? Were the two native assessors mentioned at the top of page 33 as members of the Repeal Chamber natives of Togoland?

M. BESSON replied that, as a rule, the native assessors belonged to the Togo population. The European assessors were members of the resident population in Togoland, excluding officials and members of the Army. The Court of Dakar consisted of natives from the neighbourhood of Dakar and highly placed magistrates from French West Africa.

M. PALACIOS asked if the next report could give a definition of the "reserved questions" referred to in the first table on page 34.

On page 125 of the report there was a decree reorganising imprisonment for debt. Paragraph 2 of Article 1 specified that imprisonment could only be inflicted when the creditor and the debtor were amenable to the jurisdiction of the native courts, under the Decree of April 21st, 1933. Did that mean that the penalty of imprisonment could only be imposed when the creditor and debtor were both natives?

M. BESSON replied that the Decree of April 21st, 1933, referred to native jurisdiction and justice. It did not concern Europeans.

M. PALACIOS said that that seemed to be implied by the third paragraph of Article 1, which provided that "a debtor may only be imprisoned for debt when the credit was advanced to a native amenable to the jurisdiction of the French courts". But he would like an explanation of this institution, the object of which was "to compel a careless or dishonest debtor to pay a debt previously recognised by the courts, or to compel a person sentenced to pay the fines or costs". Might it not, in practice, lead to abuses not unlike temporary bondage or forced labour? It should be noted that imprisonment for debt could be ordered, not only in criminal, but also in commercial and civil affairs. According to the scale given in Article 9, it could be, in either case, from one to fifteen days for a debt, a fine or costs of from one to twenty-five francs, and from one year and one day to two years when the sum owing was over a thousand francs. He noted that Article 10 contained certain measures for the protection of the "*dettiers*", as he believed the offenders were called. Nineteen of them had been detained at Atakpamé in 1933, according to the table on page 33 of the report. Sentence of imprisonment for debt could not be passed on minors of sixteen years of age and persons over sixty, on sick persons, on women with child or with children under three years of age. Nor could it be passed on both husband and wife at the same time, even for separate debts. He wondered, however, whether, when a debtor was required to work for the creditor in order to make good the debt, that work, which was no doubt agricultural, domestic, etc., and which was in the nature of a hire contract, was adequately protected by the native labour regulations.

M. BESSON replied that, as imprisonment was the result of a sentence, it could not be assimilated to bondage.

M. PALACIOS said that this penalty could be imposed even in civil suits.

M. BESSON replied that it was the only way of touching the natives. The system had been working for many years in French West Africa and had never caused any difficulty.

M¹¹⁶ DANNEVIG asked who benefited by the two years' work done by a native so sentenced.

M. BESSON replied that no payment was made for the work. It was imposed as a penalty.

M¹¹⁶ DANNEVIG said a sentence of two years would seem excessive for a debt of 1,000 francs.

M. BESSON said it was in proportion to the cost of living.

The CHAIRMAN added that the creditor maintained the sentenced person for two years.

M¹¹⁶ DANNEVIG pointed out that, according to information in the report (page 73), wages were two to three francs a day.

The CHAIRMAN replied that that was a theoretical figure. In practice, owing to the special conditions obtaining in the colonies, a native would hardly receive more than forty to fifty centimes on an average.

M. PALACIOS noticed that the *Official Gazette* of May 16th, 1934, published a Decree of May 11th, 1934, extending to Togoland the application of a Decree of September 2nd, 1933, amending the criminal procedure code in French West Africa. Could the accredited representative state what changes the application of this decree would make in the system hitherto in force in the mandated territory? Furthermore, the *Official Gazette* of July 1st, 1934, published a Decree dated June 27th, 1934, extending to Togoland the provision of the Decree of January 5th, 1934, amending the rules relating to the competence of the courts in West Africa. It seemed to relate to the competence of the French courts in offences in which accuser and accused were natives for whom a European had civil responsibility. Had it made any important change in the former system?

M. BESSON said that the reply would be given in the next report. The Commission was now dealing with the administration in 1933, while the measure in question related to 1934. He would be glad to give full information on the point next year.

M. PALACIOS said he would revert to the question next year.

Lord LUGARD said that he was also interested in the effects of the Decree of May 16th, 1934.

PENITENTIARY SYSTEM.

M. SAKENOBE drew attention to the Decree of November 1st, 1933, regarding the reorganisation of the penitentiary system. In Articles 27 and 29 (pages 122 and 123 of the report), it was said that "medical services are given by one or more auxiliary doctors, assistant doctors and orderlies and that every morning the patients are assembled in the prison nursery to be examined by the doctors." As Togoland had only twelve doctors and a few assistants and there were nine prisons in the territory, how could this legal provision be fully applied?

M. BESSON replied that, in addition to the doctors on the active list, there were the assistants known as "contract doctors", who were responsible for the service. In reply to another question by M. Sakenobe, the accredited representative added that there were also prison doctors, but prison work was not their only duty.

DEFENCE OF THE TERRITORY : POLICE.

M. SAKENOBE observed that, like the Cameroons, Togoland had two military formations: the native guard and the militia company (page 39 of the report). Were these formations, which seemed to be identically organised, used, as in the Cameroons, for police work: maintenance of public order, traffic regulation, supervision of the execution of laws?

M. BESSON replied in the affirmative.

M. SAKENOBE asked if there was any special reason for the small increase in the militia company.

M. BESSON reminded the Commission of his remarks last year, that, after the troubles at Lomé, the authorities had found that they had really not enough militiamen at their disposal.¹

M. ORTS noted on page 9 of the report that a police and *sûreté* service had been introduced, although it was felt that the present Administration was too burdensome for the territory. These were no doubt special reasons to justify the establishment of this new administrative service.

M. BESSON explained that it arose out of incidents that had occurred in the past year. They would certainly not have taken place if there had been a real force of the kind at Lomé. That was why the Governor, M. de Guise, with the approval of the inspector of the colonies, who had been on the spot in 1933, had introduced this service. The staff would consist of an Administrator, who would be in charge of the service, and assistant inspectors, young Togoland from the continuation school.

¹ See Minutes of the Twenty-fourth Session of the Commission, pages 52 *et seq.*

FOURTEENTH MEETING.

Held on Tuesday, November 6th, 1934, at 3.30 p.m.

Togoland under French Mandate: Examination of the Annual Report for 1933 (continuation).

M. Besson came to the table of the Commission.

ORGANISATION OF CIVIL STATUS IN THE TERRITORY.

Lord LUGARD drew the accredited representative's attention to a decree providing, *inter alia*, for the registration of births, marriages and deaths in the interior of the territory (page 151 of the report). Did the mandatory Power expect to be able to apply this decree?

M. BESSON replied that the purpose of the authorities in issuing the Decree of July 31st, 1933, referred to by Lord Lugard, was to organise a register of births, marriages and deaths for persons subject to local custom. The decree was a general one and applied to the whole of the territory.

HALF-CASTES (*continuation*).

Replying to a question by Lord Lugard, M. BESSON intimated that half-castes not recognised by their white parent were regarded in Togoland as natives and were therefore subject to local custom.

LOMÉ INCIDENTS OF 1932.

Lord LUGARD inferred from the statements on page 41 of the report that the unrest among the natives which had led to risings in 1932 had now entirely ceased.¹ Had the "Bund der Deutsch Togoländer" been dissolved?

M. BESSON replied that in recent months the mandatory authorities had not been approached by the association in question. He had shown, in a report addressed to the Mandates Commission, how little importance should be attached to that body.²

WITCHCRAFT.

Lord LUGARD reminded the accredited representative that he had asked at the present session a number of questions regarding the method of dealing with witchcraft cases in the Cameroons, to which he hoped for a reply next year. He asked that they should be considered as having been repeated for Togo.

M. BESSON explained that witchcraft constituted the same problem in Togoland that it did in the Cameroons. One of the most difficult tasks of the European authorities in black Africa was the punishment of crimes of witchcraft. Their punishment and more especially their detection were always extremely difficult and complicated.

CHILD WELFARE.

Lord LUGARD asked whether Togoland had, like the Cameroons, institutions such as "Le Berceau" or "La Cité enfantine".

M. BESSON replied that the "Berceau" had been started by M^{me} Bonnacarrère in Togoland before it was established in the Cameroons. The "Cité enfantine" had not yet been introduced into Togoland.

¹ See Minutes of the Twenty-fourth Session of the Commission, page 52.

² See Minutes of the Twenty-fifth Session of the Commission, page 144-146.

LABOUR.

Mr. WEAVER observed from the table on page 14 of the report that the amounts paid by natives in commutation of labour dues had risen from 1,539,000 francs in 1932 to 2,469,000 francs in 1933. Was this large increase due to an extension of the practice of commuting the labour dues or to an increase in taxation ?

M. BESSON explained that it was connected with the general measures relating to the increase in direct taxation. In 1932 the natives owed four days' labour, the commutation in lieu of which was fixed at two francs. In 1933 the number of days on account of labour dues had been raised to six and the commutation rate for those days increased from two to three francs, except in three districts, where it had been reduced by fifty centimes.

Mr. WEAVER said he had nothing to add on the subject of labour in Togoland except that he was sorry to see that wages, which were already very low, had fallen still further during 1933.

FREEDOM OF CONSCIENCE : MISSIONS.

M. PALACIOS noted that the report gave little information on the subject of freedom of conscience. Could the accredited representative give any information about the Wesleyan mission mentioned on page 75 of the report ?

M. BESSON explained that a Wesleyan mission had been opened in Togoland, where the mandatory Power had obviously no reason to hinder its work.

COUNT DE PENHA GARCIA drew the accredited representative's attention to Article 15 of the Decree of January 24th, 1933 (page 149 of the report), enacting that, in the common graveyard of each urban centre, the administrative authority could not establish any boundary that would distinguish or separate creeds, nationalities and races. Were there no cases in which natives could legitimately ask for a separate burial-place for their deceased relatives ?

M. BESSON said he would raise this point with the higher authorities of the territory, who would certainly give it consideration.

EDUCATION.

M^{lle} DANNEVIG thought that the form in which the chapter on education was submitted was very clear (page 75 of the report). She noticed that education was advancing among the natives and that new decrees had been issued regulating public and private education (pages 153 *et seq.* of the report).

She referred to the following passage in the report (page 75) :

“ A Decree of October 27th, 1933, fixes the number of teachers in each mission who will in future be subsidised by the authorities : Catholic mission, 32 ; Protestant mission, 14 ; Wesleyan mission, 3 ”.

The total amount of subsidies given was 156,484 francs (page 78). On what basis had these figures been determined ?

M. BESSON said that the criterion applied was the size of the mission.

M^{lle} DANNEVIG assumed that, as the figures were revised every three years, the mandatory Power would, when the time came, modify them to correspond with any changes that might have occurred in the respective size of the missions.

M. BESSON replied that this would be done.

M^{lle} DANNEVIG asked the accredited representative if the number of pupils mentioned in the report referred to the official and subsidised schools only or whether it included the pupils in other schools.

M. BESSON did not think there were any other real schools besides the official and the subsidised schools, but the next report would contain a reply to M^{lle} Dannevig's question.

M^{lle} DANNEVIG drew attention to the provisions of Article 2 of the decree reorganising official education in Togoland (page 153 of the report) :

“ School attendance may be made compulsory for all children between 7 and 12 years of age wherever the number of schools allows. It is always compulsory for the children of chiefs, notables and officials.”

She asked whether any part of the territory had enough schools to enable this to be carried out.

M. BESSON replied that the mandatory Power was anxious that there should be the greatest possible number of pupils and schools, and the only limits set to the realisation of these aims were material possibilities.

Replying to another question of M^{lle} Dannevig, M. Besson said that he would ask the Commissioner of the Republic of Togoland to send M^{lle} Dannevig a copy of the curriculum of the domestic science school in the territory.

M^{lle} DANNEVIG thanked M. Besson. She referred to the following provision of the decree on Public Education (page 156 of the report) :

“ *Article 25.* — Candidates must submit the following documents :

“ (c) An undertaking signed in due form by the father or guardian of the pupil to the effect that he undertakes to repay to the territory the cost of schooling should the pupil leave the supplementary course or be dismissed therefrom before completing his studies.

“ This undertaking must be confirmed by the pupil when he reaches the age of majority as fixed by custom.”

She would like to know how the fees in question could, where necessary, be refunded by a pupil who had left or been dismissed from the school.

M. BESSON explained that the provision mentioned by M^{lle} Dannevig was customary in France and that it was for the family of the pupil to refund the cost of the studies.

M^{lle} DANNEVIG noted that Article 13 of the Order reorganising private education in Togoland (page 161 of the report) stipulated that “ when a private school or one of the classes of such a school has been closed for six consecutive months, it may only reopen with the permission of the Commissioner of the Republic ”. What was the reason for that provision ?

M. BESSON explained that if a class or school had been closed it must have been for an imperative reason, and it was desirable, before reopening it, to see whether that reason had been removed.

CINEMATOGRAPH.

Lord LUGARD asked whether the cinematograph was used for educational purposes elsewhere than in Lomé on the two occasions mentioned.

M. BESSON replied that it was not used yet.

ALCOHOL AND SPIRITS.

Count DE PENHA GARCIA noted that nothing was said in the chapter on judicial organisation about the offence of drunkenness or infringements of the order on alcohol and spirits. He would be glad to have statistics of such offences and infringements in the next report.

M. BESSON said that Count de Penha Garcia's request would be complied with.

Count DE PENHA GARCIA asked whether any results had been obtained from the Administration's efforts to suppress illicit distilling and whether legal penalties were imposed on native chiefs who failed to make the statements required of them.

M. BESSON explained that it was very difficult to discover illicit distilleries. He knew that strict orders had been given in this connection and that, if the chiefs were negligent in performing their duty to suppress illicit distilling, they were first censured and, if they offended again, disciplinary measures were taken.

PUBLIC HEALTH.

COUNT DE PENHA GARCIA said that the mandatory Power was to be congratulated on its medical and health work (pages 79 *et seq.* of the report. He wondered, however, whether the results were always commensurate with its efforts. In particular, they would not seem to have been so in the campaign against sleeping-sickness. However that might be, the Administration should not allow itself to be discouraged, but should continue the campaign energetically.

He would be glad to know whether lepers isolated at home were required to attend the dispensary at fixed periods.

M. BESSON explained that with leprosy the main difficulty was to detect it, particularly as native lepers did not consider themselves infectious.

In reply to another question by Count de Penha Garcia, the accredited representative stated that he did not think lepers often escaped from the leper colonies or health institutions. He would endeavour, however, to obtain information.

COUNT DE PENHA GARCIA asked what kind of training was given to the assistant native doctors referred to in the report (page 80 of the report).

M. BESSON replied that they were trained at the Dakar School of Medicine.

COUNT DE PENHA GARCIA drew attention to the admirable organisation of the prophylaxis services at Lomé and noted the curious fact that the pollution of the waters of the town had had no harmful effect on the population (page 80).

M. BESSON drew the Commission's attention to the valuable work of the Togoland medical service, to which he desired to pay a tribute.

LAND TENURE.

LORD LUGARD noted from page 57 of the report that " the Commission appointed to study the question of land ownership had concluded, at its meeting on December 9th, that the regulations enacted under the Decree of August 24th, 1926, which had lapsed, should again be put into force. The decree instituted a method of ascertaining the rights of the natives in respect of land ", and that a new draft decree was under consideration. It would seem, from the *Official Gazette*, that a decree had been promulgated on August 15th, 1934. Was that the decree that had been under consideration when the report was drafted ?

M. BESSON replied in the affirmative and stated that an account of the new decree would be given in the next report. He pointed out that the old decree had only been adopted for a period of five years and had lapsed legally at the time when the Commission had decided to put it into force again provisionally.

FORESTS.

LORD LUGARD asked what policy was followed by the mandatory Administration with regard to reforestation, the protection of useful trees, and existing forests.

M. BESSON replied that the same policy was adopted in Togoland as in the Cameroons. Its main feature was a desire to protect the forests with a view to their rational development. The agricultural services of the mandatory Administration paid special attention to reforestation and the protection of certain trees.

DEMOGRAPHIC STATISTICS : POLYGAMY.

M^{lle} DANNEVIG noted that a table on page 66 of the report gave a classification of the native population by race, and wished to know which of these races were Moslems and which were fetish-worshippers.

M. BESSON replied that there were very few Moslems in Togoland, most of the population of which were fetish-worshippers.

M^{lle} DANNEVIG, referring to another table on page 67, observed that in some districts men were more numerous than women, while in others women were in the majority. Were the figures given in these tables reliable ?

M. BESSON replied that the figures only gave a general indication, since it was very difficult, in a territory like Togoland, to take an accurate and complete census.

In reply to a question by M. Orts, M. Besson said that the population of Togoland was slightly over 700,000.

M^{lle} DANNEVIG noticed that the tribes with few men were the same tribes that had few children. This was, for instance, the case with the Akposso. She would like to know whether the Akposso were warlike or peaceful.

M. BESSON did not think that the Akposso were more warlike than the other natives. Generally speaking, the Togolanderns were mild and easy to administer.

M. RAPPARD thanked the mandatory Power for the interesting information it had supplied under the heading of demographic statistics. It would be seen from page 72 of the report that the Komkomba tribe, where men and women were in equal numbers, was very polygamous. Might this conclusion not be due to the fact that the enquiry had not been made in the same way in the case of the Komkomba tribe as in that of other tribes ?

M. BESSON explained that the problem of polygamy had an ethnological and an economic aspect. If polygamy were widespread in any area it might, more or less, be inferred that the country was rich, and if the contrary were the case that it was poor. Though he could not be absolutely positive, he believed that the Komkomba must on the whole be wealthy, as they had many wives. Nevertheless, in Togoland, as elsewhere, the French Government hoped, by developing the mentality of the population, to lead it to adopt the system of monogamous marriages so far as that was desirable.

Count DE PENHA GARCIA would like the mandatory Power to state in its next report whether the conclusions regarding polygamy in the Komkomba tribe, as revealed by the 1933 report, were absolutely reliable or whether, on the contrary, they were accounted for by the method of enquiry employed.

PETITION, DATED APRIL 4TH, 1933, FROM THE CHIEF AND INHABITANTS OF WOAME
(*continuation.*)

M. PALACIOS pointed out that the inhabitants of Woame, in the Klouto division of Togoland under French mandate, had for some years complained to the League of Nations of the people of Honuta, in Togoland under British mandate, alleging that they were not left in peace to cultivate their land situated within the frontier of the territory under British administration.¹ In their observations with regard to the latest petition, the British authorities had communicated a decision (Annex 18) which, in spite of the careful examination as a result of which it must have been given, did not appear to have satisfied the people of Woame. Could the accredited representative tell the Commission what had happened ? Had his Government been negotiating with the British mandatory Power ? Had agreement finally been reached between the two Powers and those concerned ?

M. BESSON replied that the information at his disposal showed that the French Government considered that the question mainly concerned the United Kingdom Government. He read the following extract from the quarterly report of the head of the neighbouring district of Klouto :

“ Through its chief, the Canton of Woame, a neighbour of the district of Honuta, has renewed a request originally submitted in the form of a petition to the League of Nations for the recovery of certain cultivation rights, in spite of the opposition of the people of Honuta (British Togoland).

“ The local authorities of Honuta are said to have suggested that the people of Woame should cede their rights to the land in British territory to Honuta in return for payment. Woame refused, owing to the ridiculously low price offered. The question is still under consideration. It is the classic dispute of frontier villages, which are inevitably the victims of delimitation.

“ As the settlement of the dispute is, in my opinion, in the hands of the British Government, I think it would be better to await the questions to be put by the Mandates Commission before approaching the Commissioner of the Republic in Togoland.”

M. PALACIOS said that he was inclined to think that the decision reached by the Gold Coast Court was final, as, on the one hand, the inhabitants of the Canton of Woame had decided not to appeal and, on the other, the French Government considered that the question mainly concerned the United Kingdom Government.

¹ See Minutes of the Fifteenth Session of the Commission, pages 24, 205, 257-262, 297; of the Twenty-fourth Session, pages 52, 59, 104; and of the Twenty-fifth Session, page 120.

M. BESSON said that he would ask the Commissioner of the Republic in Togoland to study the matter and to submit any observations he might have to make.

M. PALACIOS agreed and pointed out that, in 1929, the Mandates Commission had decided in favour of the people of Woame in agreement with certain statements made by the British mandatory Power. He added that it seemed to him that, if the matter had not been settled, it was perhaps on the way to being solved. The Commission should reach a decision on the petition during the present session.

CLOSE OF THE HEARING.

The CHAIRMAN thanked M. Besson for the valuable help he had given to the Commission and asked him to be good enough to convey its desires to his Government, laying special emphasis on its anxiety that care should be taken, in introducing the proposed administrative changes, to safeguard the individuality of the territory and its budgetary independence.

M. BESSON took the opportunity to say once more that the mandatory Power would always endeavour to maintain the independence and integrity of the territory under mandate.

FIFTEENTH MEETING.

Held on Wednesday, November 7th, 1934, at 3 p.m.

Western Samoa : Examination of the Annual Report for 1933-34.

Mr. Knowles, of the High Commissariat of New Zealand in London, accredited representative of the mandatory Power, came to the table of the Commission.

WELCOME TO THE ACCREDITED REPRESENTATIVE.

The CHAIRMAN extended a welcome to Mr. Knowles. Sir James Parr, who had originally been appointed accredited representative, had been unable to come to Geneva for reasons of health. The Commission would desire to offer its best wishes for his speedy recovery.

GENERAL STATEMENT BY THE ACCREDITED REPRESENTATIVE.

Mr. KNOWLES. — The improvements effected last year in the methods for drawing up the report have been retained, thus making easy any comparisons which are desired.

At a time when so many countries are finding difficulty in balancing their budgets and are suffering severely from the economic crisis, it is a matter for congratulation that the public finances of Western Samoa show a surplus of revenue over expenditure during the year under review. Revenue considerably exceeded the estimates, and the expenditure was much lower than the amount estimated, a position which has made possible a reduction by £3,000 in the Public Debt and an investment of £4,000 for replacement of assets. Of course, it has been necessary to exercise the strictest economy, but even so it may be said that no services have suffered. The natives still enjoy the means of education which have been their privilege for so many years ; indeed, in the mission schools, the number of teachers, both European and native, has increased. The health of the natives is still well cared for, as is apparent from the intensive village-to-village campaign in the treatment of yaws. An even greater test of the well-being of the natives is found in figures which show a satisfactory growth of population. There has been a gratifying decrease in the incidence of crime, the figures given in the report relating to criminal offences, police and prisons being eloquent on this point.

If one cannot speak in optimistic terms of the state of trade, it has to be recollected that there was only a slight decrease in the turnover compared with the previous year's figures. The production of copra and cacao for 1933 (for which complete figures are available) has increased, but values have further declined, and, unfortunately, lower values are not offset by higher production ; indeed, the position of the growers is such that the Administration has remitted temporarily the full export tax of £2 per ton and the inspection fee of 3s. 9d. per ton on cacao, whilst the export tax on copra has likewise been subjected to progressive reduction, the tax being now only 10s. per ton. On the other hand, the banana trade is in a comparatively flourishing condition, both production and values having increased. Towards the end of the

year under review, the price of bananas per case was 50 per cent higher than the price a year previously, and the report before you speaks of the keen competition of shippers for shipping space.

Questions by several members of the Commission were put to the accredited representative last year, and perhaps it would be as well for me to refer to them and to give you the answers which have been provided by the New Zealand Government.

Lord Lugard put a question regarding the method of presentation of the accounts of the Public Trust Fund,¹ and he will find his remarks answered on page 4 of the report.

M. Rappard sought reasons for a reduction of expenditure on three items : Customs, Taxes and Marine.¹ The decrease was due to refunds of export duty now being shown as deductions from revenue and not as expenditure. The purchase of medicinal liquor also was transferred as a charge against the Health Department vote instead of the Customs Department vote.

Mr. Knowles added that there had been a reduction in the police, due to a decrease in European personnel, six officers having been dispensed with during the year and fifteen others having left the territory towards the end of the previous year.

With regard to public works, the new post office was completed during 1931-32 at a cost of £5,500, and no major work was undertaken during 1932-33.

Lord Lugard asked that some particulars of the accounts of the Sinking Fund should be given in the report for 1933-34.¹ I think he will already have seen the information provided on page 7 of the report. I may say that the Sinking Fund is applied forthwith to debt reductions, instead of awaiting the expiration of the full period of thirty years. That is in accordance with New Zealand practice. It is found much better in New Zealand to pay off the debt when you have money available rather than invest your cash, putting it aside for the purpose of paying off on the due date ; and the practice is being followed in Samoa.

M. Rappard asked for certain information regarding the methods of the banana-marketing scheme.¹ For two years previously, this scheme has been discussed but never really understood. I think I shall now be able to throw some light on it and to present it in such a way that it will be understood.

The report examined last year did not give as full a picture as was desirable. The matter is again dealt with on page 10 of the present report, but I do not think even there it is comprehensive enough. The position, briefly, is that the Administration initiated the trade and the New Zealand Government provided a ship ; but the whole trade was threatened by the intervention of private enterprise during two months of the year, when the price of bananas in New Zealand is exceedingly high, New Zealand being, I think, the sole market. The Administration has to sell bananas throughout the year, and it would be impossible to do this if a sudden increase in the quantities exported from Samoa, due to the intervention of private enterprise in the profitable months, were to be allowed. The Administration, therefore, imposed a tax of 2s. 6d. per case, which was intended to, and actually did, protect its scheme, inasmuch as the tax is refunded in great part to the Administration but is not refunded, unless circumstances should justify it, in the case of private shipments.

M. Sakenobe asked last year that the table of criminal offences should in future distinguish between natives and Europeans.¹ You will find that, not only is a distinction made between natives and Europeans in the present report (page 11), but that the Chinese appear under a separate heading.

M. Sakenobe also asked how the imports of arms and ammunition compared with the figures given in previous years.² The figures for importation refer to private importations only, no arms or ammunition having been imported by the Administration during the past four years. The table of statistics showing registered firearms in the territory will be found on page 13, and I think M. Sakenobe will agree that it is framed in accordance with his request.

Mr. Weaver asked whether there might be included in the present report and accounts the accounts of the Chinese Benevolent Fund and of the Overhead Fund.² I regret to say that it has been impossible to include these in the report, but I shall be glad to hand him the annual statement of receipts and payments of the Chinese Department. The total amount remaining to the credit of all Chinese Funds on March 31st, 1934, was £11,407, but a considerable portion of this was reserved for the cost of transportation, and, indeed, this has since been extended.

With reference to the Chinese Benevolent Fund, I may explain that this was initiated with a view to providing coolie labourers with medical attention at a nominal cost. A deduction of 6d. a week is made from the wages of each man and is put into the Fund ; that represents the coolies' sole contribution to the Fund, and has never been found sufficient to defray all expenses, the balance having been met by the Overhead Fund. I think Mr. Weaver will observe from the statement I have handed to him that the contribution of the coolies amounts to £511 10s., whereas the medical expenses amount to over £1,000. The Overhead Fund was established to cover all costs in regard to repatriation and other expenses connected with

¹ See Minutes of the Twenty-fourth Session of the Commission, page 100.

² See Minutes of the Twenty-fourth Session of the Commission, page 101.

Chinese labour ; the employers contribute 12s. 6d. a month for each labourer engaged, and it is found that this amount is just sufficient for the purpose. This is the Fund referred to as the "Repatriation Fund" in the statement Mr. Weaver has.

Last year, when the table giving population figures was under discussion, some surprise was felt that 650 people had left Samoa in 1932,¹ that figure being considered rather large. It is explained by the contiguity of the remaining islands of the Samoan group, which are under American control. There is a constant coming and going between the two groups. You will find a reference to this matter on page 20 of the present report.

Having concluded his general remarks, Mr. Knowles added that the High Commissioner had received a telegram from the Prime Minister of New Zealand as recently as October 17th, in which it was mentioned that the political situation in Western Samoa remained highly satisfactory and that future prospects were encouraging. He then dealt in somewhat greater detail than appeared in the annual report with events leading up to Mr. Nelson's return to Samoa, with negotiations between the Administrator and certain Samoans representing the Mau, subsequent to Mr. Nelson's return, with Mr. Nelson's trial, his appeal before the New Zealand Supreme Court, and with events which had followed that appeal. He also gave some first-hand information regarding the political situation in Samoa subsequent to the appeal.

STATUS OF THE TERRITORY.

M. PALACIOS said that, at the twenty-fourth session (page 97 of the Minutes), he had directed the accredited representative's attention to the following passage in the annual report for 1932-33 :

"The Executive Government of Western Samoa is vested in His Majesty the King in the same manner as if the territory were part of His Majesty's Dominions."

He had asked whether the accredited representative did not think that there should be some reference in that passage to the mandate. The accredited representative had said that he could see no objection to mentioning the mandate in subsequent reports.

It appeared from the report now under review (page 3) that the passage in question had still been retained and that no modification had been made in it. Could the accredited representative state whether there was any special reason why that passage should have been kept as it stood ?

Mr. KNOWLES said that the matter had not escaped his notice when going through the annual report. He would ask M. Palacios, however, to refer to a paragraph on page 2 of the report under the heading "Status of the Territory" :

"The territory is administered pursuant to a mandate conferred upon His Britannic Majesty, to be exercised on his behalf by the Government of the Dominion of New Zealand, and confirmed by the Council of the League of Nations on December 17th, 1920."

The New Zealand Government had probably thought that it was unnecessary to revert to that point later in the report.

M. PALACIOS said that the paragraph just read by Mr. Knowles would also be found in previous reports. It would therefore be sufficient to co-ordinate the two passages.

RELATIONS BETWEEN THE NATIVES AND THE ADMINISTRATION : ACTIVITIES OF THE MAU.

M. ORTS desired to ask a few questions on the basis of the report itself. Mr. Nelson, he noted, who had been deported for a term of five years, had returned to Samoa in May 1933, and immediately thereafter political agitation had revived. The authorities had then intervened: a search had been carried out at Mr. Nelson's residence, and a considerable quantity of incriminating documents had been found there, including a "budget" for the Mau and a document styled "The First Proclamation of the Mau", providing for a constitution, the appointment of officials and their duties, etc. (page 3 of the report). Did those documents justify the assumption that the Mau had thought to seize power by revolutionary methods or were they the expression of platonic and more or less Utopian aspirations ?

Mr. KNOWLES said that he had no information which would lead him to suppose that, had the documents been published in Samoa, the Mau would have been ready to take over the government of the territory. In any case, preventive action had been taken, and that was something to the good. The energy displayed by the authorities appeared to have been justified by results. He could express no further opinion as to the importance of the documents seized.

¹ See Minutes of the Twenty-fourth Session of the Commission, page 103.

M. ORTS, still referring to the same passage in the report, noted that "fourteen representatives of the movement had been arrested, tried, found guilty, and sentenced to terms of imprisonment varying from three weeks to one year". He enquired of what offences those persons had been found guilty.

Mr. KNOWLES pointed out that the Mau had been proclaimed an illegal and seditious organisation, and that the charges had relation to the Mau.

M. ORTS noted that Mr. Nelson had been found guilty and sentenced to eight months' imprisonment (subsequently reduced to three weeks) and ten years' exile. He enquired what exactly was meant by "exile", and whether there were any legal provisions making applicable to the inhabitants of the territory the sentence of banishment or prohibition of residence. If so, was that penalty applicable to offences under ordinary law, or only to political offences? He desired to know what was the legal basis of the punishment inflicted on Mr. Nelson.

Mr. KNOWLES pointed out that Mr. Nelson, as a half-caste, was looked on as a European under the Regulations. He referred M. Orts to Section 211 of the Samoa Act of 1921.

Lord LUGARD referred to a report in the *Samoa Herald* of June 29th, 1934, in which it was stated that the New Zealand Full Court, after hearing the appeal of Mr. Nelson, stated that the court had not the power to grant permission to appeal to the Privy Council but that "special application may be made to the Privy Council for that right". He enquired whether any appeal had since been made.

Mr. KNOWLES replied in the negative. He added that Mr. Nelson, as the Commission would remember, had attempted, before coming to Geneva in 1928, to appeal to the Privy Council, but the Privy Council had refused leave.

M. PALACIOS asked that further details might be given with reference to the Mau. Was it only the external agitation that had stopped or the movement itself? It had been said that the Samoans themselves did not know what they wanted. That surprised the members of the Commission, who had received a profusion of documents, containing all kinds of details, newspapers with articles written in the language of the people, and petitions drawn up with great precision and signed by the chiefs. He had before him a pamphlet, "The Case for Samoa", published in August 1933—that was to say, during the period covered by the report which the Commission was examining. The sub-title of the pamphlet was "Complaints and Demands presented". It contained a statement with regard to the nature and importance of the movement:

"The Mau of Western Samoa is a nationalist movement which is actively supported by over 90 per cent of the natives of the territory under New Zealand mandate. For the past seven years, the Mau has actively insisted, pacifically and constitutionally, on its right to independence and autonomy as recognised to the Samoans by the treaties."

That definition was followed by an account of definite demands and of the incidents that had occurred in the struggle between the movement and the Administration.

It should not be forgotten that Samoan history before the German colonisation was very complicated and was tending towards independence. There was undoubtedly a connection between the treaties and the mandate, although the mandate amended the treaties. As the Romans said: "*Nemo dat quod non habet*". Nor would it be out of place, in the problem in question, to compare Western Samoa with American Samoa, and to derive therefrom some information as to the best methods of Government. The problem did not seem to be so simple that it could be reduced to a few arrests and deportations.

He would also be glad to know whether the League of Citizens, of which the Europeans were members or which had been formed by them, continued to exist and was still in sympathy with the Mau.

Mr. KNOWLES said that he wished he could say truthfully that the Mau had ceased to exist. It was clear, however, that it ceased to function when Mr. Nelson was not in the territory. Former members of the Mau had met the authorities at various places to discuss normal native affairs but had never mentioned the Mau, and Faumuina-Fiame, President of the Mau, was now in the habit of visiting the offices of the Administration.

M. PALACIOS said that it was actually Faumuina-Fiame, President of the Mau, who had written at the end of the pamphlet referred to:

"Unfortunately, the arrangements for the Fono became abortive because General Hart refused to meet the Mau delegates while Taisi (Hon. O. F. Nelson) was one of the speakers chosen by the Samoans. Mr. Nelson urged the Samoans to cancel his selection

as a delegate in order that the Fono might be held, but the Samoans decided not to permit any dictation in the free choice of the people in the selection of representatives, and General Hart used this as an excuse to break off all negotiations, renew martial law, and notify the Mau assembly that unless the representatives returned to their villages he would use naval and military police force to disperse them."

Mr. KNOWLES said that the reference to martial law was incomprehensible to him.

Lord LUGARD observed that, last year,¹ M. Van Rees had pointed out that the Samoans were continually referring to the Treaty of Berlin of 1889, which guaranteed the independence of Samoa, and had asked whether the fact that the Treaty of Berlin was annulled by the Convention of 1899 (as stated by the United Kingdom Government) had been explained to them. Sir Thomas Wilford had said that the position had been explained to the Samoans. That was categorically denied in the *Samoa Guardian*. He would be glad of an assurance that the position had now been fully explained.

Mlle. DANNEVIG asked whether the accredited representative regarded "Modern Samoa", by F. M. Keesing, as accurately describing the position in Samoa. She quoted a passage from that book in which the author, speaking about the Mau, said that anyone who asked what was the intention of the Mau would be told by the ordinary native that it was against the New Zealand authorities, but as to details it would be said: "The Mau knows it".

Referring to the meeting which was to have been held between the Administration and the Samoans, but which had not taken place because the Samoans insisted on Mr. Nelson as their representative, she enquired whether it had taken place after Mr. Nelson's banishment.

Mr. KNOWLES said that he was not personally acquainted with "Modern Samoa", by Mr. Keesing, but that he believed that the latter was a very reputable author.

He could not say whether the meeting at which Mr. Nelson was to have represented the Samoans' interests had taken place. Information would be given in the next report.

ADMINISTRATIVE METHODS : QUESTION OF THE RECRUITMENT OF WHITE ADMINISTRATIVE STAFF.

Lord LUGARD said that the Commission had heard again that year that there had been unrest and even an abortive plan for a revolution in Samoa—no doubt primarily due to Mr. Nelson, but supported by the chiefs—leading to the arrest of eight chiefs and the imprisonment of three for terms of from six to twelve months. As the Government had now relieved the Samoans (except those with an income of over £200) of all taxation, there could be no grievance on that account, and the Commission was forced to the conclusion that there was something radically wrong in the system of administration which resulted in that continuous unrest and trouble after some fourteen years of mandatory government. He had received letters from New Zealand, and other communications, deploring the condition of affairs and imputing it, not entirely to Mr. Nelson, but to grave errors of administration on the spot—for he was sure that no Mandatory was actuated by higher ideals than the New Zealand Government.

He had asked some questions last year¹ regarding the administrative staff, but the accredited representative had been unable to tell him how many white administrative officers there were. He had said that men were lent from New Zealand as specialists when required, and that the white administrative staff was decreasing and being replaced by half-castes, adding—to Lord Lugard's surprise—that no New Zealander could stand the climate of Samoa for long. Lord Lugard had heard that New Zealand intended to send, or had sent, trained men from the New Zealand Civil Service for, he believed, a term of service of two years. He would be glad to hear from the accredited representative whether this report was correct. Surely it was impossible to conduct an administration—more especially with a people like the Samoans, who required to be handled with tact—with any chance of success by men who came for two years only and knew nothing of the people or their language, who could not stand the climate and looked forward to returning to New Zealand?

He ventured to ask whether the Mandatory had ever considered the idea of employing New Zealanders (or, if need be, British officers) who had had long experience in the British colonies and had not only gained experience in dealing with native races, but had also become acclimatised. He knew of several, from New Zealand and other dominions, who had risen to high rank, for the British Colonial Service was open to the dominions. Such men could remain

¹ See Minutes of the Twenty-fourth Session of the Commission, page 99.

and make a career in Samoa and learn the language. If the government were conducted by such men, the Commission would, he thought, hear no more of native discontent and the shooting and imprisonment of native chiefs. He would also like to ask whether it would be possible to allay the discontent by giving the Fono a larger share in the management of its domestic affairs.

Lastly, in view of the letters and statements which he had received regarding the character and natural docility of the Samoans, he desired to know whether the Mandatory had ever considered the advisability of sending a trained anthropologist or psychologist to Samoa to report on the situation from the point of view of the Samoan chiefs and people, to study their customs and find out what exactly was the cause of the trouble which had continued under successive administrators for so many years. He hoped his suggestion would not be taken amiss.

Mr. KNOWLES paid a tribute to Lord Lugard's eminence in colonial matters and referred to his sympathetic attitude towards New Zealand. He pointed out that, before the war, New Zealand had had no experience of administration beyond her own territory, and that the administration of Samoa was a somewhat new experience for her. It had been said that the Samoans were first cousins of the Maoris. That might be so: the New Zealand Government had, of course, been very successful in its dealings with the Maoris.

In 1927, the New Zealand Government had sent a Royal Commission to Samoa. That Commission attempted to find out from the natives exactly what their desires and wishes actually were, but the Samoans, he believed, had been unable to explain them.

Lord LUGARD observed that possibly a blunt question as to what they wanted would fail to elicit from the natives the information which would be given to a man who had gained their confidence.

Mr. KNOWLES said that, if Lord Lugard would enumerate the heads of complaint that he had received, the matter would be transmitted to the New Zealand Government. As regards the Fono, the Government had said on more than one occasion that it was prepared to give increasing power to the Samoans when the time was ripe.

He regretted that he was unable to answer Lord Lugard's questions as regards the appointment of an anthropologist and of administrative officials at present in the British Colonial Service.

Lord LUGARD noted (page 4 of the report) that the white staff of the Native Affairs Department had been reduced from six to three. It seemed unfortunate, under present political conditions and when the revenue showed so large a surplus, that the European staff should have been so reduced.

Mr. KNOWLES did not think that the white staff would have been reduced if any risk had been involved thereby.

ACTIVITIES OF THE «FONO OF FAIPULES.»

Lord LUGARD noted that the «Fono» acted in an "advisory capacity" (page 3 of the report) and enquired to what extent the Administration had called on the «Fono» for advice.

Mr. KNOWLES said that he was unable to give any information as to the extent to which the Administration had called on the «Fono» for consultation during the year. No information was given in the report other than that on page 3.

LEGISLATIVE MEASURES ENACTED AGAINST SEDITIOUS PROPAGANDA.

M. ORTS noted that among the legislative measures brought into force since the last report there was the Order of 1933 concerning the spreading of seditious literature. He enquired whether that provision had been applied in Samoa during the past year.

Mr. KNOWLES said that he did not know of any specific case.

M. ORTS said that there had, nevertheless, been a reference to its application to a newspaper, the *Samoa Guardian*. Did the mere fact of receiving a seditious leaflet make the receiver liable to a penalty?

Mr. KNOWLES said that the *New Zealand Samoa Guardian* had ceased to exist, so that the question did not arise.

M. RAPPARD noted (page 12 of the report) that there had been fifteen convictions of Samoans under the Seditious Organisation Regulations.

PUBLIC FINANCE.

M. RAPPARD asked what was the purpose of the Public Trust Office mentioned on page 4 of the report.

Mr. KNOWLES referred briefly to the functions of the Public Trustee in New Zealand. That official played the part of executor, if so appointed under a will; he looked after the estates of minors and performed a variety of other duties.

M. RAPPARD enquired what were the funds administered by the Public Trustee for the public authorities. Was any trust fund administered by the Public Trust Office?

Mr. KNOWLES replied that each estate was administered on its merits. There was no charge on public funds and public funds did not make anything out of the Public Trust Office. The office of Public Trustee had nothing to do with Government funds, and no Government trust fund was administered by it, so far as he was aware. The fact of the Public Trustee holding other offices in Samoa was probably explained by measures of economy.

M. RAPPARD considered it very creditable that financial information for the territory should have been made available up to March 31st, 1934. He noted that, while revenue had dropped, the decrease in expenditure had been even greater, and he welcomed the accredited representative's assurance that the reduction in European personnel had had no ill effects. He noted that the Chinese Fund, which appeared in the balance-sheet under assets and liabilities, included a Transportation Fund—presumably for repatriation (page 8 of the report).

Lord LUGARD asked what was meant by "Bad Debts Reserve" (see document "Estimates of Revenue and Expenditure for the Year 1934-35", page 11).

He observed that the forecast in the estimates had proved to be very inaccurate, since an estimated deficit of £8,594 had been converted into a surplus of £658, a difference of £9,252, exclusive of the investment of £4,000 and apparently of £3,000 to the Sinking Fund which had not been included in the estimates. These were very large sums in a total revenue and expenditure of under £100,000. He noted that, in 1934-35 again, the Government was estimating for a deficit.

Mr. KNOWLES was unable to give any information concerning "Bad Debts Reserve" and regretted that he could throw no light on the question of estimating.

EXPORTS AND IMPORTS : BANANA TRADE.

M. RAPPARD commented on the banana trade (page 10 of the report). A tax was being introduced, he understood, to assist the "young industry". The accredited representative had said that the Administration was at a disadvantage in competition with private shippers, as the latter took advantage of the New Zealand market when prices were highest, whereas the Government supplied that country at all seasons. The "young industry" was apparently the Government's venture.

Mr. KNOWLES said that results had proved that the trade was worth fostering. The Government had provided a ship, mainly for the purposes of that trade, and the competition of private industry at a difficult period of the year had led to the levying of a tax on all exports, with a refund on Government shipments. The effect had been to give the Samoan producer a good price for bananas.

M. RAPPARD emphasised two salient facts : an export tax was levied and the banana trade was flourishing. He supposed—since Mr. Nelson's money came from private funds—that the Mau agitation might have something to do with the export tax on that exporting industry. He hoped that he might be mistaken in thinking that there was a possible connection between that system and the Mau agitation, which might, he thought, be explained by the effect of the tax on private shippers.

Mr. KNOWLES said that he had heard of no complaint on the matter from the European population.

M. MERLIN noted that there had been a further slight decline in trade to the amount of 2.76 per cent as compared with 1932 (page 9 of the report). Exports, however—copra, cacao and bananas—had increased. In view of the existing world situation, the position in Samoa could not be described as too unsatisfactory.

As regards the duties on bananas, the Commission understood that, in order to encourage the banana trade, a tax of 2s. 6d. per case had now been imposed on consignments for export. At first sight, that might seem a strange way of assisting the trade, but it was explained (page 10 of the report) that a rebate was granted on consignments exported to New Zealand by the "Maui Pomare", so that the net tax, to cover administrative charges, only amounted to 3d. That appeared to him to be not so much a measure in favour of the export of bananas as such as a measure in favour of their export to New Zealand.

Mr. KNOWLES said that New Zealand was, he believed, the only market. The Administration had taken steps which it had believed to be in the interests of the banana trade.

M. MERLIN said that he accepted that explanation.

SOCIAL CONDITIONS OF NATIVES.

Lord LUGARD noted the statement in the report (page 13) : "As explained last year, the social system of the Samoan people is such that poverty cannot exist".

Alluding to the last paragraph of Section XIV (page 14 of the report), he was glad to learn that the Commission would be supplied with copies of the reports of Dr. Christophersen and Mr. McGregor, already referred to in the last report on Samoa.

He asked whether the lack of ready cash had decreased the amount available for spending on European goods and, if so, whether that had affected the condition of the Samoans.

Mr. KNOWLES replied that, in the old days, when the price of copra was good, the Samoans had spent money on luxuries such as tinned meat and other commodities. But they could quite easily do without them, and did so now.

HALF-CASTES.

Lord LUGARD enquired what was the position in regard to half-castes who, it had been reported, were increasing rapidly and, having no openings for earning a livelihood, had sunk to a low level. He understood that they were not entitled to land. Did the Administration look after them?

Mr. KNOWLES pointed out that, generally speaking, the land belonged to the Samoans. The half-castes were regarded as Europeans, and the law applicable to Europeans was applied to them.

Mlle. DANNEVIG, reverting to Mr. Keesing's book (page 463), to which she had previously referred, said that the half-castes were described as forming the great social problem of the country. She asked that further information on the half-castes, including the women, might be given in the next report.

JUDICIAL ORGANISATION.

M. PALACIOS referred to the statement on page 10 of the report to the effect that one of the judges had returned to New Zealand in March 1934. Could the accredited representative say whether that judge would be replaced?

He noted, on the same page, that there had been a further diminution in the number of criminal cases tried before the courts. Further, it appeared from page 12 that the number of cases tried under the Maintenance of Authority in Native Affairs Order and the Seditious Organisation Regulations had risen to ten and thirty-two respectively. Were the cases tried in connection with the Nelson affair included in those figures, or what was the reason for that increase?

Mr. KNOWLES said that he imagined that the Nelson cases were included.

He could not say whether it was proposed to appoint a judge in place of the one who had returned to New Zealand, but pointed out that the decrease in the number of cases might have some bearing on that point.

ARMS AND AMMUNITION.

M. SAKENOBÉ thanked the mandatory Government for the information on arms and ammunition given on page 13 of the report. He would be grateful for information as regards the enormous increase in shot-gun cartridges and rifle cartridges.

Mr. KNOWLES said that he would transmit the request to his Government.

M. SAKENOBÉ, referring to the Western Samoa No. 2 General Law Ordinance, 1933, section 12 of the Arms Ordinance, asked that some explanations for sections 6 and 7 might be given in the next report.

LABOUR.

M. SAKENOBÉ understood that the new Labour Ordinance did not apply to restricted free settlers, who were, he believed, differentiated from Chinese labourers. He enquired what was the actual position of those restricted free settlers.

Lord LUGARD observed that there had, he understood, been a considerable amount of miscegenation between the Chinese and the Samoans.

Referring to the forty-two offences reported under the Labour Ordinance, 1933 (page 12 of the report), he enquired as to the nature of these criminal offences, since breach of contract was no longer a penal offence.

Mr. WEAVER said that he also was interested in that point. He enquired why three Samoans had been prosecuted under the Labour Ordinance, 1933, when that ordinance did not apply to Samoans.

With reference to the new Labour Ordinance (page 3 of the report), there was one problem that he did not understand. Section I of the schedule provided for continuous employment for three years, but the labourer was not indentured to any particular employer. Under the old ordinance, labourers were assigned to employers by the Commissioner but now employers themselves engaged their labour. What happened to an unemployed Chinese labourer? He would be glad to have information on that point and to know whether such labourers were entitled to wages.

He further pointed out that section 24 of the schedule laid down the standard rate of two shillings a day and section 27 the rate for overtime, but that sections 26 and 29 made it possible for the employer and the labourer to agree on different rates. He enquired what was the actual practice and what was the average rate of pay. He asked, further, with reference to page 14 of the report, what was the purpose of the labourers' visits to the Commissioner's office, which were stated to have risen to 4,156, as compared with 3,518 in 1932-33.

Mr. KNOWLES said that he wondered if there were any unemployed Chinese labourers. He regretted that he was unable to give any information in reply to the other questions on labour, but he would duly refer them to his Government.

EDUCATION.

Mlle. DANNEVIG said that education, which was mostly in the hands of the missions, would appear from the report to be fairly complete. According to Mr. Keesing, however, the system was not as perfect as it seemed. The teachers were nearly all natives living among their compatriots, wholly under the influence of native tradition. She quoted a passage stating that the typical characteristic of the teachers was a competitive spirit, that they wished to be admired for their learning, kept their information to themselves and hated to give it out: a strange attitude. She noted that a number of European teachers had been dispensed with and that, in the Government schools, there was only one European superintendent, all the rest being natives. Though she would be sorry to see Samoan tradition and institutions done away with, she suggested that that state of affairs was very harmful to the Samoans and that it might account for the difficulty in making them understand the present position. She saw from page 5 of the report that there had been a decrease in the education grant.

Last year, the Commission had been told¹ that some men stayed at school until the age of 30, and she had recently read that they then took examinations which mere children were taking in New Zealand.

¹ See Minutes of the Twenty-fourth Session of the Commission, page 102.

Referring to schools for Europeans (page 15 of the report), she enquired whether half-castes, who were regarded as Europeans, attended those schools. She asked that the teaching of half-castes might be dealt with separately in future reports. She had been much struck by the suggestions of Mr. Keesing as regards half-castes.

Mr. KNOWLES stated, in reply to Mlle. Dannevig, that the policy of the Government aimed at giving the Samoans, by degrees, an increasing share in the government of the country. He stated, further, that the reduction in the education grant was simply a measure of economy, as in other countries.

ALCOHOL AND SPIRITS.

Count DE PENHA GARCIA observed that there was little to say on the liquor situation, which appeared to have improved slightly. One Samoan, he noted (page 12), however, had been convicted for driving a car when intoxicated—a rather serious double offence.

DRUGS.

Count DE PENHA GARCIA asked whether the drug offences reported (eleven in number) (page 17 of the report) concerned the use of narcotics, or trade in drugs.

Mr. KNOWLES said that he had no information that would lead him to think that there had been any traffic in drugs; he would, however, transmit the question to his Government.

PUBLIC HEALTH.

Count DE PENHA GARCIA noted one striking feature in the health situation. The expenditure had been reduced and also the number of medical officers and assistants (pages 5 and 17 of the report). At the same time, health conditions had not improved, and tuberculosis and infant mortality were on the increase; fewer persons were in receipt of hospital treatment. What measures were contemplated in view of the low birth rate and the high rate of infant mortality? Further, apart from budgetary considerations, what were the reasons for the reduction in expenditure? He expressed the hope that the report on the enquiry into the health situation might soon be communicated to the Commission.

Mr. KNOWLES stated that Dr. Watts, Director of the New Zealand Health Department, was about to proceed to Samoa to make a survey of the health position, and more particularly of sanitation. As regards the birth rate and the question of infant mortality, he would refer the Commission to the statement on page 18 of the report, which read: "The matter is engaging the earnest attention of the Administration". With reference to the various means and methods contemplated, he would transmit Count de Penha Garcia's questions to his Government.

Lord LUGARD, commenting on the revenue of the Health Department, noted (page 5) the item of £6,625 for sales of "medicinal liquor", which did not, he imagined, differ very greatly from ordinary liquor.

DEMOGRAPHIC STATISTICS.

M. SAKENOBE noted that the population figures based on returns received over the period since the last census, on December 31st, 1925, were probably less accurate than the further count of the population taken in the course of the yaws campaign, giving the native population on December 31st, 1933 (page 20 of the report). The increase in population, as revealed by the 1933-34 report, was about 9 per cent, which was very high. He hoped that the question might be examined and referred to in the next report.

Mr. KNOWLES said that, for a few years during the period of unrest, the returns of population had not been very reliable.

CLOSE OF THE HEARING.

The CHAIRMAN thanked the accredited representative for his co-operation, and asked him to be good enough to convey the Commission's good wishes for Sir James Parr's recovery.

SIXTEENTH MEETING.

Held on Thursday, November 8th, 1934, at 10.30 a.m.

Economic Equality: Discussion of Certain Questions raised during the Examination of the Annual Reports for 1933 on the Administration of Togoland and the Cameroons under French Mandate.

A. PREFERENCE GRANTED TO THE FRENCH FLAG BY THE LAW OF AUGUST 6TH, 1933 (*continuation*).

M. SAKENOBE explained that the question of economic equality was very complex and had been responsible, on many occasions, for differences of opinion in the Commission.

At the twenty-fourth session,¹ when the question of the clause regarding transport under the French flag had been raised by the late Vice-Chairman of the Commission, M. Van Rees, the Commission would appear to have accepted the system of bounties on products exported to France, but to have considered that to require those products to be transported on French ships was contrary to the principle of economic equality. He desired to make a few observations on that point.

It had often been said that it was contrary to that principle to establish a preference or privilege in favour of a particular country. There were at least two kinds of preferences or privileges to be considered—namely, those due to legislation designed to that end and those which, while not due to such legislation, arose in a field in which there was free competition or freedom of action.

To explain what he had in mind, he gave the following example. Supposing a territory under mandate passed a law with regard to harbour dues under which all vessels were required to pay certain charges. If the mandatory Power exempted vessels of its own nationality, it would be establishing a preference in favour of that nationality. Vessels flying other flags would simply have to submit to paying harbour dues on entering and leaving. There would, as it were, be no remedy. Taking mining concessions as another example, M. Sakenobe assumed that a mandatory Power passed a law specifying that anyone who desired to obtain a mining concession must deposit security. If the mandatory Power were to exempt its own nationals from doing so, it would be establishing a privilege in favour of its nationals. In that case also, the nationals of other countries would be forced to submit to paying the amount required on applying for a concession. In his opinion, there was no doubt that to establish a preference of that kind by law was contrary to the principle of economic equality.

There was another aspect to consider. Supposing, for example, that a mandatory Power promulgated a law under which bounties were payable on the importation into the home country of some of the products of the territory under mandate. Thanks to that bounty, a larger quantity of the products in question would be exported to the territory of the mandatory Power, most probably to the detriment of other countries. It was in that sense that it might be said in the latter case that a preference had been established. To give another example: in order to encourage its maritime transport undertakings and to give them more business with the mandated territory, the mandatory Power paid a subsidy to companies of its own nationality. In that case also a privilege would be established in favour of these companies.

If the two cases just referred to were compared with the two former cases—harbour dues and concessions—it would be realised that they belonged to different classes, although both established a preference. In the first two cases, there was no remedy and no means of attacking the privileged position established by the mandatory Power. In the others, the mandatory Power did not invest the privilege with the sanction and force of law. No private person or State was prevented from challenging the preference established. In this case, he thought there was no question of infringement of the principle.

In considering whether the principle of economic equality had been infringed, the following consideration should not, in his opinion, be forgotten: the fact that a preference has been established does not in itself constitute an infringement of the principle.

M. Sakenobe then turned to the particular case with which the Commission had to deal. The French Government had introduced a system of bounties on certain products from the Cameroons and Togoland, on condition that they were imported into France in French vessels. No objection had been raised to the payment of bounties on imports into France, although it placed the mandatory Power in a privileged position. Exception had, however, been taken to the restriction of the bounty to goods transported under the French flag. But he did not see

¹ See Minutes of the Twenty-fourth Session of the Commission, pages 39 and 135.

why one part of the system should be allowed and not the other. His line of argument must be followed carefully to realise that there was no infringement of the principle in both cases. Any State was completely free to grant bounties on the importation into its own territory of products from the Cameroons or Togoland under French mandate, if it so desired. It could even restrict that privilege to goods transported under its own flag, as did the French Government. The latter would have no objection. As long, therefore, as freedom of action or of competition was maintained, there could be no question, as in the present case, of any infringement of the principle of economic equality, although a privilege had been established. That, M. Sakenobe said, was the conclusion at which he had arrived, although the arguments advanced by the accredited representative of the mandatory Power had not convinced him.

M. RAPPARD said that he had listened with the greatest interest to M. Sakenobe's observations and had been very much impressed by their logic. If he had understood him rightly, M. Sakenobe thought that, when a mandatory Power established a preference in favour of its nationals, the principle of economic equality was only infringed if the other Powers were not free to follow its example—that was to say, to establish the same preference in favour of their own nationals.

While he did not desire to express his views with regard to the substance of the question until he had heard his other colleagues, he wished to place before M. Sakenobe the following consideration :

Was it true that other countries importing goods from the mandated territory were in a position to act in the same way as France, and so to restore the equality of treatment which had been destroyed by the mandatory Power ? He would not dwell on the position of the States that had no merchant shipping. In the present case, their inferior position was not due to an act of the mandatory Power whereby it derived an unfair advantage from its position as mandatory Power. He would consider the more striking example of a country like the United Kingdom or Italy. He wondered whether it was conceivable that those countries could, like France, introduce a system providing for bounties on production and preferences to national shipping in respect to Togoland and the Cameroons under French mandate ? In order to carry out a system of that kind, the Italian or United Kingdom Government would have to entrust the distribution of the bounty to the French mandatory administration itself. That was possible in theory, but was it possible in practice ? In face of that practical difficulty, it must be considered whether, in fact, the mandatory Power did not benefit from its position. Even presuming that it would agree to distribute the bounties paid by the United Kingdom or Italy, it was very easy to understand that those two countries would hesitate to ask it to do so.

M. SAKENOBE agreed that, from the practical point of view, M. Rappard's objections were very cogent, but he pointed out that they did not affect the theory he had outlined. The way was always open to other States to do the same thing as the French Government did.

M. MERLIN prefaced his observations with the same reservation as M. Rappard—namely, that he did not intend to express a final opinion until he had heard what his colleagues had to say.

The question of economic equality frequently arose in the Mandates Commission, and the principle itself was applied in very varied ways in territories under B mandate. For that reason, he was of opinion that, before entering into a theoretical discussion, it was necessary to define clearly the circumstances in which had arisen the facts suspected of being a departure from the principle.

In the present case, the mandatory Power, in order to mitigate the effects of the economic depression in its colonies, and later in Togoland and the Cameroons, had passed a law introducing a system of bounties. But, not desiring its budget to bear the burden of the payments involved, the mandatory Power had met the situation by introducing a duty on the import into the home country of products similar to those supplied by the two territories, whatever their origin. The receipts from the duty were then allocated to the producers of the colonies and territories under mandate, in accordance with the methods described by the accredited representative. M. Merlin recalled that, in the beginning, the system was intended to apply only to the colonies and that the mandatory Power had then decided to extend it to the territories under mandate. The money distributed came from the home country. In giving it, the mandatory Power was acting purely and simply out of generosity to the cultivators, who might be natives, French, or of another nationality, there being no discrimination in that respect. As far as the bounty was concerned, therefore, there was complete economic equality.

The mandatory Power was entitled to some compensation for its generosity, and that selected—namely, the obligation to transport under the French flag the goods benefiting from the bounty—was slight. He viewed it in the same light, moreover, as M. Sakenobe. Supposing that the United Kingdom Government, for example, intended to pay bounties on all products imported into the United Kingdom from Togoland and the Cameroons under French mandate, on condition, however, that they were transported under the British flag and on sight of the bill of lading indicating their origin. In that case, M. Merlin pointed out, no one could prevent the United Kingdom Government from carrying out its intention and paying the bounty in question to its shipping companies. If, however, the Mandates Commission reached the conclusion that the mandatory Power was not entitled to confer the privilege in question on the national flag, that Power alone—strangely enough—would be unable to do so.

Briefly, the whole argument could be summarised in two points, namely : if a mandatory Power granted bounties to the producers in the territory under mandate without respect to their nationality, the principle of economic equality was not infringed, and if its bounty system were conditional upon the goods being transported under the national flag, it was not conferring an unfair advantage on that flag, since any country with its own merchant shipping could introduce a similar system on its own account.

M. ORTS said that he also greatly appreciated M. Sakenobe's arguments ; he had contributed fresh elements to the discussion.

M. Orts had little to add to what M. Merlin had said. He would confine himself to one idea which the latter had only touched on during his speech.

In order to decide whether a principle had been violated or not, the object of those who had laid it down should be considered. The principle of economic equality was simply an expression of the general desire to prevent a mandatory Power from taking advantage of its special position to arrogate to itself economic advantages from which other States would be excluded. In the case which the Commission was studying, the mandatory Power's sole concern had been to encourage production, which was threatened by the depression : the origin of the measures taken was solicitude for the territory. On the other hand, the rebates had not benefited French producers alone, but all producers—French, native or foreign. Briefly, the system adopted exempted the products of the territories under mandate from general Customs duty and thus the mandatory Power had complied with a recommendation expressed by the Mandates Commission some years previously that Customs benefits extended to products coming from the colonies of the mandatory Power should also be extended to the territories under mandate.

The mandatory Power was not bound to grant the bounties in question. It had therefore acted generously, and was consequently entitled to attach certain conditions to the benefits offered. The condition imposed was transport under the French flag. Presuming that the Commission felt unable to accept that condition, the mandatory Power might be led to withhold the bounty from the territories under mandate. What would be the result ? Under the pretext of safeguarding a principle which, in M. Orts' opinion, was not at stake, the Mandates Commission would have done considerable harm to all the producers of those territories.

M. RAPPARD, reverting to the question as a whole, since he desired to elucidate it as far as possible, thought it would be as well to consider what interests might be prejudiced in the present case.

In the first place, had foreign consumers complained ? Certainly not, for they were not prejudiced. Foreign planters ? By no means, as the bounty was paid without distinction of nationality to all producers. Foreign shipping companies ? He was under the impression that, in practice, a maritime Power could not introduce a system of bounties in the territory under French mandate similar to that introduced by the French Government. However, there was nothing to prevent it from resorting to other means of restoring the balance.

He would have objections to the bounty system if the money distributed came from the resources of the territory, but that was not the case. As, however, any other Power that desired to do so could establish an equivalent system on its own account, it might be said that the steps taken by the French Government with regard to the granting of bounties were not contrary to the principle of economic equality.

Count DE PENHA GARCIA said that he fully shared the views expressed by M. Sakenobe. In his opinion, the bounty system introduced by the French Government did not infringe the principle of economic equality. Two factors should be distinguished in the case in point. One concerned the territories and the other the mandatory Power, but not in its position as such. The first was the granting of bounties. That could only be said to be an admirable measure on the part of the French Government from which all producers benefited, whatever their nationality. The second was the benefit reserved for the French flag by an act of the French Government acting as such and not as mandatory Power. That act, he pointed out, did not in any way prevent all flags from being in a position of equality, from the point of view of the territory.

The CHAIRMAN noted that, in the opinion of most of his colleagues, there was no need to make any observation in the Commission's report with regard to the question.

B. DECREE OF DECEMBER 13TH, 1932, RELATING TO COMMERCIAL AERIAL NAVIGATION (*continuation*).

M. RAPPARD thought the Mandates Commission should be given certain assurances regarding the law relating to airways operating between the home country and the French colonies which, it was feared, might be extended to the mandated territories. That law, indeed, would seem to be instituting in favour of companies of the nationality of the mandatory Power a monopoly over commercial air transport between the home country and the territories over which it had been given a mandate. M. Besson had made no secret, before the Commission, of the fact that such a monopoly was contemplated.

M. DE HALLER (Secretariat), at the Commission's request, gave the following information from the *Official Gazette* of the French Republic for December 17th, 1932 :

The French Law of May 31st, 1924, on air navigation was extended to the colonies and territories under mandate by decrees dated February 26th, 1926, and May 11th, 1928. The original text of Article 9 was amended, as follows, by a new law dated May 16th, 1930 :

"The establishment of international air-navigation lines and the creation and operation of regular international air-navigation lines shall be subject to previous authorisation by the Government.

"The commercial transport of persons and goods between two points on French territory and between France and the French colonies is reserved to French aircraft, subject to the granting by decree of special, temporary exceptions."

The object of the Decree of December 31th, 1932, was to extend to the colonies and territories under mandate the Law of May 16th, 1930.

If the Secretariat rightly understood the terms of these laws, a foreign company could not, for instance, operate an air line between Marseilles and Duala. On the other hand, there was nothing to prevent it from operating a line between its own territory and that locality.

The Commission would remember that, in reply to a question asked by one of the members, M. Besson had said that the question of internal flight did not arise in Togoland and the Cameroons under mandate. He had given the Commission to understand that the law had, as a matter of fact, been extended to the territories under mandate for the sake of good administration. He had added that he would communicate full information to the Commission on the scope of the Decree of December 13th, 1932, in so far as Togoland and the Cameroons were concerned.

COUNT DE PENHA GARCIA thought that it would be extremely difficult to submit any observation to the Council on that point, in the present state of international law in the matter of aerial navigation. Moreover, the principle of economic equality might perhaps, in that case, be in conflict with some of the defence requirements of the territory. On the other hand, the air navigation of the mandatory Power could always be given facilities for flight over the territory and administrative facilities. In Togoland and the Cameroons, the question did not appear to arise at the present time. The wisest plan would be for the Commission to wait and obtain further information before coming to any decision.

The CHAIRMAN observed that, in any case, the mandate prohibited the establishment of military bases in a mandated territory.

He also pointed out that M. Besson had promised the Commission to supply fuller information for the following year, and he, too, felt that, before coming to a decision, the Commission might wait until it had received that additional information.

M. RAPPARD agreed, but wondered whether the mandatory Power might not even now be preparing texts which would place the Mandates Commission the following year in the presence of a *fait accompli*. To obviate such a contingency, he would suggest that the Mandates Commission should adopt a resolution on the following lines :

"The Permanent Mandates Commission considers that it would be contrary to the principle of economic equality for a mandatory Power to reserve for its own nationals the monopoly of aerial or maritime navigation between a territory under its sovereignty and a territory administered by it under an A or B mandate."

M. ORTS felt that such an observation might appear unjustified. There was nothing, however, to prevent the Commission from noting, in its report to the Council, the undertaking given by the accredited representative of France to supply fuller information for the following year.

He desired, in particular, to study the text of the International Convention of 1919, which the French law in question was designed to put into force.

M. MERLIN felt that, in the present case, as, moreover, in every case relating to economic equality, all the circumstances should be examined very thoroughly. For the moment the Mandates Commission had received the still vague explanations of the accredited representative and was waiting for additional information. Would it not seem somewhat extraordinary if, without further ado, it proceeded to form an opinion on actions with the motives for which it had had no opportunity of making itself thoroughly familiar ?

M. Merlin thought it best to leave things as they were, stating, if that were considered useful, that further information was awaited.

M. PALACIOS regarded the principle of economic equality as an essential principle, the only one safeguarding in a mandatory country the commercial interests of non-mandatory Powers. In his view, therefore, it was desirable to insert in the report an observation on the point under discussion, and for that purpose to adopt in a somewhat modified form the text submitted by M. Rappard.

COUNT DE PENHA GARCIA enquired whether there was any international convention imposing upon all countries an obligation to place their aerodromes at the disposal of foreign air companies. Unless any such convention was applicable in the present case, the mandatory Power was at present entitled to allow a company to ply between the territory and French aerodromes in as far as it was not bound by special conventions.

M. RAPPARD observed that, in the present case, the mandate, with its stipulation as to economic equality, constituted precisely the international convention about which Count de Penha Garcia was asking.

He then proposed a formula declaring, in substance, that the Mandates Commission had learnt from the accredited representative that the mandatory Power was proposing to put into force, for the territories of Togoland and the Cameroons, certain provisions (which it would be for the Secretariat to define exactly), but that, as supplementary information was to be given it concerning those provisions next year, it had adjourned its examination to 1935.

The formula proposed by M. Rappard was adopted.

C. LOAN OF 25 MILLION FRANCS IN FAVOUR OF THE CAMEROONS UNDER FRENCH MANDATE
(*continuation*).

The CHAIRMAN asked what the position would be if a financial group (Swiss, for instance) offered the Cameroons a loan at a rate of interest, for example, 50 centimes below what was demanded by the French Government. Would the latter agree to the operation's being negotiated?

M. ORTS observed that such a loan would not be a guaranteed loan, and that, moreover, the hypothesis chosen by the Chairman was very remote from realities. The Cameroons had no credit of its own and it was hardly conceivable that financiers would offer it such favourable terms without the French Government's guarantee. One of the most manifest advantages that a territory derived from its Mandatory's guardianship was precisely the fact that the credit of that Mandatory was placed at its disposal.

The CHAIRMAN felt that M. Orts' reply would be very convincing but for the fact that the French Government had made its loan subject to the condition that the supplies and equipment that the territory might be able to obtain with it should be purchased in France.

M. ORTS asked the Chairman to refer to the table on page 20 of the report of the mandatory Power on the administration of the Cameroons in 1933, which showed the purposes for which the loan of 25 million francs was to be employed. The Chairman would find that the 6,400,000 francs set aside for the refund of advances paid out of the Reserve Fund would not involve the purchase of any material. The same applied to the sum of 1,500,000 francs intended for the payment of advances to the Rubber and Banana Compensation Fund, the 5 million francs for the payment of advances to the Agricultural Credit Fund, the 1,100,000 francs set aside for agriculture and stockbreeding, and the 2 million francs for mining research. There then remained the sum of 5 million francs for work on roads and of 4 million francs for port and harbour works. Out of that last sum of 9 million francs, deducting costs of labour and material extracted on the spot, there would perhaps be a balance of 4 million francs to spend on supplies and equipment. It was doubtful whether a third party would be willing to lend the territory under mandate 25 million francs in return for an assurance that it would obtain an indirect profit of some hundreds of thousands of francs.

The CHAIRMAN asked M. Orts if, supposing that financiers were bold enough to make the offer the Chairman had suggested, he did not think that the principle of economic equality should apply. In other words, was the mandatory Government to concern itself with its guardianship duties or could it do business?

M. ORTS replied that the present case was in no sense "business".

The CHAIRMAN said that, if that were so, it was the taxpayer in the home country who would have to pay for the costs of the operation if it proved unsuccessful, just as, in the case of a loan concluded on purely commercial bases, the lender had to incur the risks inherent in the operation.

Lord LUGARD was entirely of M. Orts' opinion and stated further that he did not see what procedure a country could adopt to obtain foreign offers in the event of the territory entrusted to its charge requiring a loan. The mandatory Power, it might be pointed out, was not only giving the territory the benefit of its credit—already a very big consideration—but might in addition have to accept the risk of being obliged for years to renounce all possibility of obtaining interest on the sums lent.

M. SAKENOBE observed that the mandatory Power, in addition to laying down a condition regarding the purchase of goods in the home country, had required that they should be transported in vessels flying its flag.

M. RAPPARD thought that the two questions were interconnected, the whole problem being governed by the question whether the mandatory Power had the right to impose certain conditions, favourable to its own interests, when granting a loan to the mandated Territory.

M. SAKENOBE said that, in his view, there was a breach of the principle of economic equality in the case now before the Mandates Commission, owing to the fact that the monopoly of transport of the goods in question had been reserved by the law for vessels flying the French flag.

M. RAPPARD thought that the case for the mandatory Power might be summed up as follows : the latter considered itself free to extend or not to extend its credit to the mandated territory and consequently at liberty to make the granting of a loan subject to such conditions as it might decide. Whether goods were purchased in France or transported under the French flag, the set-off of the transaction was always considered to be the credit obtained.

The CHAIRMAN said that, in his opinion, the whole question at issue was whether the territory would be capable of obtaining credit elsewhere than from the mandatory Power.

M. ORTS thought it possible that this question would never be answered. But he would not be surprised if, under certain circumstances, any mandatory Power should ask nothing better than that a loan for a territory under its administration should be placed on some other market than its own. He repeated that a territory under mandate had no credit of its own, that the capital it borrowed would be in a very hazardous position unless the mandatory Power guaranteed it, and that, under these circumstances, there was little prospect of finding lenders unless they had some political object in view. A financial group would not be induced, by the prospect of selling a small quantity of material, to grant a loan of an amount, as in the present instance, out of proportion to the value of the material to be acquired.

The CHAIRMAN, reverting to a hypothesis which he had advanced at the beginning of the discussion, asked whether the financial group offering to lend to the mandated territory, of course on better terms than the mandatory Power itself, while demanding that the goods should be purchased in its country and transported under its flag, could receive a favourable reply without the principle of economic equality being affected. For his part, he did not think so.

M. MERLIN thought the Commission should not lose itself in purely academic discussions. The question involved was that of a loan of 25 million francs off-set by supplies the value of which would probably not reach three million francs, and the mandatory Power attached its condition of purchase and transport to the latter amount, which was a trifling sum in comparison with the total loan. If the territory under mandate were independent and had to borrow on its own credit alone, not a single lender would come forward to conclude a transaction of the kind accepted by the French Government. If, contrary to all expectations, such a lender did come forward, he would certainly have an ulterior political motive. The mandatory Power, which had duties towards the territory, had granted a loan on the best possible terms. In doing so, it had assumed a heavy burden, since such loans were often granted, in reality, without any prospect of repayment. As against this burden, of what importance was the condition that goods of a value of some three million francs should be purchased in France and transported under the French flag ?

Count DE PENHA GARCIA thought it unnecessary to mention in the Commission's observations the question of the loan of 25 million francs granted by France to the Cameroons. The territory under mandate was certainly incapable of borrowing this sum itself ; the mandatory Power had furnished it on the best terms and only reserved to its nationals the right to supply and transport goods to be purchased out of a part of the yield of the loan.

On examining the question from a general point of view, it would be seen that both the guarantee given by the mandatory Power and the condition regarding the purchase and transport of goods were intended to enable the loan to be contracted and placed on the best possible terms.

Moreover, it could not be said that there was not some competition in the supply of goods to safeguard the interests of the territory, since all the firms of the home country had the possibility of submitting offers. Again, any foreign group might take part in the loan.

The CHAIRMAN thought it advisable to enquire, apart from all the points which had already been discussed, whether the mandatory Power, in concluding the loan, had fixed prices for the material to be purchased ; if such a precaution were not taken, these prices might prove to be somewhat high in view of the absence of competition.

Count DE PENHA GARCIA again pointed out that there would always be the competition between the firms of the home country.

M. RAPPARD pointed out that the Commission had not reached a unanimous conclusion. The most it could do would be to note the terms of the loan law, to emphasise the clause providing for the possibility of exceptions to the conditions of purchase and transport laid down by the mandatory Power, while expressing the hope that this clause should be widely used.

After an exchange of views, *the Commission agreed* to draw attention, in its report, to the conclusions of its previous studies on economic equality, which had just been reached again. As far as the present case was concerned, it would add an observation similar to that formulated by M. Rappard.

SEVENTEENTH MEETING.

Held on Thursday, November 8th, 1934, at 3 p.m.

Ruanda-Urundi: Examination of the Annual Report for 1933.

M. Halewyck de Heusch, Director-General in the Belgian Ministry for the Colonies, accredited representative of the mandatory Power, came to the table of the Commission.

WELCOME TO THE ACCREDITED REPRESENTATIVE.

The CHAIRMAN welcomed M. Halewyck de Heusch, with whom the Commission had already had an opportunity of collaborating on many occasions.

TRIBUTE TO THE MEMORY OF M. VAN REES.

M. HALEWYCK DE HEUSCH said that he had learned, a few hours before leaving Belgium, the sad news of the death of M. Van Rees, the very distinguished Vice-Chairman of the Permanent Mandates Commission. His Majesty's Government, which had been immediately informed, had instructed him to convey to the Commission its very deep and sincere sympathy. The news had made a very painful impression on all Belgians who had known M. Van Rees, more particularly on the League of Nations Commissions dealing with slavery and native labour. M. Halewyck de Heusch, on entering the room that afternoon, had been deeply moved at no longer seeing M. Van Rees in his usual place, from which he had expressed opinions so full of legal sense and inspired by so profound a sense of realities, and which had always been so very valuable. He asked the Commission to allow him to add his personal condolence to the message which he had just conveyed in the name of his Government.

The CHAIRMAN thanked M. Halewyck de Heusch for his tribute and for his expression of sympathy in the Commission's deep loss. He begged him to convey the Commission's sincere thanks to his Government.

GENERAL STATEMENT BY THE ACCREDITED REPRESENTATIVE.

M. HALEWYCK DE HEUSCH, recalling that the financial situation of Ruanda-Urundi had caused the Commission some anxiety in 1933, made the following statement on that situation and on the policy of which it was the result :

The Belgian State, when it took over the territories of Ruanda and Urundi, soon realised that, under the previous regime, the European authority had occupied those countries very little, confining itself almost exclusively to demanding an acknowledgment by the native populations of the principle of its sovereignty. The administrative establishments were few in number, and their activities were confined to protecting the missions and a few traders. The territory, moreover, was ill-equipped. Practically the only means of communication were native tracks and paths. The natives' only resources were what they derived from stock-breeding, which was, however, elementary in character, and from food crops, which gave the inhabitants less than their bare requirements. Food shortage and famine were periodical trials. The population was dense, prolific and destined, under the regime of peace about to ensue after a period of internecine warfare, to increase very considerably. It thus became essential, after instituting the various services which permitted of the effective occupation of the country and introducing a reign of order and security, to develop the territories and provide them with a proper road system. It was necessary, at the same time, to construct the various institutions for the public health and education services. Almost everything remained to be done.

The Belgian Government set to work without delay. From the outset, its main preoccupation was to develop the means of communication, on which depended to such a large extent the extension of the administration and of civilisation, economic exchanges, the movement of products and goods and—a point peculiar to Ruanda-Urundi, and particularly serious from the standpoint of that territory—successful measures to cope with food shortage and famine.

The problem was not a very complex one, in so far as the choice of the means of communication was concerned. The rivers in the mandated territory are not navigable, nor, on the other hand, is the territory adapted for the laying of railway-lines: it is essentially a broken and mountainous country; timber is scarce and the lack of fuel on the spot would make the operation of a railway a very onerous proposition. The Administration accordingly concentrated on the construction, development and equipment of roads. It was in that direction that the mandatory Power expended its chief efforts. Up to the end of 1933, it had spent upwards of 85 million francs, that high figure being explained by the difficulties of engineering in a country of sheer rock formations which the track has to negotiate by following steep slopes and sometimes passing through cuttings. The road system was planned to link up Usumbura, the exit gate of the territory, where a port was constructed, used chiefly for external trade operations. At the same time, wireless telegraphy installations were established.

Side by side with these activities, the Government took the necessary measures to ensure the good administration of the territory and the maintenance of public order. With that object, it made a point of setting up and equipping various administrative posts, erecting the buildings required for the public services, and building and equipping store-houses, workshops and stores, military camps and police camps, prisons and dwellings for the housing of officials.

For the public health service it had to erect, and subsequently to extend, hospitals with policlinics in four big centres, dispensaries and a medical laboratory at Kitega, which has already rendered invaluable service. Extraordinary credits have been allocated for the campaign against yaws.

For the education service, the Mandatory has established schools, and quite recently a large group of school-buildings at Astrida, which have cost, up to the present, close upon 6 million francs.

For the agricultural and stock-breeding service, model farms and experimental stations have been established, and also a veterinary laboratory at Kisenyi.

The campaign for the extension of coffee plantations, from which it is hoped that the natives may derive a good yield, has involved expenditure, up to the present, of 3 million francs.

The reforestation of Ruanda-Urundi has been put in hand, as the absence of forests is sometimes disastrous for native food crops, owing to the irregular rainfall.

Lastly, large sums have been devoted to the campaign against such scourges as cattle plague and food shortage. The measures for fighting the last famine alone absorbed close upon 5 million francs.

The work just described, which has been achieved, during the last fourteen years, not by means of credits included in the ordinary budget of the mandated territory, but with the help of sums advanced by the Belgian Government, resulted finally in a public debt which, at December 31st, 1933, stood at 145.5 million paper francs, or close upon 21 million gold francs. The average loan per year was about 10.4 million paper francs, or approximately 1.5 million gold francs. Thanks to the works carried out, the country is now equipped and ready to profit both by the cultivation of productive crops and the development of its mineral deposits.

Of the various advances granted by Belgium, the first—those given between 1920 and the beginning of 1929—were made by the Treasury of the home country; at December 31st, 1932, the sum owed under this head was 26,407,781 francs. The remainder were procured from the Congo Treasury, which began in 1929 to lend the money required for the development of the road system.

In 1930, the Belgian Government made a comprehensive study of the question of Ruanda-Urundi loans. It studied, in particular, the borrowing capacity of that territory, taking duly into account the advances already granted. It was realised even then that the mineral assets of the mandated territory were considerable, and the first coffee crops gave promise of success. After consulting persons who were particularly expert in these matters, the mandatory authority came to the conclusion that it was possible to continue the loans, provided they did not exceed the maximum of 200 million paper francs. It considered it desirable, further, to convert into a real public debt the various advances granted in the past, to include in it new sums to be borrowed, and offer the shares for subscription. The Mandates Commission was informed of that scheme at its meeting on November 14th, 1930.¹

Finally, conversion was decided upon on October 15th, 1932; the Treasuries of the home country and the Congo were to be repaid within three months, and Ruanda-Urundi was to issue for that purpose and for the financing of her requirements loans up to a total not exceeding 200 million francs. In principle, these loans were to be floated by public subscription. But the economic depression had set in, and the financiers consulted were of opinion that the circumstances did not lend themselves to a public issue on behalf of the territory. It was

¹ See Minutes of the Nineteenth Session of the Commission, page 127.

accordingly decided that, provisionally, the amounts to be borrowed should be advanced by the Belgian and the Congo Administrations against Treasury bonds in exchange for their advances to be held until a favourable moment occurred for the issue of the loans. At December 31st, 1933, the public debt still fell far short of the proposed maximum of 200 million francs, being only about 145.5 millions (page 59 of the report).

At the session in October 1933,¹ a member of the Mandates Commission, referring to the table relating to the public debt of Ruanda-Urundi, expressed some astonishment at the rapid increase in that debt. He had pointed out that the territory, which had not issued Treasury bonds in 1929 and which, in 1930, had bonds only to the amount of 6.5 million francs, had in 1932 become indebted for bonds to the enormous amount of 103.5 million francs.

His surprise arose from the fact that the table of Treasury bonds had been considered separately. To obtain an exact idea of the debt, it was necessary to set off, against that first table, the table of the sums already handed over some years before to Ruanda-Urundi, as advances, by the Belgian Government, utilising for that purpose the Treasury of the home country and that of the Belgian colony. That comparison makes everything clear : between 1920 and 1932, as was explained a few minutes ago, the mandated territory had received large sums as loans. The new debt of 100 million francs was partly made up—to the amount of 50 million francs—of the conversion of three advances previously granted by the Congo Treasury. It was the transformation of these into Treasury bonds that had swelled the figures for these last-named securities. The same thing, moreover, had occurred again in 1933, when the conversion of advances was finally concluded by the substitution of a Treasury bond of 26 million francs for the debt to the Belgian Treasury, which was the last to be repaid.

Is Ruanda-Urundi in a position to bear the burden of a public debt which amounted, at December 31st, 1933, to 145.5 million francs ?

The territory would have some difficulty in doing so immediately, up to the total of that sum. That is why the Convention concluded on October 15th, 1932, between Ruanda-Urundi, Belgium and the Belgian Congo provided that the first-named country should have the assistance of the other two in paying the interest on its public debt for a period of some twenty years. During the first period of five years, the two co-parties will pay two-thirds (Belgium one-third, the Congo one-third) as lenders, but their loan will not bear interest. On the expiry of that period of five years, the assistance will be continued, but on a descending scale, which, decreasing that assistance year by year, will finally put an end to intervention on the part of Belgium and the Congo, as the mandated territory will by that time be in a position itself to ensure the service of its public debt. That will be the case as from 1951. On January 1st of that year (1951), the interest successively advanced to Ruanda-Urundi will be computed, the total will be fixed and it will be paid off in accordance with an amortisation scheme which will take into account the financial situation of the moment.

It has been estimated that, from 1951 onwards, the mandated territory will be capable itself of ensuring the service of its public debt, for the reason that considerable sources of revenue have been sought or created which will augment the income of the territory to a large extent.

In October 1933, as the members of the Commission very rightly observed, the financial situation of Ruanda-Urundi was bound up with the success of prospecting for minerals. Evidence of that success is now to hand. There is a considerable number of cassiterite mines, and I have before me a map showing that forty-three deposits are being developed already ; in 1933 alone, the first year of effective development, 527 tons of this ore were extracted. Further, gold mines have been discovered which, in 1933, yielded about 110 kilogrammes of the precious metal, even though the mines had only just been opened. The mineral reserves of the territory are clearly considerable ; they cannot yet be estimated, as prospecting is far from complete ; exploration is still proceeding. That is one source of revenue which seems likely to develop rapidly.

Then there is another. The Administration looks hopefully also, as a means of developing the resources of the Treasury, to the development of productive crops and coffee-growing in particular. The natural conditions in Ruanda-Urundi are excellent for the *Arabica* species. The authorities have endeavoured to extend it all over the country ; their efforts have been well received by the natives, who obtained satisfactory prices for their first harvests. Several millions of plants have already been distributed and more will be distributed later. According to very accurate estimates, 250 tons of coffee can be offered for sale in 1934, 350 tons in 1935 and 600 the following year.

While pursuing and promoting every possible means of developing the territory, the Government is endeavouring, on the other hand, to reduce expenditure on administration to the lowest possible minimum. There will not be any further large increase in the public debt, as the necessary extraordinary works which account for its increase will be completed in three years. The period of heavy expenditure, which is a burden on the extraordinary budget and consequently a charge on the public debt, will then be closed. Moreover, by a better co-ordination of its European services, and later by substituting native staff for the subordinate white officials, the mandatory Power hopes to achieve further considerable economies.

Having thus given a general survey of the Belgian Government's financial policy in Ruanda-Urundi, the accredited representative added that, by a special law of August 8th, 1933, the legislature has endeavoured to give fresh assistance to the mandated territory

¹ See Minutes of the Twenty-fourth Session of the Commission, page 77.

during the difficult period through which it is passing as a result of the economic depression. Under the terms of that law, Belgium is to make over to the territory during each of the years 1933, 1934 and 1935 an extraordinary subsidy of 12 million francs to prevent any deficit in the ordinary budget of the territory.

FORM OF ANNUAL REPORT.

The CHAIRMAN noted that there was a section in the annual report entitled "Information for which a special request was made" (Annex III, page 259). It contained replies to some of the Commission's observations to the Council as a result of the twenty-fourth session of the Commission. It was desirable, in order to facilitate reference, that it should be stated in future annual reports on what pages of the Commission's Minutes would be found the questions asked by its members, as in the annual reports of other mandatory Powers. For the same purpose, it would be advisable to publish a list of the laws and ordinances as an annex to the annual report.

M. HALEWYCK DE HEUSCH thought that, as regards the first point, it would be a simple matter to comply with the Chairman's request. As regards the list of laws and regulations, he pointed out that that was to be found in the body of the report (Part I, Section IV). However, it would perhaps be useful, in subsequent reports, to change its position and add it to the texts of the laws, themselves, which were printed in the annexes. He would look into the matter.

Lord LUGARD asked whether it would be possible to arrange the subjects dealt with in the report in the order in which the Commission examined the various items, as given in document C.P.M. 1086.

M. HALEWYCK DE HEUSCH said that, as no doubt the work being done in Africa on the next annual report was already well advanced, it would only be possible to include Lord Lugard's suggestion in the report for 1935, provided that, on examination, it did not give rise to any objections.

DELIMITATION OF THE FRONTIER BETWEEN RUANDA-URUNDI AND TANGANYIKA: RELATIONS BETWEEN THE TERRITORY AND THE BELGIAN CONGO.

M. ORTS asked what had delayed the fixing of the frontier with Tanganyika (page 21 of the report).

M. HALEWYCK DE HEUSCH explained that there were two Conventions: a principal Convention the purpose of which was the delimitation of the frontier and a subsidiary Convention on the use of the waterways along the frontier-line. The principal Convention was ready, but, after the other had been approved by the local authorities, the British authorities had raised some objections to the definition of certain expressions. The intervals between correspondence had been somewhat long. Agreement had now only to be reached on one sentence. The accredited representative hoped that it would be achieved before the end of the year, and that next year the Council of the League would be able to take a decision on the question of delimitation.

M. ORTS asked whether the first of these Conventions had to be registered with the League.

M. HALEWYCK DE HEUSCH replied in the affirmative. It was held up on account of the second Convention, to which it referred.

M. ORTS mentioned the reference on page 21 of the report to the "difficult questions" to be settled between the territory under mandate and the Belgian Congo. Were not those questions, which were given further on in the report, the same as those that always arose between African territories and which were usually easily settled?

M. HALEWYCK DE HEUSCH said that the expression "difficult questions" was somewhat exaggerated. The intention was to refer to measures of a special character, such as medical precautions to be taken by natives on crossing the frontier.

POWERS AND DUTIES OF THE GOVERNOR OF THE TERRITORY AND OF HIS ADMINISTRATIVE SERVICES.

M. ORTS was not sure what changes had been introduced in the administrative organisation by Ordinance No. 93 of December 21st, 1933 (page 253 of the report).

M. HALEWYCK DE HEUSCH replied that it related to a new distribution of duties between the various administrative services attached to the Governor's department—a reorganisation of his offices. The ordinance had no effect on the general administration of the territory.

M. RAPPARD did not quite understand the passage on page 24 of the report (Administrative Organisation) which said that a Royal Decree of June 29th, 1933, "had brought into harmony without changing" the powers and duties of the Governor and those of the provincial chiefs of the Congo.

M. HALEWYCK DE HEUSCH explained that the administration of the Congo had been reorganised in recent years. In particular, the former provincial governors had been suppressed and their provinces had been divided into a larger number of administrative units, at the head of which there had been placed provincial commissioners. Up to that time, however, the duties of the provincial governors of the Congo had been similar to those of the Governor of Ruanda-Urundi. Now that these high officials no longer existed, a whole series of ordinances would have been necessary to determine the powers of the single Governor surviving after the work of reorganisation. The simplest method was to say that the administrative powers formerly exercised by the governors of the Congo, and now entirely transferred to the new provincial commissioners, belonged as a whole to the Governor of Ruanda-Urundi. That had been done by the Royal Decree of June 29th, 1933. In reality, the position and powers of the Governor of the territory had not changed.

M. ORTS asked whether the "Governor of Ruanda-Urundi" retained his title.

M. HALEWYCK DE HEUSCH replied in the affirmative and added that his position could not be changed, as he held it under the Charter of Ruanda-Urundi. In reply to another question by M. Orts, the accredited representative added that it was not intended, nor was it desired, to make any change in this respect.

PERMANENCY OF OFFICIALS : LANGUAGES OF THE TERRITORY.

M. ORTS said that he had read with satisfaction the passage on page 71 of the report stating that "officials and agents shall no longer be transferred from one Residence or Territory to another except in cases of *force majeure*". The alternative system had always given unsatisfactory results, as it had prevented officials from devoting special attention to the district entrusted to their care, and from ascertaining the results of their personal activities, in addition to the disadvantage arising out of the different methods employed by an official and his successor in the same locality.

He also asked if the two languages mentioned in the same passage of the report, Kinyarwanda and Kirundi, were the only ones in use in the two Residences.

M. HALEWYCK DE HEUSCH replied that they were in any case the two principal languages. There might be, in the frontier districts, natives speaking the language of another country, but only in very small strips of the territory.

Lord LUGARD noted with satisfaction the measures taken for the study of languages by officials and associated himself with M. Orts's congratulations in regard to the policy of keeping the officials in their districts.

Mlle. DANNEVIG supported Lord Lugard's remarks with regard to keeping up native customs and retaining officials in one place.

PROGRESS MADE IN THE REORGANISATION OF THE NATIVE ADMINISTRATION : POWERS AND ACTIVITIES OF THE MWAMI AND THEIR SUBORDINATES.

M. PALACIOS thought that what was said in the second chapter (from page 71 onwards) of the report in regard to native policy was extremely interesting and should be noted. The work of reorganisation, which the Commission had discussed when it was undertaken,¹ had been completed in 1933. It was possible that it would one day be regarded as an event of historic importance for the territory. Development was more advanced in Ruanda, where real provinces had been organised. In Urundi it was rather the chiefships which still remained, and the education of the native authorities was less advanced. In Ruanda, the new Mwami, Mutara Rudahigwa, justified the hopes with which his rule was welcomed at the outset. On the other hand, the Mwami of Urundi, Mwambutsa, was described in the report (page 77) as being "unreliable in character, and his private life once again left much to be desired; he was lacking in dignity . . ." Would he meet with the same fate as Musinga, the ex-Mwami of Ruanda?

M. HALEWYCK DE HEUSCH said that the present Mwami of Urundi was very changeable in character. The 1929 report had given a very unfavourable account of him. After the advice he had been given at that time, in particular by several experienced native chiefs, he had turned over a new leaf and had carried out his administrative duties satisfactorily for

¹ See Minutes of the Twenty-fourth Session of the Commission, page 71.

several years. In 1933 it was seen that he was showing signs of retrogression, was less enthusiastic and was behaving unsatisfactorily. He had been admonished sharply, and that would, no doubt, have some effect, as he was easily influenced. There was, however, no comparison between him and Musinga.

M. RAPPARD read the following passage from page 22 of the report :

“ A fairly large number of fugitives came from Urundi to Ruanda in 1933, because they were attracted by the operations of the notable Munyarwanda Gisazi. The latter was punished by the Mwami of Ruanda for his actions, which were continually causing difficulty and disturbance.”

What importance should be attached to this incident ?

M. HALEWYCK DE HEUSCH said that he had made enquiries regarding this passage in the report. It had been explained to him that the notable in question was trying to increase his power and resources by attracting as many taxpayers as possible, enabling him to benefit to a greater extent from customary dues. For this purpose, he employed various tactics, promising to improve the position of the natives, exploiting their superstitions and credulity, and so on. As he was harming the districts abandoned by their inhabitants, he had been called to order, and, as he persisted, the Mwami to whom he was responsible had punished him.

M. RAPPARD noted that, on the whole, the chiefs seemed to have shown some ambition during 1933, whereas in previous years it had been rather the contrary, and resignations had been reported.

M. HALEWYCK DE HEUSCH explained that there were strong personalities and weak personalities among the native chiefs. The notable to whom reference has just been made was of the former class ; those who were weak and inclined to resign belonged for the most part to the old system and to the time when a chief had only privileges and no obligations. These notables had now to supervise the regularity of crops, the drainage of the marshes, the upkeep of the roads, etc. Some of them preferred an easier life, and, in order to achieve it, were prepared to give up their duties in spite of the advantages attaching to them.

Lord LUGARD drew attention (page 71 of the report) to the new practice of arranging monthly meetings of chiefs and subordinate chiefs, under the chairmanship of the territorial administrator. He would be interested to have, if not a full account of these meetings, at any rate some information as to the subjects discussed.

M. HALEWYCK DE HEUSCH noted that suggestion.

REMUNERATION OF THE CHIEFS : METHOD OF ASSESSING AND COLLECTING TAXES.

M. ORTS asked, with regard to Ordinance No. 97, of December 30th, 1933 (page 256 of the report), fixing the remuneration of native chiefs and deputy chiefs : (1) whether the ordinance confirmed any new development—he did not think it did ; and (2) whether the Administration considered satisfactory the system of rebates to the native authorities responsible for levying the tax.

M. HALEWYCK DE HEUSCH pointed out that, as stated in Article 3 of the ordinance, the latter applied to the financial year 1934, which was not under examination. He saw no objection, however, to giving the explanation desired.

Replying to the first point, M. Halewyck de Heusch said that the system of rebates had existed previously. An innovation had been introduced by the last paragraph of Article 1 of the above-mentioned ordinance, which allowed, for every tax receipt given, a supplementary rebate of 10 centimes to provincial chiefs and chiefs of extra-customary centres and of 40 centimes to deputy chiefs.

As regards the second point—namely, the actual principle of rebates—he did not see any objection to which it could be open. There might have been some danger if the native authorities could be compared with the tax-farmers under the old system, who could exercise pressure on the taxpayers as they pleased. But under the existing system everything was carefully defined. The amount to be paid by the native taxpayer was clearly laid down and brought to the knowledge of all, and proof of payment was established by tallies. He did not see any possibility of the population being exploited as a result of the rebate system. On the contrary, the system stimulated the chiefs' enthusiasm, and it was to their interest to see that all taxpayers paid their dues. The system was therefore in the general interest.

Lord LUGARD observed that the 2½ per cent of the taxes allotted to the chief was, as explained on page 71 of the report (fourth paragraph), in order that he should be able “ to live decently as befitted his rank ”—viz., for his personal expenditure. The alternative system was to assign a liberal percentage of the total money tax to the district over which the chief

and his council exercised authority, out of which the chief would be given a fixed and liberal salary, in lieu of the tribute and services to which he was entitled by native custom. It would also provide for the salaries of all the subordinate chiefs and headmen in the district, who were charged with official duties. There would also be sufficient margin for sanitary expenses, native dispensaries, and so on. The object in view would be to teach the chief and his councillors the conception of responsibility for public money and expending it on public services under the close supervision of the European officers. In brief, by setting up a Native Treasury, quite apart from the chief's personal stipend, the chiefs were encouraged to accept some financial responsibility—for example, to undertake dispensaries, schools, road construction, and so on. Their personal income was assured in exchange for the abolition of all tribute and service. In the mandated territory to which M. Orts had referred, that system had proved very successful and popular.

M. HALEWYCK DE HEUSCH pointed out that Ordinance No. 97, of which he had just spoken, related to the tax due by the population to the Ruanda-Urundi Treasury. It did not refer to the customary tribute and services with which Lord Lugard had also dealt in the suggestions he had just put forward, and which were quite different.

The accredited representative added that his duty was to give the Commission explanations on the measures taken by the Government of Ruanda-Urundi and on its administration during the year 1933, and that he was not called upon to express an opinion on the schemes of administrative organisation which members of the Commission might desire to lay before him. All that he could do was to forward them to his Government. This he would be glad to do as regards the plan outlined by Lord Lugard.

Lord LUGARD said that the reply of the accredited representative to M. Rappard, when he had told the Commission that a certain chief had misused his influence in order to attract more taxpayers into his district, was an instance of the danger of making the salary of the chiefs depend on the amount of tax they collected. Moreover, there were many ways in which a chief could practise extortion and demand a higher rate than that fixed by Government, retaining the balance himself. He suggested that, as a transition stage, the village chief who actually collected the tax might be allowed to retain a small percentage, for it was not he but the powerful provincial chiefs who were able to practise extortion. He would like to add that, where that system had been adopted in Nigeria and Tanganyika, etc., it had been found that the prestige of the ruler in no way suffered. On the contrary, they actively supported it.

M. HALEWYCK DE HEUSCH said that the chiefs might, of course, be tempted to practise extortion and that they could abuse their power in various ways. But, in order to make any charges against the present fiscal organisation, it would be necessary to prove that the latter lent itself to extortion. Not only had this not been done, but it could be said that the fiscal system of Ruanda-Urundi had proved satisfactory. Why, then, substitute another system for it and seek to introduce innovations? The accredited representative, nevertheless, repeated that he would communicate Lord Lugard's suggestions to his Government.

Lord LUGARD said that, though the salary of the chief would remain more or less fixed, the amount paid to his Treasury would vary as a percentage of the tax. His prestige depended very much on his Treasury, and it had been found that the chiefs attached the utmost importance to it. The tax in kind for the chief's personal benefit was a fertile source of extortion which it was very desirable to abolish—even if paid in money.

EDUCATIONAL FACILITIES FOR NATIVE AUTHORITIES.

Mlle. DANNEVIG noted (page 75 of the report) that one of the reasons why Urundi was backward as compared with Ruanda was the native authorities' lack of education. She understood that it was the mandatory Power's policy to leave education to the missions for the most part. For that purpose it set aside a total sum each year to be divided among them. Did the missions themselves decide where to work, or did they ask the Administration for instructions?

M. HALEWYCK DE HEUSCH replied that the missions themselves chose where they would work. There were not enough of them for their activities to cover the whole territory. They certainly did very useful work in training the chiefs, but it must not be forgotten that the latter were principally educated in the special schools for sons of chiefs. That in Ruanda had been very well attended, so that there was a large number of very capable chiefs in that part of the territory. In Urundi, on the contrary, when there had been the school at Kitega the chiefs had shown a certain reluctance to send their children there. It was not surprising, therefore, that the training of the present chiefs of Urundi left much to be desired.

Lord LUGARD recalled that the accredited representative had said last year that a special course on native customs was to be given to the sons of chiefs, in addition to their general education.¹ What progress had been made in this respect ?

M. HALEWYCK DE HEUSCH replied that this course had been introduced in principle but not yet in fact, as it was necessary to begin by making a collection of the native customary rules. This work was going forward apace. It was even intended, not to confine instruction in native customs to the schools for sons of chieftains, but to introduce it in other schools also. To this end, the Catholic and Protestant missions were studying native customs in their own districts. Courses would be introduced as soon as the enquiries were complete.

ECONOMIC DEVELOPMENT OF THE TERRITORY.

M. ORTS recalled that the accredited representative had said that in 1933 the mines had produced 110 kilogrammes of gold and 527 tons of cassiterite. From a hasty calculation he estimated the total value of these products at from 12 to 13 million Belgian francs. Was production likely to increase to a point at which it would have an important effect on the budgetary receipts of the territory, both in the form of mining royalties and of additional resources resulting from the investment of capital in the country ?

M. HALEWYCK DE HEUSCH observed that the first receipts collected were not large, but he pointed out that, in 1933, the exploitation of the deposits was in the opening stage. Up to that time the work in the mines had been experimental. This work had been interrupted because of the depression, and had only just been resumed. He believed that, in time to come, the exploitation of the mines would develop considerably. He emphasised the fact that State revenue would be derived, not only from mining royalties, but from the whole economic movement set on foot in the country through the exploitation of the mines. The increase in the number of wage-earners and in the wages themselves would mean an increased yield from native taxation. The development of industry and commerce would increase the amount of taxable matter among the European taxpayers. Market transactions would be larger, and the revenue derived from fees and dues would increase in proportion. Imports and exports would rise, resulting in a very considerable increase in Customs receipts. The collection of mining royalties was, therefore, only one of the benefits to be derived from the exploitation of the mines.

M. ORTS observed that these prospects were dependent upon a single mineral—cassiterite.

M. RAPPARD drew attention to the accredited representative's statements with regard to the future of coffee cultivation in the territory. It had been said that the natives obtained remunerative prices, which was surprising in view of the position of the coffee market and, in particular, the slump in Brazilian coffee. Perhaps special protection was extended to these coffees on the markets in which they were offered for sale. Perhaps also the conditions in which the coffee was produced (soil, climate, labour, quality) enabled the territory to sell at a price lower than the price of Brazilian coffee.

M. HALEWYCK DE HEUSCH replied that both causes operated. Although, owing to lack of experience, the coffee cultivated in the territory might not yet be of as good a quality as other kinds, and although it would still have to be improved, it was, on the other hand, unusually cheap, owing to the low costs of cultivation. It was bought from the natives at from three to four francs a kilogramme and the natives considered this price very profitable. In addition to this advantage of cheapness, there was that of protection ; the coffee from Ruanda-Urundi entered Belgium free of any Customs duty, so that the Belgian market was open to it under very profitable conditions. Belgian consumers, moreover, preferred *Arabica* coffee, and that was the kind cultivated in the territory under mandate.

Lord LUGARD observed that all these forecasts as to the possible yield from the mines and from coffee were bound up with the question of transport. Could the accredited representative state the approximate cost of transport per ton to the coast ? Ruanda was very far from the coast.

M. HALEWYCK DE HEUSCH was unable to give the figures, but he knew that the cost of transport was very low at the present time. In order to modify the effects of the depression, the Government had made arrangements with the transport companies for the transport of all products of the territory at very favourable rates.

¹ See Minutes of the Twenty-fourth Session of the Commission, page 72.

PUBLIC FINANCE.

M. RAPPARD thanked the mandatory Power for the information given in the report. As regards the administration of the ordinary budget, everything seemed very clear (page 38 *et seq.* of the report). At first sight, the situation appeared to be favourable, as there had been an increase in revenue, but on closer examination that was found to be due solely to the intervention of the home country. Actually there was a deficit, and there would be an increase in the debt of the territory if the advances granted to it were regarded as repayable.

He would be glad of information concerning the two big questions of the extraordinary budgets and the loan. He was not at all clear, from one session to another, as to the Belgian administrative practice in the matter of extraordinary budgets.

Very interesting tables were given on page 50 and the following pages of the report concerning the extraordinary expenditure for 1929, 1930 and 1931. Reference to page 52 showed that the extraordinary *revenue* for 1931 had been almost as high as for the other two years, but no extraordinary budget of *expenditure* was given. He would be grateful if the accredited representative would repeat the reply he had given the previous year as to what had become of that extraordinary revenue, seeing that there had been no expenditure.¹

M. HALEWYCK DE HEUSCH pointed out in the first place that, if the series of extraordinary budgets were examined, it would be found that they had never balanced. In 1929, the revenue had been 11 million francs and the expenditure 53 million francs ; in 1930, the figures were 12 and 23 millions respectively, and so on.

The explanation was as follows : In preparing the extraordinary budgets, no attention was paid to the question of immediate revenue when credits were opened. There was no attempt to establish a balance, as in the case of the ordinary budget. The reason was that the credits provided in the extraordinary budget could be spent over a period of five years and that it was therefore sufficient for ways and means to be forthcoming as and when credits were required. In 1931, there had been four extraordinary expenditure budgets running at the same time. It was decided that the credits previously granted were more than sufficient for the work undertaken on the basis of these budgets and that no credits should be opened for new work. There was, therefore, no need to draw up a budget of extraordinary expenditure. At the same time, it was necessary to provide the requisite capital for the current expenditure authorised by the different extraordinary budgets of the four previous years. That was why there had been an extraordinary revenue budget of 18 million francs in 1931.

M. RAPPARD took it that the extraordinary budgets were not annual budgets.

M. HALEWYCK DE HEUSCH pointed out that he had previously explained the reason for that. Important works could not be stopped at the close of each term ending on December 31st without serious damage. The rule had therefore been established that credits relating to such works might be spread over five years. The accredited representative added that, in 1934, this period had nevertheless been reduced to three years, the period previously allowed having been considered excessive.

M. RAPPARD understood that, in preparing the budget for 1931, when it had been found that expenditure already undertaken was such that it would absorb the revenue for that year, no further additions had been made to the programme of works for the same year.

M. HALEWYCK DE HEUSCH agreed.

M. RAPPARD, in the interests of further clarity, requested the accredited representative to refer to the table on page 54 of the report : " Extraordinary expenditure for 1933, Item 1 : Refund to Belgium of loans granted to Ruanda-Urundi for economic equipment : 16,600,000 francs ". In regard to that grant of credit, the expenditure was nil. The position, if he understood it aright, was that, when drawing up the extraordinary budget for 1933, an exceptional refund for that same year had been contemplated. It had been found that funds did not permit of it, and the plan had accordingly been dropped.

M. HALEWYCK DE HEUSCH said that there was another point : the refund of part of the Belgian advances (26,400,000 francs) had had to be booked in the budgetary accounts ; there had, in reality, been no cash payment, but a conversion of the original Belgian debt into a Treasury bond of the same amount. The reference in the budget was a simple matter of book-keeping of no further importance.

M. RAPPARD asked why, then, since it had been thought necessary to enter the sum in the budget, it had not been expended and extraordinary revenue set off against it to an equivalent amount obtained by the conversion ? Had there been no intention of putting the plan into effect ?

¹ See Minutes of the Twenty-fourth Session of the Commission, page 80.

M. HALEWYCK DE HEUSCH replied that there had certainly been every intention of executing it, but that the conversion of the Belgian debt had only taken place during the early months of 1934, so that the expenditure would appear in the amounts which would be inserted in the next report.

M. RAPPARD recalled that, in his general statement, the accredited representative had said that, during each of the years 1933, 1934 and 1935, an extraordinary subsidy of 12 million francs would be made over to the territory to prevent any deficit in its ordinary budget. He asked whether the advances to the territory were to be regarded as repayable or not.

M. HALEWYCK DE HEUSCH replied that the Belgian State had not intended to make a free gift of this extraordinary subsidy of 12 million francs. He explained to the Commission that the mandatory Power's idea was that the territory of Ruanda-Urundi should benefit therefrom. Nevertheless, the Belgian Government, in agreement with the Belgian Legislature, had felt that the mandate might possibly not continue indefinitely. One mandated territory had already ceased to be subject to that regime; there was another for which a request had been made that it might be terminated. Ruanda-Urundi was a long way from such a possibility, and it was not to be expected that the populations there would reach maturity so soon. Nevertheless, it was desirable to take into account the possibilities of the future, however distant that future might be. It might be that after a number of years the Belgian Government—for some reason which, at present, he hastened to add, he did not anticipate—might give up its administration of the territory. The Belgian Government did not desire that at that time it could be said: "You gave these subsidies on the basis of non-repayable advances. No doubt your Administration has given place to another, and, in principle, you would be entitled to claim repayment of all advances made to Ruanda-Urundi; but, in the case of these particular advances, you decided that they should not be repayable. There is therefore no account to be settled as between the old Government and the new." It was to avoid such a contingency that the mandatory Power could not abandon its claim. But the idea at the basis of the extraordinary subsidies was a generous one: the Belgian Government had decided not to demand repayment as long as it exercised authority over the territory.

M. RAPPARD said that, as regards ordinary revenue, he was struck by the number and diversity of the budget heads as compared with other territories. The basis of the revenue budget appeared to be far more comprehensive, so that, if a miscalculation occurred as regards one item of revenue, it could be made up elsewhere: that was evidently a very good system.

There was a reference in the table on page 38 of the report to a "crisis contribution" in virtue of the extension to the mandated territory of a measure taken in the Belgian Congo, as noted on page 36 of the report. There was no provision in the budget for that contribution. Probably those who had prepared the budget of the territory had not been acquainted with the intentions of the Belgian Congo. By whom had that measure been imposed?

M. HALEWYCK DE HEUSCH replied that it was the Belgian Government, which had imposed it also on the Congo.

M. RAPPARD enquired who was responsible for preparing the budget of the territory.

M. HALEWYCK DE HEUSCH replied that the budget was prepared by the Governor of Ruanda-Urundi, revised by the Central Government at Brussels and passed by the Belgian Parliament in agreement with the King.

M. RAPPARD thanked the mandatory Power for the comparative tables that had been given for the last three years.

Reference to the table on page 48 of the report showed under "Finance Service" that the burden of the debt had suddenly almost doubled from 1932 to 1933, without any corresponding increase in the capital of the debt. The sum was intended, it would appear, for the service of the loan interest and not for amortisation.

M. HALEWYCK DE HEUSCH replied that the explanation was to be found, in the first place, in the increase in the amount of the debt, which was nearly 130 million francs on December 31st, 1932, although it had been much smaller in the previous year. There was also another cause. As he had previously pointed out, the Belgian Congo, in advancing funds to Ruanda-Urundi in 1929, had wished to give it specially favourable terms and had only charged it the extremely low interest of 2 per cent. Now that the debt had been converted, it was subject, from the point of view of the rate of interest, to the fluctuations of the money market. It had been necessary to pay the same rate as the banks charged the Belgian Government for its loans, so that the rate of 2 per cent which had previously applied to the 50 million francs advanced by the Congo Treasury had risen to over 5 and 5½ per cent. These two causes accounted for the increase noted by M. Rappard.

M. RAPPARD thought that the second cause must be the chief one, since, for 1933, the debt had only increased by 15 million francs, whereas the service for interest had doubled.

M. HALEWYCK DE HEUSCH pointed out that account should be taken, not only of this increase of 15 million francs, but also of those which had taken place the previous year, some of which might have occurred only towards the end of the financial period.

M. RAPPARD said that he would have been glad to find the necessary explanations in the report. The various conversions during the first fifteen years of the mandate were somewhat confusing. The accredited representative had explained that there had been some idea of converting the old debt into a new one, and that, as it had not been possible to carry out that operation, a third debt in Treasury bonds had been substituted. It was somewhat difficult for the Mandates Commission to follow all these operations, and it would be glad if the mandatory Power would explain them a little more clearly in the report.

CUSTOMS UNION.

M. RAPPARD said that he had examined very closely the chapter on the Customs Union (pages 58 and 59 of the report), in order to see whether the territory was benefiting sufficiently from that system. The mandatory Power stated quite frankly that, at all events judging by appearances, the fiscal benefits to the territory had been less satisfactory during the second period than during the first. It was of opinion, nevertheless, that the economic advantages derived by the territory in the shape of markets for its trade more than compensated for the fiscal drawbacks. M. Rappard had felt it necessary to revert to that question, because the Commission attached great importance to it.¹

DEVELOPMENT OF MEANS OF COMMUNICATION.

The CHAIRMAN recalled that the Commission's attention had been drawn, at its twenty-fourth session (Minutes, page 81), to the scarcity of communications between Ruanda-Urundi and the Belgian Congo. It had been asked whether, in the interests of the expansion of the territory's trade, it would not be desirable for the competent authorities to carry the road system to the frontier between the two countries, which constituted a Customs Union. The accredited representative had replied that he would bring the matter to the special attention of the Administration concerned, which would certainly consider the desirability, from the point of view of the Customs Union, of opening up new means of access between the Belgian Congo and Ruanda-Urundi. The annual report for 1933 did not appear to contain any reference to the matter. Could the accredited representative say whether the question had been examined by the competent authorities and, if so, whether any difficulties had been encountered?

M. HALEWYCK DE HEUSCH replied that the question had been referred to the local authorities, who had studied it. They were contemplating the construction of two or three new roads in the direction of the western frontier. Was it necessary to do more? The accredited representative pointed out that there were already quite enough points of contact with the Belgian Congo. Following the frontier-line from the south, there was, first, Lake Tanganyika, which provided communications by water; secondly, there was a road going from Usumbura towards Uvira; to the south of Lake Kivu there was a path, and the Ruzizi was crossed by a ferry, which the Administration was considering replacing by a bridge; there were also communications by way of Lake Kivu with a considerable section of the frontier; lastly, to the north of this lake, there was the Kisenyi district, whence a road ran towards the Congo. In the different districts where communications were possible, arrangements had been made which met the requirements. Where communications were difficult, there was not sufficient traffic to warrant the heavy expenditure of constructing roads.

The CHAIRMAN asked whether permission had to be obtained from Brussels for expenditure on the construction of a bridge, even if that expenditure seemed essential.

M. HALEWYCK DE HEUSCH replied that the expenditure in question was not of immediate urgency and should not take precedence over other expenditure which might be more necessary. As regards the question of the intervention of the Central Government, he pointed out that the revenue and expenditure of the territory must be entered in the budgets, and that the latter, in virtue of the Charter of Ruanda-Urundi, were submitted to the Brussels legislature for approval.

The CHAIRMAN understood that the bridge was desired on the spot, but that objections had been raised at Brussels.

M. HALEWYCK DE HEUSCH replied that objections had also been raised on the spot. Agreement had not been reached between the Administration of the Belgian Congo and that of Ruanda-Urundi as to the urgency of the expenditure.

¹ See Minutes of the Twenty-fourth Session of the Commission, pages 81, 104 and 136.

The CHAIRMAN quite understood that the Belgian Congo had less to gain from the proposed bridge than the territory under mandate. From that he drew the conclusion that the autonomy possessed by the Governor would appear to be somewhat restricted.

M. HALEWYCK DE HEUSCH observed that there was no lack of freedom, but that an agreement was necessary between two countries both of which were interested in the construction. That applied to both equally, so that it was no use for one party to take a decision unless the other party took a similar one.

The CHAIRMAN observed that difficulties of that kind only arose between countries whose interests were widely different.

M. HALEWYCK DE HEUSCH repeated that there were two sets of interests to be reconciled, just as in the case of two foreign countries which were completely independent the one of the other; that agreement was necessary if a common road was to be built, and that, lastly, even in Ruanda-Urundi, there was other expenditure which was more urgent.

IMPORTS AND EXPORTS.

M. MERLIN noted (page 156 of the report) that the repercussions of the world crisis in Ruanda-Urundi had not been as serious as in the past, but that the number of non-native undertakings was still practically the same as in 1932. Further, the industrial activities of the natives had only been maintained with difficulty (page 146 of the report).

As regards foreign trade, exports to countries other than the Belgian Congo had increased in weight by 64.5 per cent and in value by 86.5 per cent (page 158 of the report). There had been a heavy drop in exports to the Belgian Congo (35 per cent in weight and 43.5 per cent in value). There had been an increase, more particularly; in the exports of hides and skins, native foodstuffs, cotton, coffee and cassiterite. On the other hand, there had been a big decline in foreign trade in live-stock. Could the accredited representative give any further explanations as to the changes in the situation?

M. HALEWYCK DE HEUSCH replied that the increase noted by M. Merlin was due mainly to the rise in the value of hides and skins (oxen and small live-stock); the trade in these goods had immediately improved as a result of the rise. That explained to a large extent the increase in exports to countries other than the Belgian Congo.

On the other hand, the reason for the decline in exports to the Belgian Congo must be attributed to the exceptional and temporary circumstance that trade in live animals had been restricted on account of cattle plague, which had hindered the free movement of cattle.

M. MERLIN said that, according to the summary given in the table on page 169 of the report, there had been a considerable increase in exports to Belgium, Tanganyika, Uganda and Italy, but a heavy decline in exports to France. Further, exports to Great Britain, Switzerland and the United States of America had ceased. Were there any special reasons for that sudden change?

M. HALEWYCK DE HEUSCH replied in the negative. The countries in question only sent very small orders of trifling importance, and these rare orders had ceased. Possibly, in the case of the few orders received from the United States of America, it was necessary to bear in mind the special policy adopted by that country during the past year.

M. MERLIN noted that imports from countries other than the Belgian Congo had increased by 25.5 per cent in weight and 11.5 per cent in value, but that imports from the Belgian Congo had declined (page 158 of the report).

M. HALEWYCK DE HEUSCH pointed out, as regards this latter point, a very unfortunate printer's error in the report: imports from the Belgian Congo, instead of declining, had actually increased, as might be seen, moreover, from the context. That increase in the quantity and value of the goods imported from the Belgian Congo was explained to a large extent by the mandated territory's requirements in the matter of building material, cement, etc.

M. MERLIN referred to the big increase in imports from Japan (page 191 of the report). What were the products in question?

M. HALEWYCK DE HEUSCH replied that they were chiefly textiles and cotton goods, and also cement—the list on page 176 of the report showed imports amounting to 515 tons of cement from Japan.

M. MERLIN emphasised the importance of the summary given in the table on page 191 according to countries of origin. It would be very useful to have in future reports a comparison with the previous year, in order to show the movement of trade.

M. HALEWYCK DE HEUSCH took note of that request.

M. SAKENOBE observed that he had asked a question the previous year concerning imports through Usumbura as compared with imports into Ruanda-Urundi in general.¹ The statistics showed that imports through Usumbura exceeded the tonnage imported into the territory as a whole. The accredited representative had promised that the question would be examined. The same disproportion, however, was shown by the figures given on pages 132 and 158 of the report for 1933. What was the explanation?

M. HALEWYCK DE HEUSCH said that he had gone into the causes of that apparent anomaly, which was explained by the fact that Usumbura handled not only goods imported into Ruanda-Urundi from countries other than the Belgian Congo, but also those imported by the Belgian Congo, goods crossing the territory in transit, and internal traffic commodities—for example, goods despatched from Rumonge and Nyanza (Lake).

JUDICIAL ORGANISATION.

M. PALACIOS said that it appeared from page 32 of the report that, in 1933, ten cases had been tried by court martial. What were the offences, and were the prisoners natives?

Secondly, it was stated on page 79 that, in Ruanda-Urundi, seventy-five cases dealt with by the native courts had been tried on appeal or revision, and twenty-five cases in Urundi. Had the sentences of the native courts been maintained by the Court of Appeal?

M. HALEWYCK DE HEUSCH, replying to the first question, said that the offences had been committed by soldiers belonging to the armed forces; no list of these offences had been sent to Brussels. The offenders tried by the court martial could not be natives of Ruanda-Urundi, as the latter were not enrolled in the troops, approximately 650 strong, which were responsible for maintaining order in the territory. The authorities had complied with the spirit, if not the letter, of the mandate by exempting natives of Ruanda-Urundi from military service. Such service was performed by soldiers from the Belgian Congo.

Turning to the second question, the accredited representative stated that no information had been received in Brussels as to whether those sentences of the native courts which were subject to appeal or revision had been upheld or not.

M. PALACIOS asked that information on the subject might be given in later reports.

M. HALEWYCK DE HEUSCH noted that request.

Mlle. DANNEVIG pointed out that, at the twenty-fourth session (Minutes, page 83), the accredited representative had stated that, in the Belgian Congo, in certain penitentiary institutions, chaining had been abolished, and had said that, if the results of that experiment were satisfactory, chains would be abolished everywhere. On page 34 of the report, it was stated that chaining had been abolished as an experiment and that the first results were encouraging. Had there been any change in that system since the end of 1933?

M. HALEWYCK DE HEUSCH replied that the measure in question had been made definitive in 1934. Chaining outside the prisons had been abolished, except in the case of dangerous prisoners. The measure was still applied, inside the prisons, as a disciplinary measure, and appeared on the list of disciplinary penalties.

Count DE PENHA GARCIA recalled that, at the twenty-fourth session (Minutes, page 83), he had asked the accredited representative a question concerning flogging. It appeared from the annual report (page 34) that an Order on the subject had been promulgated on August 4th, 1933. What were the reasons for instituting that system, under which the maximum number of strokes had been reduced from twelve to eight? Did it mean that the penalty was not considered very desirable, or was it simply a matter of the number of strokes?

M. HALEWYCK DE HEUSCH replied that the reduction referred to had been decided upon by the Minister of the Colonies on the occasion of his last visit to Africa; by doing so he had simply wished to give some idea of the trend of his policy, which aimed at the gradual suppression of flogging.

¹ See Minutes of the Twenty-fourth Session of the Commission, page 82.

M. ORTS referred to Ordinance No. 6/J of February 20th, 1933, putting into force in the territory Ordinance No. 153/J of the Governor-General of the Congo dated November 22nd, 1932, with regard to the prohibition to circulate pictures, etc., detrimental to the consideration due to civilised persons (pages 200 and 201 of the report). What were the offences for which the penalties provided for in the latter ordinance were inflicted ?

M. HALEWYCK DE HEUSCH had not the Penal Code before him, but, as far as he remembered, judging by the numbering of the articles mentioned, they referred to serious offences, such as homicide, murder, theft and extortion, destruction and incendiarism, offences against decency, etc.

M. ORTS asked whether there were special reasons for enforcing the ordinance in the territory. Had there been any occurrences threatening public order ?

M. HALEWYCK DE HEUSCH explained that, at one time, articles had been passing through the hands of the natives in the Belgian Congo of such a nature as to throw discredit on the whites (the sale of cigarette-cases bearing licentious pictures, and so on). Similar incidents might have been reported in Ruanda-Urundi which would explain the Governor's exequatur. But, under a decentralised system, the reasons for all the decisions taken by the authorities of the territory were not necessarily communicated to Brussels.

Mlle. DANNEVIG drew attention to Ordinance No. 49 of July 5th, 1933 (pages 227 and 228), putting into force in the territory the Decree of April 1st, 1933, punishing public acts of indecency. Were the penalties in accordance with native custom ? If so, that was a further proof of the, in some respects, high moral standards of the African races, as had been pointed out in the case of other territories.

M. HALEWYCK DE HEUSCH replied that the legislation in question was of a general character and concerned, not only the natives, but the whole population, whites as well as blacks. That was shown, moreover, by the wording of Article 74(a) of the Penal Code, which opened with the words, " Any person who exposes . . . "

WITCHCRAFT.

Lord LUGARD referred to the questions which he had submitted to the accredited representatives of the territories under French and British mandates regarding measures for putting down witchcraft and the manner of dealing with the witches. They were as follows :

(1) What distinction is made as to the degree of culpability of the " witch-doctor ", and the men who, believing in his powers, kill the person indicated as a witch ?

(2) Is it the custom at a witchcraft trial to investigate fully whether the witch-doctor had any personal motive in selecting the victims, or in causing the death or sickness which led to his being called in ?

(3) In the particular village in which the case occurred, was it known that the Government had forbidden such ordeals and would hold the perpetrators guilty of murder for any consequent deaths ? Is this proved at the trial ?

(4) Are any steps taken to endeavour to convince the people present at the trial of the error of their belief—*e.g.*, by pointing to the lucrative nature of the witch-doctor's profession or by showing the true cause of death by post-mortem examination ?

(5) Would deportation from the scene of his influence be an equally effective way of dealing with a witch-doctor as imprisonment or a death sentence ?

(6) Should not homicide due to superstitious beliefs (not only witchcraft but the sacrifice of twin children, etc.) be shown under a separate head (as " ritual murders ") distinct from " murder " ?

Lord Lugard said that he would be glad if replies to these questions could be given in the next report, on the basis of the information supplied by the officials (judges, etc.) who dealt with the matter.

M. HALEWYCK DE HEUSCH took note of this request.

DEFENCE OF THE TERRITORY. POLICE.

M. SAKENOBE observed that, in 1932, part of the police force had been abolished and certain police work entrusted to the military, whose strength had been raised from 636 to 674. In the year under review, the troops had been reduced and the budget provision had also been reduced by half a million (page 24 of the report). Was that measure due to reasons of economy ?

M. HALEWYCK DE HEUSCH reminded the Commission that a distinction had been made as regards the police forces. In the smaller localities, they had not been a success and had been replaced by military detachments. In the larger centres, on the contrary, where they were organised on more military lines, they had been maintained and reinforced. In 1933, the numbers of the police in such centres had been slightly increased.

It was not, in fact, correct that military effectives had been reduced; the decrease was only apparent. Some of the men previously engaged on transport work had been detached to the new motor-transport corps, which was a separate organisation. If the figures relating to soldiers in the strict sense of the term were added to those relating to the number of soldiers in the transport corps, the total was much the same as before.

The reduction in expenditure on the armed forces was also to be partly attributed to the formation of the transport corps, as provision for the latter would henceforward be made in separate budgetary items. The reduction was, however, also due to another cause—namely, the fall in the cost of living and the resultant decrease in the cost of rations.

LABOUR.

Lord LUGARD observed that last year the accredited representative had made a very interesting statement on the new system of piece-work in the plantations in the Kamembe district.¹ Was there any tendency to extend this system to other districts? The system to which he referred was that of individual piece-work. The native was paid at a higher rate but, at the same time, he had to feed himself, as rations were not provided. Did he not experience difficulty in obtaining food?

M. HALEWYCK DE HEUSCH replied, in the first place, that the system of piece-work had been applied in new directions on mission lands.

As regards the question of rations, he pointed out that the position was exactly the same as for the ordinary day labourers; they also received no rations over and above their wages, though the latter were lower than those paid to piece-workers.

Lord LUGARD said that the system in question was followed on estates where the ground had been marked into plots, each of which was worked on a piece-work basis. Had it been possible to extend the system to other classes of work—for example, the gathering of palm-fruit?

M. HALEWYCK DE HEUSCH replied in the negative. So far as he knew, the system had not been adopted by the heads of undertakings employing labour direct instead of buying fruit from natives who worked on their own account.

Mr. WEAVER said that he was very grateful for the full information which had been supplied in the report and which made it easy to ascertain in what conditions permanent and temporary workers, etc., were employed. In general, the mandatory Power had replied to the questions raised the previous year. Mr. Weaver had not, however, discovered any particulars of the working conditions in the tin-mines. Was there any system of labour inspection, and, if so, could a summary be given of the inspectors' findings?

M. HALEWYCK DE HEUSCH agreed that the report did not contain any special information on this particular point. The only information given (page 88 of the report) related to the health position in the tin-mines. The fact that the Governor of Ruanda-Urundi had gone no further was no doubt due to the absence of special mining legislation in the territory, the general labour legislation being sufficiently comprehensive to permit of its application to mine-workers. This legislation had been reproduced among the legislative texts annexed to the reports for previous years and more especially 1930, which included, in particular, a complete set of rules regarding the health and safety of workers. The Governor had, nevertheless, been asked to furnish more detailed information, which would be communicated in the next report.

Mr. WEAVER said that he was particularly anxious to discover whether the mine-workers were under contract or whether they were merely day labourers.

M. HALEWYCK DE HEUSCH said that the mining companies employed large numbers of workers of both categories.

Mr. WEAVER pointed out that, in that case, the day labourers were unprotected.

M. HALEWYCK DE HEUSCH said that he would draw his Government's attention to the question of the protection of day labourers.

¹ Minutes of the Twenty-fourth Session of Commission, page 84.

Mr. WEAVER hoped that further progress might be achieved in respect of labour service, as had been done in the case of contributions in the form of foodstuffs (page 118) and that, as in other territories, the retention of the " political taxes " would be sufficient to maintain the dignity of the chiefs.

M. HALEWYCK DE HEUSCH replied that, in Ruanda-Urundi, the feudal system was more firmly implanted. The African administrative authorities considered that, if labour service were abolished, the chiefs' authority would be undermined and the whole social structure thrown into confusion. They recommended that this class of customary services, at least, should be retained.

MISSIONS.

M. PALACIOS noted (pages 93 and 94 of the report) a very interesting general account of the achievements of the various religious institutions. A fact particularly worthy of note was that the tables appended to that account showed that the influence of the Catholic missions had led to a considerable increase in the number of Christians (page 96) as compared with the year 1932.

M. Palacios then drew attention to a report in the *Bulletin du Conseil colonial belge* of a meeting on December 22nd, 1933, at which that body had dealt with the proposal for a free grant of six plots of land to the *Pères blancs*. According to the report of the discussion, the decree was approved unanimously, whereas it was at the same time stated that there were two votes against and three abstentions. One member had even expressed the opinion that, in a densely populated area where the majority of young natives were unable to acquire additional land, plots of 28 and 29 hectares were not within the range of possibility.

M. HALEWYCK DE HEUSCH explained that, after hearing certain objections and the Government's subsequent explanations, the great majority of the Colonial Council had approved the grant of lands which it was proposed in 1933 to make to the *Pères blancs*. This was readily understandable. In colonial circles it was generally agreed, irrespective of the private philosophical opinions of those concerned, that the religious missions were of very great assistance in furthering the work of civilisation, and that, for that reason, their activities deserved encouragement. Such being the case, it was obvious that, in order to further their work of evangelisation, they must not be settled on vacant land in uninhabited districts, but, on the contrary, and so far as possible, in the densely populated parts of the territory. As in such cases the natives were equitably compensated for any land which they agreed to give up to a mission newly established in their midst, the measure was scarcely open to criticism.

Lord LUGARD asked the accredited representative whether he was familiar with the work of Father Schumacher, who lived in the Pigmy district, and was making a special study of that people and its language.

M. HALEWYCK DE HEUSCH said that he had heard of his studies, but had no details as to the results of his work.

EDUCATION.

Mlle. DANNEVIG noted that pages 100 *et seq.* of the report contained a much fuller statement with regard to education than previous reports. She was under the impression that the number of schools had increased, including mission schools, but it would be more convenient for the Commission if it could have a table enabling it to ascertain more easily whether the figures had actually increased or decreased.

On page 101 of the report, it was said that the number of Catholic mission schools was constantly increasing. According to the table on page 105, however, it had fallen considerably. The same observation applied to the table on page 109. Could an explanation of the discrepancy be given in the next report ?

M. HALEWYCK DE HEUSCH took note of the request for a recapitulatory table regarding education. In order to form a general opinion in the matter, it was necessary to add together the figures shown in the various tables. On page 105, to which Mlle. Dannevig had referred, only the subsidised Catholic education was dealt with. It had been explained in the reports on various occasions that stricter administrative control in Urundi had led to the withdrawal of subsidies and, in consequence, to a reduction in the number of subsidised schools, either because the pupils had not reached the required age, or because the official syllabus was not being followed, etc. This reduction had not led to any decrease in the total number of schools, monitors and pupils, as there had been an increase in the non-subsidised schools exactly proportionate to the decrease in the subsidised schools.

Mlle. DANNEVIG noted that, on page 101 of the report, it was said that the missions were endeavouring to perpetuate folk-dancing. That showed what an interest they took in the question.

With regard to official education, the Nyanza school had produced very satisfactory results, since, of 488 pupils whose school period had been completed, 300 were, in 1933, at the head of a province or sub-district (page 100 of the report).

On page 104 was an interesting statement showing that the native population was very interested in education. The table on page 259, however, showed that expenditure on education had fallen by about 80,000 francs. On what items had reductions been made? Had the grants been distributed to the missions in accordance with certain criteria?

M. HALEWYCK DE HEUSCH replied that the mission schools had to carry out the syllabus drawn up by the Government, which supervised its execution. In those cases where subsidies had been withheld, it was because it had been felt that it had been a mistake to give them, or because the requisite number of children did not attend the school, or because the education given was not up to the standard of the official syllabus, or because some other deficiency had been noted.

Mlle. DANNEVIG asked whether particulars of the sums granted to each mission could be given in the next report.

M. HALEWYCK DE HEUSCH observed that to do so would involve a great deal of detail.

Mlle. DANNEVIG pointed out that, in one mission, there had been a decrease in both pupils and teachers. Was that due to the withdrawal of the subsidies or *vice versa*?

M. HALEWYCK DE HEUSCH replied that, if one of the mission schools were omitted from the table of subsidised schools, the total figure for the monitors and pupils in subsidised schools would necessarily be reduced.

Mlle. DANNEVIG pointed out that reference had been made in the past year to the establishment of teachers' training-schools. There were still no such schools. There were, however, a good many seminarists in the missions and native nuns. Did they not become teachers?

M. HALEWYCK DE HEUSCH replied that the principal aim of the missions was to prepare priests, not teachers.

Lord LUGARD called attention to the questions he had asked last year as to the nature of the curriculum in the rural elementary schools.¹

POLYGAMY.

Mlle. DANNEVIG reminded the Commission that, at its last session, it had been stated that polygamy was not very widespread.² Reference to page 7 of the report, however, would show that the polygamy tax had been paid for a greater number of wives than in the previous year. Did that mean that the practice itself was spreading?

M. HALEWYCK DE HEUSCH replied in the negative. The increase in the yield of taxation was due simply to the fact that the action of the authorities among the native population was becoming more and more effective and was thus reaching a larger number of taxpayers.

ALCOHOL AND SPIRITS.

Count DE PENHA GARCIA thanked the mandatory Power for the information with regard to the legislation on liquor, native drinks, and so on (pages 126 *et seq.* of the report). He was under the impression that the situation had improved, as imports were decreasing and there were increased re-exports to the Congo. Nevertheless, duties had been raised considerably, so that the situation might not be as satisfactory as it seemed, if the measure had not been instituted solely for financial reasons. On page 33 of the report, it was stated that there had been 121 sentences for public drunkenness and 112 for infringing the rules on fermented native drinks.

DRUGS.

Count DE PENHA GARCIA observed that there had been four sentences for using hemp for smoking purposes (page 33 of the report). Without wishing to exaggerate the importance of these figures, he nevertheless wished to draw M. Halewyck de Heusch's attention to their significance.

¹ See Minutes of the Twenty-fourth Session of the Commission, page 86.

² See Minutes of the Twenty-fourth Session of the Commission, page 81.

M. HALEWYCK DE HEUSCH explained that this class of offence was committed by natives from outside the territory, in the majority of cases by skilled workers from the coast of the Indian Ocean.

Count DE PENHA GARCIA thought that the reply related only to the use of hemp ; in these circumstances it would suffice to see that the natives of the territory were protected.

PUBLIC HEALTH.

Count DE PENHA GARCIA noted that, at the present time, the experiment of an itinerant medical mission was being tried (page 81 of the report). No doubt by means of this new arrangement it would be possible to reach more natives and to deal more satisfactorily with some diseases. At the same time, under the former system more thoroughgoing medical action could be taken in specific areas. It would be interesting to know whether the new method was proving more useful solely in combating certain epidemic diseases, or also as the normal method. The other system was probably still being continued. The two systems, permanent and itinerant, should be harmonised, and it would be interesting to have particulars in the next report.

Lord LUGARD asked whether there had been any difficulty in recruiting doctors. On another occasion, M. Rappard had drawn attention to the possibility of engaging German doctors who had lost their work.

M. HALEWYCK DE HEUSCH replied that the mandatory Power was recruiting enough doctors for the posts available.

M. ORTS asked whether the epidemic which had broken out in Ruanda during the early months of 1934 was well in hand.

M. HALEWYCK DE HEUSCH replied that it had broken out in October 1933. Numerous cases of influenza had been reported in the north-west of Urundi. In spite of the steps taken immediately by the medical service, the epidemic had spread and, in 1934, was complicated by an epidemic of typhus. Thanks to the strenuous efforts of twelve doctors and numerous health personnel, it had been possible to master the epidemic to the extent that its progress had now been stopped and that the disease only existed in an endemic form.

PRECAUTIONS AGAINST FAMINE.

Lord LUGARD, with regard to the measures referred to on pages 129 and 130 of the report for alleviating and preventing famine (intensive cultivation of non-seasonal products, upkeep of crops and plantations, and so on), asked whether the crops were stored in such a way that they would not spoil.

M. HALEWYCK DE HEUSCH replied that the natives took the necessary precautions of their own accord. The report, on the pages mentioned by Lord Lugard, indicated the methods employed, particularly the use of cylindrical barns mounted on piles and covered by a conical thatched roof.

M. RAPPARD noted that there had been considerable exports of food from Ruanda into a district threatened with famine (top of page 22 of the report). Some years previously, it had been Ruanda that was famine-stricken. Did the Administration supervise these food exports, or did it rely on price movements ?

M. HALEWYCK DE HEUSCH replied that the Administration only intervened where there was reason—as had already been the case in the past—to fear famine or even a shortage of foodstuffs. Otherwise it left the natives free to export.

ALBERT NATIONAL PARK.

Lord LUGARD asked whether the natives were allowed to remain in the Albert National Park, or whether they were excluded.

M. HALEWYCK DE HEUSCH replied that the few pieces of land occupied by natives within the vast enclosure of the park—and which could in any case be expropriated in return for equitable compensation—did not form part of the park. It might therefore be said that the latter did not include native communities.

For the rest, the accredited representative pointed out that difficulties had resulted from the fact that there were natives living on the outskirts of the district originally set aside as the National Park, the regulations of which they sometimes unwittingly infringed. That was why the extent of the park had been reduced so as to reconcile all the interests involved.

Lord LUGARD asked if there would not even be any Pigmies in the park.

M. HALEWYCK DE HEUSCH replied in the negative, while again referring members to his previous explanations.

Lord LUGARD asked whether the Belgian regulations precluded the grant of mining concessions in the National Park.

M. HALEWYCK DE HEUSCH replied that mining was precluded by the fact that it was only permitted under a special concession from the authorities. The latter would no doubt reject any applications—if such were received—for the introduction into the Albert Park of a mining industry such as would defeat the purposes for which the park had been created.

Lord LUGARD said that an application for a concession was always preceded by prospecting. Were prospectors authorised to enter the park ?

M. HALEWYCK DE HEUSCH replied in the negative. In Ruanda-Urundi, prospecting was not unrestricted but required an official permit ; the authorities, therefore, had every facility for preventing prospectors from exploring the park.

FORESTRY.

Lord LUGARD pointed out that the accredited representative had promised more information last year, and read the relevant passage in the Minutes of the Twenty-fourth Session (page 82). He did not quite understand the statement that, for 300 taxpayers, one hectare was reafforested. How did this system work in practice ?

M. HALEWYCK DE HEUSCH said he was unable to give any details. He thought that the allocation was done by guesswork and approximately.

Lord LUGARD noted from pages 116 and 117 of the report that admirable work had been done with regard to the development of new species producing a high yield.

DEMOGRAPHIC STATISTICS.

M. RAPPARD drew attention to the importance of the comments accompanying the fragmentary information contained in this chapter of the report (pages 65 *et seq.* of the report). The population seemed to be increasing at a normal rate.

The CHAIRMAN asked why the census statistics applied mainly to the male population.

M. HALEWYCK DE HEUSCH replied that it was because the adult and able-bodied male population was taxed.

M. RAPPARD asked whether the mandatory Power drew a distinction between *autochtones* and *indigènes*. Both expressions sometimes appeared in the same sentence, whereas in the reports on territories under French mandate, for example, only the word *indigènes* was used.

M. HALEWYCK DE HEUSCH replied that the two expressions were synonymous.

CLOSE OF THE HEARING.

The CHAIRMAN, on behalf of the Commission, thanked the accredited representative for his always valuable and cordial assistance in the Commission's work.

EIGHTEENTH MEETING.

Held on Friday, November 9th, 1934, at 10.30 a.m.

Petitions rejected in virtue of Article 3 of the Rules of Procedure in respect of Petitions : Report by the Chairman.

The Commission noted the Chairman's report (Annex 4).

Syria and Lebanon : Examination of Various Petitions.

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

M. RAPPARD explained that he had been obliged to suggest to his colleagues that the French Government should be requested to be good enough to send an accredited representative to assist in the examination of the last petitions received from Syria and the Lebanon, not so much because of the importance of those petitions as of the delay in forwarding them. One of them, dated May 1933, had been received by the Mandates Commission in May 1934, and another series of petitions, dated November and December 1933, had only reached it at the end of May 1934. It had therefore seemed that the Mandates Commission would be assuming some responsibility if it only examined, two years after their submission to the mandatory Power, petitions with regard to which the Council of the League could only take a decision some months after the Commission. The already slender guarantee afforded by the petitions system would be in danger of losing all its value if the Commission did not expeditiously examine complaints placed before it. Moreover, in its letter of September 27th, 1934, the French Government had said, with regard to one of the petitions, that its representatives would still have an opportunity of explaining it fully before the Mandates Commission ; that was yet another reason why the Commission should hear M. de Caix.

PETITION, DATED JUNE 1933, FROM M. NASSIR, M. AMDI EZ ZEINI AND OTHER INHABITANTS OF TRIPOLI-EL-MINA.

M. RAPPARD observed that the petition constituted an expression of regret by some of the inhabitants of the Lebanon at being separated from Syria and of their desire to see Syrian unity achieved. The mandatory Power had made certain observations with regard to the signatures at the foot of that petition.

M. DE CAIX did not think he had any observations to make with regard to the petition as a whole ; it dealt with subjects which had already been studied on several occasions.

With reference to the signatories to the petition, to whom M. Rappard had referred, M. de Caix had in his possession a document showing that a careful investigation had been made into 200 of the 400 signatures affixed to the petition. Of those 200 signatures, however, fifty-four were the signatures of persons whom it had been impossible to identify, fifty-five other persons had stated that they had not signed the petition, that the signature affixed to it was not theirs, two signatories were travelling, six were minors and one had died.

M. de Caix would not say that all the petitions had been signed in the same circumstances, but he thought that, if the signatures of all petitions were examined carefully, there would very often emerge, not anomalies—as that was a fairly normal position—but enlightening facts.

With regard to the petition in question, he added that a good many of the signatories were employees of those who had set the petition on foot. There would therefore seem to have been a manoeuvre, accompanied by pressure, on the part of a few notabilities.

M. RAPPARD was not very impressed by the petitioners' complaints, but it was, in his view, regrettable that the Commission did not receive petitions and the mandatory Power's observations thereon in time to examine them within a reasonable period.

M. DE CAIX replied that efforts were being made to ensure that petitions would be transmitted to the Mandates Commission more quickly.

As regards the petition in question, the delay was due to the extremely laborious work of verifying the signatures which had been undertaken. It took a very long time to identify signatures in a town like Tripoli.

PETITIONS (SEVENTEEN IN NUMBER), DATED NOVEMBER AND DECEMBER 1933, FROM
INHABITANTS OF BEIRUT, TRIPOLI AND SAIDA (Annex 12a).

M. RAPPARD drew the accredited representative's attention to the petitions (seventeen in number), dated November and December 1933, from inhabitants of Beirut, Tripoli and Saida. The mandatory Power seemed to have attached some importance to them, as it had replied very fully (Annex 12b).

M. Rappard drew attention, in the first place, to the criticisms of the budget. The Syrians of Mount Lebanon complained that the Lebanese Administration, while excluding them from power and public office, imposed heavier taxes on them than on the other inhabitants of Mount Lebanon, and that the Administration favoured, to the detriment of the petitioners, the non-Moslem section of the population. They compared Syria's public expenditure during the Ottoman regime with the far higher expenditure under the present system. M. Rappard recognised that the increased public expenditure, which, moreover, was admitted by the mandatory Power, might be explained by road construction and by the various improvements introduced for the benefit of all the inhabitants of the Lebanon, including those on the coast. Was there not some reason to doubt, nevertheless, whether the taxable capacity of the inhabitants of the territory was sufficient to enable them to bear such a budget?

He was under the impression that the Shiahhs, who, with the Sunnites, constituted the Moslem section of the population, were practically illiterate, which would explain why they had a less ready access to public office.

M. DE CAIX replied that it was very difficult for him to add much to the facts reported in the covering letter, but he could corroborate them.

It should be remembered, with regard to the state of mind of the Moslems, that they had been in a privileged position under the Ottoman regime: they had been the ruling class throughout the country. While educated Christians who enjoyed consular protection had often succeeded in attaining a good position, that of the Moslems, who had enjoyed the favour of the authorities, was even better. That recollection of the past gave rise to a certain amount of discontent.

The Moslems of the Lebanon were now living in a State where the majority of the population was Christian and where the present ruler was also a Christian. That was a new situation for them. It would, however, be quite untrue to say that they did not hold a large number of public offices. M. de Caix had himself observed, when he was in the country, that the Sunnites, an urban element including a large number of educated men, held a large number of posts. Moreover, care had been taken to treat the Moslems in such a way as to allow them no cause for complaint against the Lebanese State. It would be a great mistake to suppose that they were persecuted. Their position in the Lebanon was undoubtedly far better than that of the Christians in Syria, where the position was reversed.

With regard to expenditure, he admitted that the budgets as a whole were a little higher than under Turkish rule, but added that there was nevertheless no reason to exaggerate. He had been told, when holding office in Beirut, that the Turks had collected 75 million francs from the territories now under French mandate, representing nearly 375 million francs at the present rate of that currency. The budget of the States in question was very little more than 500 million francs, and, in his opinion, this difference of 125 to 130 million francs should be regarded as very largely set off by the fact that the money was spent in the country for useful purposes. It must be realised that, in 1919, there were practically no roads in the country, except in the territory of the former Mount Lebanon, and there were very few public schools. At the present time, with the exception of grants to the community schools, practically the whole of the education appropriations were expended for the benefit of Moslem children, as they were in a very great majority in the public schools. The budget of the public schools, which had been practically non-existent under the Turks, now amounted to 8 million francs in the Lebanese Republic.

The petitioners declared that the roads of Mount Lebanon had been constructed at the expense of the taxpayers of the coastal towns. Those roads had not been constructed under the mandate. Most of them dated back to the former regime in Mount Lebanon, which was far better than that of the neighbouring Turkish vilayets, as could be seen, at any rate in country districts, by comparing the houses and orchards in that territory, which enjoyed Lebanese guarantees, with those in the neighbouring regions which did not come under the Statute given to Mount Lebanon by the Powers.

There was, therefore, an important road system in the former Mount Lebanon, and no one could deny that it was necessary, for it was impossible to travel on the paths in mountainous country. Bridges had to be built over the ravines and hairpin bends for negotiating hills. The upkeep of these roads was obviously very heavy; but how could it be said that the inhabitants of Beirut, for example, did not benefit from the road system when they were so often in the mountains, where so many of them had summer residences? In fact, there was no difference between the mountain and Beirut. It took half an hour to go by car from that town, for example, to the first mountain resort at an altitude of 800 metres.

It was quite unfair to talk of the plain being exploited by the Lebanon mountain. In all countries poor districts benefited to some extent from the taxes paid by rich districts, but in

the Lebanon that was not the case to the extent claimed by the petitioners. M. de Caix therefore concluded that their complaints on that score could not be regarded as well founded.

With regard to the Shiah, they benefited from the sums at present devoted to the schools. In time, they would be able to improve their position and hold in the administration posts proportionate to their number in the State. Had not the Sunnites, who associated the Shiah with their own complaints, themselves treated the Shiah as a somewhat inferior community?

As a matter of fact, there was at present a tendency in the Lebanon towards equalising the opportunities of the members of the different denominational groups, and it could not be said that any one of them was maintained in a position of inferiority.

M. RAPPARD was not surprised that the people in the plain or on the coast should share some of the expenditure for the benefit of the mountain people. That happened to some extent everywhere, even in Switzerland. He could, however, understand the discontent of the Moslems on the coast who, in spite of themselves, had been incorporated in the Lebanon and had thus been forced to enter a country in which they were in a minority. They said to themselves, no doubt, that they might have been left outside the Lebanon or its frontiers might have been extended so as to include sufficient Moslems to give them a majority. The cutting up of the district politically was to the advantage of those sections of the population whose religion was the same as that of the majority of the population of the mandatory Power, as had been pointed out. He was not calling into question the political geography of the district, but he wondered whether the source of the discontent was not to be found in the way in which the frontiers had been drawn between Syria and the Lebanon.

M. DE CAIX said that there seemed to be no reason why the existence of a Moslem minority in the Lebanon was more reprehensible than that of a Christian minority in Syria.

As regards the Constitution of the Lebanese territory, it must be borne in mind that, when an independent Lebanon was set up in 1860, an artificial sub-division had been made in order to keep out of Lebanon certain towns which were, however, completely surrounded by its territory. The delimitation effected in 1920 had been based on geographical considerations and its purpose had not been to divide up the territory, as was sometimes done in certain countries, for electoral purposes.

He would repeat that it had not occurred to anyone to place the Moslems in an inferior position, although they might have that feeling owing to the institution of a regime under which they were not the principal element. It was necessary for all the groups to get accustomed to living together on an equal footing; moreover, that was facilitated by the Lebanese State, in which the various communities practically balanced each other. There was no reason why the Moslem should not find life within the Lebanon State perfectly tolerable, seeing that their social position had always been, and still remained, such that there could be no question of their victimisation by the Christians. M. de Caix maintained that, on the whole, the petitions were unjustified on this point. In order to realise that there was no inequality between the Moslems and the Christians, it was only necessary to consider the position of the former and of the Druses in Beirut. The existence of the Lebanese State might afford the latter a certain guarantee and make things easier for them, but that did not mean that the Moslems were treated as inferiors, which, moreover, would be altogether inconceivable in any Eastern country.

M. RAPPARD said that he held no brief for the petitioners. He noted, moreover, that the latter did not complain of the insecurity of the country, but of the state of inferiority in which they themselves had been placed. M. de Caix had pointed out that they were almost as numerous as the Christians. Was not that, however, precisely the reason for their discontent? Did they not say that the authorities had contrived to group side by side with the Christians a number of Moslems just insufficient to give the latter the majority and that, in this way, the greatest possible number of Moslems had been subjected to a Christian majority? Such a feeling would be only human.

M. RAPPARD further noted that the petition raised what appeared to him to be a new point. The petitioners from the coastal districts complained of the prosperity achieved by Palestine at their expense. Was it true that commercial activity had shifted towards the south, that trade had forsaken Syria and the Lebanon?

M. DE CAIX replied that, as he had just observed, the Lebanese territory had not been constituted in its present form for any other reason than in the interests of unity and with due regard for its geographical features.

Palestine, he agreed, was at present passing through a far more active phase of development than Syria, in spite of the undoubted progress that had been made in the latter country. At the same time, Palestine was a country in which the economic laws seemed to be vitiated by national passion. He did not make that observation in a critical spirit, but it must be recognised that one of the most striking facts of the present epoch was the artificial situation created by the efforts of the Jews throughout the world. They were sending a quantity of capital to Palestine, out of proportion to the return which could reasonably be expected and under very different conditions from those under which companies constituted for the purpose of making profits

usually operated. In this case, economic considerations were entirely subordinated to the idea of nationality.

In reply to those Syrians and Lebanese who had a grievance against the mandatory Power on account of the difference between the rate of economic progress in their own country and in Palestine, it might simply be asked whether they would care to see extended to their territory both the benefits of the riches which were flowing into Palestine and the regime resulting from the provisions of the Palestine mandate. As regards Customs tariffs, adjustments might possibly be necessary.

M. RAPPARD was particularly anxious to draw the accredited representative's attention to the following passage in the petition under discussion (paragraph 6, sub-paragraph 2) :

“Trade has developed in this last-named country to the detriment of our own trade. Syria has thus been deprived of her principal source of wealth. Before the war, she always did more trade than any other country with the Near-Eastern States now detached from the Ottoman Empire. Her commercial and economic prosperity exceeded that of all the other States.

“As things are at present, the country is going from bad to worse.”

Had Syrian trade declined, not merely in value in proportion to the increase in that of Palestine, but also judged by absolute standards, because trade had actually been diverted to Palestine from Syria ?

M. DE CAIX said that he was unable to reply with absolute certainty with regard to the commercial relations which might have been created by the people of Palestine for their own benefit. He did not think, however, that it could be said that places in Palestine were being substituted, in trade with the East, for Beirut and places in Syria. Taking into consideration the present trade of Iraq—as only in that area could this have occurred—it would be seen that the route from Damascus to Bagdad was still used far more than the more southerly road. It was obvious that a new situation might be created by the great efforts that were being made in Palestine and the abundance of capital available, but up to the present he did not think there had been any diversion of trade to the detriment of Syria. Some anxiety existed in Lebanon owing to the establishment of the port of Haifa ; but no one could object to that development, and, if the competition of Haifa was felt later, Beirut would have plenty of means, geographical and other, whereby to retain its large share in the trade of that part of the Levant.

It should be noted, moreover, that the enormous expenditure incurred in Palestine had the effect of increasing certain Syrian and Lebanese exports. For instance, wheat from the south of Syria was sold in Palestine on terms that would not have been possible had there not been consumers in Palestine with large funds available. It would probably be true to say that, for the time being, Syria and the Lebanon were gaining far more than they were losing from the development of Palestine.

M. RAPPARD asked what M. de Caix thought about the passages in the petitions in which the petitioners complained that they were subject to an exceptional regime with regard to religion, and, in particular, the administration of the Moslem Wakfs.

M. DE CAIX replied that, when the Moslems complained of the control exercised over the administration of their Wakfs, they were really complaining of a heritage due to the supremacy of the Moslem religion in the Ottoman Empire, where the Moslem Wakfs had been, in certain respects, a State institution. The Christian Wakfs had been administered independently under the Ottoman regime, because their communities were only tolerated and were not part of the State organisation in the same way as Islamic communities. There was no doubt, moreover, that the supervision instituted for the Moslem Wakfs at the beginning of the mandate and in conformity with the obligations of its charter had the effect of ensuring that the funds would be used for the purposes intended by the donors. He did not think it was true that the Moslem religion was affected by the organisation and control of the Wakfs. Care had always been taken, in Syria and the Lebanon, to avoid any kind of organic measure with regard to the Wakfs without first submitting it to a Council of doctors in law. Not one of those measures had been adopted by the mandatory authority without every possible guarantee. The Wakfs had never been administered by the agents of the mandatory Power, but only by Moslems. If the text of the mandate were reread, it would be seen that such control, provided it was not in a form contrary to the Moslem law, was desired by those who framed the mandate in 1922.

The Mandatory had done its duty in endeavouring to ensure that the Wakf funds should be employed in accordance with the wishes of those who had constituted them. It had recently taken, as regards the Wakfs, measures which would be described in the next report.

The charges brought as regards alleged breaches of the religious law appeared to be the expression of political rather than religious susceptibility. In other countries, more particularly in Turkey, measures had been taken which permitted of liberties being taken, with Islamic religion and tradition, which contrasted with the caution observed by the Mandatory in Syria and the Lebanon in regard to the organisation and supervision of Wakf administration.

M. RAPPARD pointed out that the situation was somewhat paradoxical, since the question of the Moslem Wakfs, who had formerly enjoyed privileged treatment, as a measure of guardianship, now caused discontent owing to the very fact that the control of that property was still under the supervision of the Administration, whereas the freedom enjoyed by the Christians in administering religious foundations was envied by the Moslems. In assuming control over the administration of Wakf property, had not the mandatory Power taken on a thankless job ?

M. DE CAIX observed that it must always be remembered that underlying the whole situation was the former structure of the Ottoman State. The mandatory Power was very often accused of initiating a risky policy when it was really dealing with institutions to which it had to adapt itself and the development of which it had to ensure in accordance with its responsibilities. It certainly had not intervened lightly in the administration of the Wakfs. It had intervened partly because of its mandate, and also partly because it was faced with the fact that, under the Ottoman Empire, there existed, as regards the Moslem Wakfs, relations with the State and a supervision which did not exist in the case of the Christian Wakfs. That situation was due to the fact that the State was Moslem, as was the case in all the countries of Islam. The mandatory Power, which had replaced the Constantinople Government as supreme authority, had inherited, as regards the Moslem Wakfs, responsibilities which had not devolved upon it in the case of the administration of the other Wakfs.

Some people were perhaps discontented, chiefly because supervision made it impossible to dispose, in ill-considered or arbitrary fashion, of the income of religious foundations. During the period that had immediately followed the end of the Ottoman regime, all supervision having ceased, the Wakfs were pillaged. As a result of the measures that the Mandatory had taken, that situation had greatly improved ; the Wakf revenues had increased and had been employed in accordance with the wishes of the founders.

M. RAPPARD noted that the conclusions of the petition did not altogether follow from its premises, which detracted from the clarity of the report. The petitioners desired, among other things, full and complete Syrian unity, and he would like to know exactly what they did want. Did they wish the whole of the Lebanon to be incorporated in Syria ?

M. DE CAIX replied that the Moslems on the coast were in the habit of making the same claims as those in the interior, even when they adapted themselves in fact, and had reason to adapt themselves, to the situation in which they were placed, and which was to their advantage.

It might be noted that, as regards the Wakfs, the new regime which had been the subject of systematic obstruction in Syria had functioned without opposition in the Lebanon, notwithstanding the theoretical protests made by the petitioners.

M. RAPPARD desired this time to ask a general question. The petition of November 16th, 1933, had undoubtedly been drawn up more carefully and intelligently than were the petitions usually received from Syria. The mandatory Power, moreover, had made very carefully considered observations with regard to it. Was it to be concluded that underlying it was an important political problem, different from those with which the Mandates Commission had already occasion to deal, or had the mandatory Power been at pains to give so detailed a reply out of deference to the signatories to the petition ?

M. DE CAIX replied that, in the present case, the mandatory Power had certainly not paid special attention to the character of the signatories to the petition, who, but for a few exceptions, did not appear to be eminent persons.

The principle adopted for observations to petitions was as follows : to reply as far as possible to a charge of definite facts which could be verified. As to general accusations of a political character, it was idle and discouraging always to have to make the same replies. The petition in question had mentioned definite facts ; in particular, the exploitation of the Lebanon littoral for the benefit of the mountain, whence the particular care taken in replying.

Could it be said that a serious political question had been raised ? The position was always the same : theoretical claims were continually being made without being gone into very fully because the main preoccupation was that of widely differing personal interests. Further, the men who were inclined to make such claims were only a minority in a country where the class which concerned itself with politics was still not very numerous.

PETITION, DATED MAY 6TH, 1934, FROM M. AVUALLAH EL DJABRI, PRESIDENT OF THE "LIGUE SYRIENNE DES DROITS DE L'HOMME", GENEVA.

M. RAPPARD quoted the following passage from the petition :

" Lastly, the persistent and unjustifiable desire to perpetuate this division after the abrogation of the mandate will, in fact, lead to such widely different developments in these systems that, in the end, they will destroy the national unity of the country, which is a primary condition for the institution of the mandate."

It was unwise of the petitioner to use that wording, which implied that Syrian unity, on which so much stress was laid, had already been destroyed to some extent.

Further on, the petitioner said :

“ The existing denominational differences are tending to disappear, and, if the Mandatory had fulfilled its humanitarian and unifying mission, Syria would have been freed from all these differences.”

That statement made M. Rappard very uneasy, not for the present, but for the period following the mandate. It did not testify to any very great anxiety to safeguard the denominational interests of the minorities.

M. DE CAIX noted that the petitioners were always talking of the national unity of Syria as if a pre-existing State and nation had been cut up. Syria did not exist before the war. There had been in the territory where Syria had been created after the fall of the Ottoman Empire various vilayets and sanjaks which, apart from the common government with headquarters at Constantinople, had had no link but a common Arab tongue and culture. To speak, therefore, of Syrian national unity was to express a desire, an aspiration, rather than a reality. To accuse the mandatory Power of having destroyed Syrian unity was really to overlook the actual facts.

The existence of independent minority groups—the word “ separatists ” seemed far too wide—having as their framework the local autonomous organisations rooted in the country, would do nothing to promote the establishment of a unitary State. But the unity of Syrian sovereignty did not necessarily imply a unitary State exclusive of local independence.

It could not be said that the mandatory Power had created and accentuated religious differences. It had simply respected the various creeds as they existed in the country. It was possible that, in other places, that anxiety had not been evinced in the same degree. But due account must be taken of historical and local circumstances and of the traditions of France, the supporter of minorities in the East. However that might be, it was absurd to accuse the mandate of having created religious divisions.

The Commission could find evidence of the existing situation, which had been accepted, in the fact that it had hardly ever encountered, in the petitions that had been presented to it, any protest against the representation of the various religions in the elected assemblies where they possessed the right to a certain number of seats, as was also their right under the Turks in the case of the provincial assemblies. There existed, therefore, a situation based on general consent and not one which had been created by the mandatory Power.

What would happen at the end of the mandate ? Perhaps it was to be anticipated—without accusing them of wanting to bring about religious persecution in the real sense of the word—that certain Syrian elements would be tempted to force the pace with a view to eliminating those differences.

In any event, the accusation of having divided up an already existing national unity, in which the religious groups had no separate political and social existence and no individuality, did not correspond to the facts. The mandatory Power had found in the territory recognised religious groups with very special rights, recalling what had formerly existed in Western communities.

It was always necessary to go back to the source, to the Ottoman State as it had been. For a long time, Turkey had been an army, a predominant nation and religion, camped in the middle of an empire, regarding all who were not of that nation, or at all events of that religion, as inferiors, as groups that were tolerated but occupying a subordinate position ; thus, they were not allowed the honour of carrying arms. No doubt the Ottoman Empire had begun to emerge from that archaic form and was showing a tendency towards the unification of all those groups ; but, when the mandate had been instituted, that process of levelling, of the elimination of those various groups, was far from complete. That was proved by the rôle still being played by the Patriarchates ; people spoke of “ the Maronite nation, the Orthodox nation ”, etc. Account must be taken of that political and social state of affairs in order to understand what had been done in Syria and the Lebanon. The mandatory Power could not wipe out the differences between the groups. Could it have hastened the attenuation of those differences ? Could the Syrians, when the mandate ended and they had more elbow-room, do so themselves without much difficulty and injustice ? The question might be open to discussion, but the fact remained that the Mandatory had taken over a country at such a stage of its evolution that the charges brought against it of having broken Syrian unity took no account whatsoever of realities.

M. RAPPARD wondered whether the petitioner, when he wrote that existing religious differences were tending to disappear, might not have had in mind rather the political differences accompanying those religious differences.

M. DE CAIX said that undoubtedly it was the political particularism of the various sects that was referred to. In modern States, religion tended to be an individual fact creating groups which the State could ignore and did not constitute between their members bonds similar to those of the religious sects in the East. In the former Ottoman Empire, the structure of which subsisted to a large extent, those bodies constituted up to a certain point a State within the State ; part of the exercise of public authority was delegated to their heads, at all events in judicial matters. That was a situation which must tend to disappear, but by means of an evolution on parallel lines with the evolution of ideas, thereby giving the minorities new guarantees in place of those given by their organisation.

The position of religion in the State and the hierarchy of the religious sects might be seen from the fact that the Syrian Constitution required that the head of the State should be a Moslem. That provision was very typical of the situation.

PETITIONS (FIVE IN NUMBER) CONSISTING OF FOUR TELEGRAMS FROM INHABITANTS OF LATAKIA, HOMS, DAMASCUS AND HAMA, AND OF A LETTER, DATED JUNE 27TH, 1934, FROM M. ABDEL KADER SARMINI, ALEPPO.

M. PALACIOS said that it would seem, from those petitions and from the observations accompanying them, that the official tour of the President of the Syrian Republic and the President of the Council in the north of Syria had not been very successful everywhere; frequent incidents appeared to have occurred. One point required to be cleared up: had Ibrahim Hanano been sentenced for an offence under ordinary law or for a political offence?

Again, Sheikh Sarmini, who had been sentenced to two months' imprisonment, had addressed a letter to the High Commissioner on his release from prison on June 27th, 1934. The event which had led to his conviction having occurred on May 25th, it would seem that Sarmini had been released after one month's imprisonment. The signatories of the petition with which M. Palacios was dealing claimed that all the convictions following on the Aleppo incidents, and, indeed, the whole of the procedure leading up to it, had been political in character.

M. DE CAIX replied that it was difficult to regard the outrage against Ibrahim Hanano as a political act. It related to one of those many discussions on land property that were continually taking place in Syria. Ibrahim Hanano seemed to be establishing, at the expense of a family owning a village, one of those *latifundia* which were always formed by means of usurpation. A piece of land was purchased from someone who was more or less entitled to sell it or who possessed the right of joint ownership, and advantage was taken of that claim, if the person in question were on better terms with the administration and the judicial authorities, gradually to go further and drive out the owner. It appeared to be some such reason that had led Koussa to fire on Ibrahim Hanano, who had been wounded in the foot.

The High Commissioner's Order had been attributed to political reasons, but it was impossible to take any measure in a matter concerning a notable without such a measure being capable of being described as of a political character. If some people said the crime had been political and that the remittance of the sentence had been of the same nature, it could quite as well be affirmed that the sentence, a very heavy one, had also been of a political character.

M. PALACIOS enquired what penalty had been inflicted.

M. DE CAIX said that the sentence was fifteen years' imprisonment.

As regards the Aleppo convictions, it should be noted that it could always be said that the reasons for the punishment of acts committed during a street demonstration had been politically inspired. But attention must be drawn to the undesirability of organising such a demonstration in a mosque, of taking possession of the seats reserved to the Head of the State and the President of the Council and then of leaving the meeting in disorder, throwing stones and other objects at the police. Sheikh Sarmini complained of his conviction and of the circumstances of his arrest and claimed respect for the ecclesiastical garb in which he was clad. What would people say in Europe of a parish priest who behaved like that when he came out of church? It was regrettable that a religious personality should have been obliged to suffer the consequences of his conduct, but it was necessary to take into account the situation at Aleppo, where there had been loss of life in the riots a few months before and where bombs had burst only a few days before the demonstration at the mosque. If measures of suppression had not been taken against the demonstration held on leaving the mosque, the responsibility of Government and hence of the mandatory authority might have been seriously involved.

PETITIONS (SIX IN NUMBER) RELATING TO AN ORDER, DATED APRIL 30TH, 1934, OF THE HIGH COMMISSIONER.

Count DE PENHA GARCIA said that these petitions referred also to the Aleppo events and to Ibrahim Hanano. The accredited representative had said that acts of spoliation of the kind committed by Ibrahim Hanano were fairly frequent in the mandated territory. Had they existed before the administration of that territory by the mandatory Power?

How was it that the mandatory Power permitted such evil practices to continue?

M. DE CAIX replied that the mandate had improved the situation in that respect; it had ensured the establishment of a land register in extensive regions and had made the usurpation of property far more difficult. Formerly, such usurpation had been frequent, as in all badly organised countries, where property is the strong man's prerogative and where the weak man cares not so much about the right of ownership which he cannot defend as the possibility of cultivating his crops under the protection of a notable, even though it may cost him heavily.

Count DE PENHA GARCIA enquired what had been done by the mandatory Power, from a legislative standpoint, to remedy so regrettable a state of affairs.

M. DE CAIX said that, under the present legislation, the land system was more up to date. Once property was registered and the necessary documents had all been entered in the land register, it was far more difficult to usurp land, particularly if the courts were working fairly normally. It would doubtless be anticipating the results of the efforts made to say that justice had become perfect in Syria, but it was making progress.

A close supervision of the administration of justice would result in an improvement in the situation. Even in highly civilised countries, it had been a long time before everyone's rights were guaranteed as at the present time.

Count DE PENHA GARCIA presumed that, when the accredited representative had stated that the attack against Ibrahim Hanano was not political in character, he had been thinking of the cause underlying that attack. Had not events subsequently assumed a political aspect owing to the fact that Ibrahim Hanano was a nationalist of Aleppo ?

M. DE CAIX replied that the outrage and the leniency shown might have been given a political interpretation. Some people had immediately concluded that it had been desired to assassinate Ibrahim Hanano, because one of the accomplices in the outrage had been released for political reasons. There was no need, however, to attribute the initial incident, the firing of a revolver during a land dispute, to political reasons. What was essentially political was the interpretation given of those incidents and their exploitation.

Count DE PENHA GARCIA noted that the mandatory Power, in its observations, spoke of political pressure brought to bear on the native court. That pressure was alleged to have had the effect of causing heavier penalties to be inflicted on the enemies of Ibrahim Hanano, and it was in view of that fact that the High Commissioner had taken the measure of clemency which had roused the petitioners' wrath.

M. DE CAIX observed that, in that case, the usurpations were also of a political character, owing to the fact that one of the parties involved had a political situation and was in a better position to influence the Administration and even the judicial authorities.

Count DE PENHA GARCIA said that, unless the case was to some extent political in character, he could not understand the petitions that he had before him, petitions which were signed by advocates, notables and others.

The Aleppo advocates even raised a question which was of some importance—namely, whether the Order of the French High Commissioner at Beirut, dated April 30th, 1934, graciously remitting the sentence of six years and eight months' imprisonment passed on December 22nd, 1932, by the Criminal Court of Antioch on Sabri ben Derwiche Koussa and Kamel ben Rustem Koussa, was a constitutional act. Again, it was somewhat strange that Koussa's appeal made no mention of the very facts which had led to the High Commissioner exercising his right of pardon.

M. DE CAIX replied that, before taking a decision, the High Commissioner had investigated the circumstances in which the sentence had been passed. M. de Caix agreed that it might be surprising that Koussa had not mentioned in his appeal the circumstances which might warrant his being treated leniently. But the decision did not rest on that appeal alone, but on the enquiry by the representative of the High Commissioner in the Alexandretta Sanjak, who had ascertained that, while those responsible for the outrage against Ibrahim Hanano were in prison, the usurpations had continued.

Count DE PENHA GARCIA explained that the authors of the petition of May 18th regarded the granting of pardon by the High Commissioner as a flagrant breach of Article 73 of the Constitution, which reserved to the President of the Syrian Republic the right of pardon (a right actually exercised by him in many cases).

M. DE CAIX said that he would not like to give a definite reply to a legal question requiring careful study. He believed, however, that Article 73 was precisely one of those articles referred to in Article 116, which reserved the rights of the mandate.

Count DE PENHA GARCIA understood that, previous to the Aleppo events, the Constitution had been suspended.

M. DE CAIX pointed out that the Syrian Constitution had never been suspended. Its operation had been suspended, but not the powers conferred by it.

COUNT DE PENHA GARCIA said that in fact it was the Lebanese Constitution that had been suspended, but that the High Commissioner had retained certain powers under the Syrian Constitution as representative of the President of the French Republic.

M. DE CAIX observed that, that being so, the High Commissioner could the more exercise the right of pardon.

COUNT DE PENHA GARCIA asked whether at present the right of pardon could be exercised by two different persons—namely, the High Commissioner of the French Republic and the President of the Syrian Republic. If so, the situation from a legal standpoint would appear to be somewhat difficult.

M. DE CAIX said that he could not express an opinion without making a legal study of the point. It was advisable first to consider the relationship between Article 73 of the Constitution and Article 116, which contained the reservations made by M. Ponsot to ensure that the responsibilities imposed by the mandate were carried out.

COUNT DE PENHA GARCIA noted that the mandatory Power had not replied to the legal objections raised by the petitioners concerning the measure of pardon taken by the High Commissioner.

M. DE CAIX said that that was because his attention had not been specially drawn to the point, which might be explained by comparing Articles 73 and 116 of the Syrian Constitution.

PETITION, DATED SEPTEMBER 1ST, 1933, FROM Dr. A. KEYALI, ALEPPO.

COUNT DE PENHA GARCIA noted, in the petition entitled " Réponse à M. Ponsot ", certain charges brought against the mandatory Power, which, it was alleged, had not managed the interests of the territory properly or had managed them for the benefit of the French and to the detriment of the Syrians. In its observations, the mandatory Power had intimated that it would be ready to furnish additional information on this petition.

M. DE CAIX said that it was precisely with the accusations made on that point that the mandatory Government's observations had dealt. It was unable to reply to general political accusations, which were perpetually repeated. The concessionary companies had supplied considerable documentary information, which was summarised in the letter containing the French Government's observations. The accusations had covered other points : the salaries of the French officials, Customs privileges for French imports, and so on. M. de Caix thought it would take too long to reply orally to those points and he would hand to the Rapporteur, Count de Penha Garcia, the documentation he had brought with him for the purposes of that reply.

COUNT DE PENHA GARCIA directed the accredited representative's attention to the criticisms advanced in the " Réponse à M. Ponsot " concerning the cadastral operations and those of certain hydraulic services. Had those cadastral operations, entrusted to a private company, made it unnecessary for the mandatory Administration to carry out a cadastral survey, or had the services of the Administration operated side by side with those of the company ?

M. DE CAIX replied that the Administration was relieved by the cadastral service of the work of surveying the property and issuing plans. That service took over all the basic work which, once done, had only to be kept up to date by the State Land Department.

The service was making a survey of all the fertile land in the country. The work was now well advanced. The work of keeping the land register, in which the results obtained had to be recorded, had been entrusted to a State department.

The " Régie Bourgeois " was also at work temporarily. A record had to be made of the flow and various levels of the principal waterways for irrigation purposes, this being by far the best method of increasing the wealth of the country. This task had been undertaken by the Hydraulic Studies Bureau, which had now completed its work, having made a survey of the flow of the Oronto, the Khabur and the Euphrates. The Administration had thus been relieved of work which it would have been unable to undertake with the available staff, which it was anxious not to increase.

It was not true that the Bureau had any property rights whatever over these studies. The work done was utilised by the Governments in the territory in which it had been performed, but the Bureau had no rights over undertakings which might subsequently be established as a result of that work. Thus the irrigation work on the Homs plain had been allocated to a company which had nothing to do with the Bureau.

Count DE PENHA GARCIA quoted the following passage from page 175 of the petition :

“ The water which once belonged to us we are now obliged to buy and our money goes to swell the funds of a foreign company. Formerly, the population could draw from 600 to 2,500 cubic metres a day from the public fountains ; the company now allows them only 500.”

M. DE CAIX replied that that was not true. In the first place, the exercise of the right of the population was restricted by the amount of water available. As a matter of fact, during the summer it was difficult to obtain 800 cubic metres of water per day. At the present time, some of the people of Aleppo were complaining of the conditions under which the town was supplied with water ; but some years previously the population had complained much more at being without water. The company had limited the quantity distributed free to the street fountains to a thousand and not five hundred cubic metres per day. It had agreed, however, at the municipality's request, to give a great deal more water at a very low cost. That was contrary to its interests, because the water thus supplied reduced by so much the quantity it could supply to its possible customers, who would lay down a branch-pipe to their houses.

He added that he could give the Commission exact figures, as he had received additional information from the Electricity and Water Company.

Count DE PENHA GARCIA drew attention to criticisms against the Bank of Syria and the Great Lebanon, to which the mandatory Power had replied. Had any restrictions been placed on the possibility of obtaining shares in that bank ?

M. DE CAIX replied that he did not think shares were actually on the market, but he was not aware of any restrictions on their sale. The Syrians could obtain shares, since there were Syrian and Lebanese shareholders.

The regular attacks against foreign companies working in the territories under mandate were due to a hostile feeling which took no account of the facts.

It was quite true that they endeavoured to make profits, but the question was whether the contracts they had concluded were better than those obtained by similar companies in other countries, and that did not seem to be the case. The contracts had been closely scrutinised by the High Commissariat, and it should be observed that companies investing capital in the country had some ground for requiring guarantees commensurate with the organic and political uncertainty existing there. If some of the companies were prospering, others had as yet made nothing, and it was childish to suppose that Syria was proving a regular gold-mine to European capitalists.

The CHAIRMAN thanked M. de Caix for his courtesy in replying to the questions asked by the members of the Commission.

NINETEENTH MEETING.

Held on Friday, November 9th, 1934, at 4 p.m.

Determination in advance of the Dates on which Accredited Representatives will be heard.

The CHAIRMAN recalled that, some time before the opening of the session, he had sent to the members of the Commission the following note :

“ My attention has recently been drawn once more to the difficulties sometimes experienced by mandatory Powers in making arrangements to send their accredited representatives to Geneva.

“ The Commission has frequently expressed its satisfaction at the efforts made by mandatory Powers to secure for it, on the occasion of the examination of the annual reports, the co-operation, as accredited representatives, of Government officials of the territories concerned. In view of the great distance which separates the mandated territories from Geneva and the considerable expense of sending officials specially to be present at the Commission's sessions, the mandatory Powers generally select officials who happen to be on leave at home. For its part, the Commission has always done everything it could to meet all wishes expressed regarding the dates for the hearing of accredited representatives.

“ The order of the Commission's work, however, can only be decided by the Commission itself at the first meeting of each session—a circumstance which is not favourable to the above-mentioned practice. Sailings are not frequent and it sometimes happens that officials are delayed from rejoining their posts for several weeks owing to the fact that they have waited their turn at Geneva.

“ A way in which these difficulties might be avoided has been suggested to me, and I should like to have my colleagues’ opinion on it :

“ At the end of each session, the Chairman might, with the assistance of the Secretariat, prepare a draft programme of work for the following session. This programme would be communicated to the mandatory Powers. If, in order to meet the wishes of their accredited representatives, the Governments concerned ask that certain changes be made, the Chairman will make these changes in the draft, so far as is possible, and provided these wishes are communicated to him at least one month before the opening of the Commission’s session.”

After an exchange of views, *the Commission decided to adopt, by way of experiment, the suggested procedure.*

Cameroons and Togoland under British Mandate : Observations of the Commission.

After an exchange of views, *the Commission adopted its observations concerning the Cameroons and Togoland under British mandate (Annex 20).*

South West Africa : Question of the Incorporation of South West Africa in the Union of South Africa as a Fifth Province (continuation) : Observations of the Commission.

The CHAIRMAN reminded the Commission that, during the examination of the report on South West Africa, it had discussed a motion adopted by the Legislative Assembly of the mandated territory recommending the incorporation of the latter in the Union of South Africa as a fifth province, and that the reply of the accredited representative of the mandatory Power to the questions put to him as to his Government’s attitude towards that tendency had not been such as to satisfy the Commission.

He enquired whether the Commission wished to submit an observation to the Council expressing its apprehensions in that connection, from the point of view of the principles governing the mandatory system.

Lord LUGARD quoted the opinion expressed in a letter to the *Times* by Professor B. Keith, who held that the Union of South Africa could, if it wished, incorporate South West Africa in its territory, since Article 2 of the mandate expressly authorised the Mandatory to treat the mandated territory as an integral portion of its own territory.

He said that Professor Keith was an acknowledged authority on such questions, and he (Lord Lugard) was inclined to share his view. The motion adopted by the Legislative Council of South West Africa stipulated that any change should be “ subject to the provisions of the mandate ”.

Lord Lugard considered that, as long as the mandatory Power was bound by the mandate and continued to send to Geneva a representative to be interrogated as to the manner in which it had carried out its mandate, the incorporation of South West Africa in the Union of South Africa could not be regarded as an attempt at annexation. In his view, the crucial features in the mandatory system were the obligation to carry out the provisions of the mandate and the obligation to send a representative to Geneva.

Precedents justifying that point of view could, he thought, be found in the case of various mandated territories administered by the mandatory Power “ as an integral portion ” of the neighbouring colonial territories.

The southern area of the Cameroons under British mandate was called the “ Cameroons Province ” and southern Togo was similarly administered as a province of the Gold Coast. It had been pointed out that these were very small areas which could not possibly be administered as separate territories, but the principle was the same, whether the territory were small or large. Ruanda-Urundi, with a population of three millions, was in some respects practically a province of the Congo, and France now proposed that some of the high officials of Dahomey should function for Togo under French mandate.

It might be said that the Mandates Commission opposed the “ closer union ” proposals in East Africa, by which Tanganyika was to be merged with Uganda and Kenya under a High Commissioner. But the essential difference in that proposal was that the words “ as an integral portion ” of the adjacent territory did *not* appear in the Tanganyika mandate. Nor was the proposal at all identical with the present proposal regarding South West Africa. Tanganyika was in no way under Kenya or its Government. Its Legislative Council makes its own laws, subject only to disallowance by the King. The Union of South Africa, on the other hand, did legislate directly for South West Africa. South West Africa would still be bound, as now, to carry out the policy of the mandate, even if it conflicted with the policy of the Union.

Finally, if the proposal should be thought to be of doubtful legality under the mandate system, the Council could, if it so desired, refer the question to the Permanent Court of International Justice, provided for by Article 14 of the Covenant, and referred to in Article 7

of the mandate. The article in the mandate only referred to a dispute between two Members of the League, but Article 14 of the Covenant stipulated that the Council might ask the advisory opinion of the Court on *any* question.

M. ORTS felt that it would be difficult to determine exactly the scope of the problem as long as the Commission was not in possession of all the factors. At present the information it had received was merely that a vote had been taken by the Legislative Assembly of South West Africa on a motion recommending the incorporation of the mandated territory in the Union as a fifth province, subject to the provisions of the mandate. It was certainly regrettable that the accredited representative had not been able to define the South African Government's attitude towards that initiative of the Assembly and that he had postponed his reply until the following year, on the grounds that the event had occurred after the end of the year covered by the report before the Commission.

The Commission was thus faced with a somewhat vague situation, and it was impossible for it to determine to what extent the incorporation of the mandated territory as a province of the Union would affect the territorial entity of South West Africa, the safeguarding of which was one of the conditions of the mandate. On the other hand, if the Commission came to a decision at once, without knowing the final opinion of the South African Government, it laid itself open to the possibility that the Government might reply that, so far as it was concerned, the question did not arise.

It was nevertheless obvious that the Commission could not ignore so important a fact as the motion adopted by the Legislative Assembly.

Such being the case, the proper procedure, in his view, would be to frame an observation in which the Commission, after stating that it had been informed of the motion passed by the Legislative Assembly of South West Africa and emphasising the fact that the accredited representative had not been able for the moment to give particulars of his Government's attitude, reserved its opinion as to the compatibility with the mandatory system of the solution recommended by the Legislative Assembly.

M. RAPPARD observed that there could be no comparison between the administration of certain mandated territories as integral portions of the adjacent colonial territories belonging to the mandatory Power and the incorporation of the mandated territory in the territory of the mandatory Power itself. In the first case, the colony was responsible to the home country for the administration of the mandated territory which was incorporated in it from an administrative point of view. That was not so in the second case, since, if effect were given to the motion of the Legislative Assembly, South West Africa would share in the sovereignty of the mandatory Power. Its representatives would sit in the legislative bodies of the Union of South Africa and would have a share in the expression of the will of the mandatory Power. The federal laws concerning the various branches of the general administration—more particularly national defence, commerce and the sale of liquor, etc.—would apply *ipso facto* to the mandated territory, a situation which from several points of view might prove to be contrary to the terms of the mandate.

M. PALACIOS observed that the Commission had been informed of the matter by the mandatory Power itself, for, while it was true that the report did not deal with the year 1934 and consequently with the resolution on the establishment of the territory as a fifth province, which was passed at the beginning of June last, another resolution was mentioned on page 3 of the report for 1933, in which the same object was implied, and it even anticipated what M. Rappard had just said with regard to its incompatibility with the mandate, an opinion undoubtedly shared by the other members of the Commission. There was a reference on page 3 of the report to the "resolution for incorporation of the mandated territory in the Union as a fifth province in order to undermine the principles of the mandate by arresting the constitutional development of the territory which might result in the ultimate abolition of the present mandate". Consequently, quite apart from the fact that the Commission was always entitled to interest itself in what was happening in a territory under mandate, the mandatory Power should have been able to express its views clearly on a trend of opinion that had already been mentioned in its own report for 1933.

The passage just quoted even went so far as to refer to the abolition of the mandate. On the other hand, according to what the Commission learnt from the *Windhoek Advertiser* of June 6th, 1934, with regard to the Legislative Assembly's resolution, the territory would be administered as a fifth province of the Union "subject to the provisions of the said mandate". That was precisely where confusion might arise. A place could doubtless be found in the administration of any territory, even a sovereign territory, for the provisions of the mandate—namely, those on the protection of labour, freedom of conscience, the welfare of the natives, protection against slavery, alcoholism and dangerous drugs, etc. It would be possible to maintain them in the fifth province, but, notwithstanding, the mandate would be violated solely by the establishment of the province. The mandate was not made up solely of a whole group of protective provisions, but, by making these provisions the basis of a *sui generis* status for the territory and its inhabitants, it constituted a new institution set up under Article 22 of the Covenant as an historic compromise between extremely complicated interests.

Furthermore, Article 22 referred to peoples not yet able to stand by themselves under the strenuous conditions of the modern world. It undoubtedly referred to the natives. Would the establishment of the territory as a fifth province imply the emancipation of the natives? If

that were not so—and it was obvious that it would not be—would it not result in a system radically opposed to the spirit of the mandate, to say nothing of the fact that, if the territory were handed over to the Union and administered in the same way as any of the other provinces, not only would its status be compromised, but it would be very difficult to carry out the actual provisions of the mandate concerning, for example, the defence of the territory, finance, etc. ?

M. Palacios thought that an observation might be drafted on the lines suggested by M. Orts, without prejudice to the subsequent explanations that were awaited from the mandatory Power.

COUNT DE PENHA GARCIA was also of opinion that the incorporation of South West Africa as a province of the Union of South Africa was inadmissible, not only because it was contrary to the mandate, but also on constitutional grounds. The Constitution of the Union of South Africa contained very explicit provisions concerning the possible attachment to the Union of territories now forming part of the British Empire. Such a measure was conditional on a somewhat complicated procedure involving, among other things, a vote by the legislative bodies and the Privy Council.

On those grounds, while holding the view that the attachment of the mandated territory to the Union was not compatible with the terms of the mandate, Count de Penha Garcia thought that, for the moment, there was no danger of its immediate realisation, so that the Commission could very well refrain from making any observation at all on the subject. He saw no objection, however, to framing a text on the lines suggested by M. Orts.

LORD LUGARD said that, in placing his view before the Commission, he had understood that it had been the intention only to discuss the principle involved, and not with a view to deciding whether any observation should be made in the report to the Council. So far as this latter point was concerned, he shared the view expressed by M. Orts, and had, in fact, drafted a very similar text. He thought that the arguments put forward by M. Rappard and others deserved very careful consideration.

M. MERLIN drew attention to the fact that the provision contained in Article 2 of the mandate for South West Africa stipulating that " the Mandatory shall have full power of administration and legislation over the territory, subject to the present mandate, as an integral portion of the Union of South Africa " also appeared in the other B mandates, except in the Tanganyika mandate. If it were admitted that that stipulation gave the mandatory Power the right to incorporate the mandated territory in its own territory, the same conclusion must be drawn in respect of all the territories under B mandate, except, of course, Tanganyika. But there was a shade of difference, which would certainly not escape the members of the Commission, between the application to the mandated territory of the legislation of the mandatory Power and the incorporation of the mandated territory in that of the mandatory Power.

As regards the application in particular of the legislation of the Union of South Africa to South West Africa, the Mandates Commission had made numerous observations. There had also been the decisions taken by the Council in 1927 on the basis of the Commission's suggestions and the replies of the Government of the Union of South Africa.¹ All those various acts determined the conditions in which the mandate was actually being carried out.

While, however, the application to South West Africa of the Union legislation was an administrative act, the incorporation of that territory in the Union as a fifth province would be a political act in that it made the mandated territory part of a political unity—namely, the Union of South Africa. Such a measure would necessarily affect the status of South West Africa as laid down in the mandate.

He added that, if South West Africa were incorporated politically in the Union of South Africa and thus shared in the latter's sovereignty, it would mean that the obligations and part of the charges of the South African Commonwealth would devolve upon South West Africa, which would be contrary to the mandate.

M. SAKENOBÉ said that he could only give a very general opinion on the matter, as he was not aware of the views of the Government of the Union of South Africa. It seemed to him *prima facie* that the very idea of the incorporation of the territory of South West Africa in the Union was contrary to the mandate. That territory indeed was treated as a minor and had been placed for that reason under mandate. The situation could not be altered, unless South West Africa were declared to have attained its majority. If South West Africa were incorporated in the Union, that would create the paradoxical situation of a minor participating in the sovereignty of the State under whose guardianship it had been placed, because the resolution of the Legislative Assembly of South West Africa said that South West Africa would be represented in the House of Assembly of the Union of South Africa and the Senate thereof. That was quite contrary to the present status of the territory. Seeing that the population of South West Africa included about 300,000 natives, it was doubtful whether that territory could be declared to have attained its majority and be given an independent status. He desired to associate himself with M. Orts' proposal.

¹ See Minutes of the Tenth Session of the Commission, page 183, and of the Eleventh Session of the Commission, pages 204-205; Minutes of the Forty-fourth Session of the Council, page 347, and of the Forty-sixth Session of the Council, pages 1119-1120.

Mlle. DANNEVIG thought that it would be impossible to incorporate South West Africa in the Union of South Africa as a fifth province, since that would create the situation of the mandated territory, with its hundreds of thousands of natives, becoming its own Mandatory in respect of one fifth part.

M. ORTS thought, in the light of the exchange of views that had just taken place, that, in substance, the Commission's observation to the Council might be framed on the following lines :

First it would be stated that the Commission had been acquainted with the motion adopted by the Legislative Assembly of South West Africa ; secondly, the accredited representative of the Union of South Africa had not felt able for the moment to define his Government's attitude in the matter ; lastly, the Commission would reserve its opinion until it had been informed of the attitude adopted by the mandatory Power and was in possession of all the factors in the case.

The CHAIRMAN urged that it should be made clear also that the Commission expected to be informed of the Union Government's attitude on the proposal made by the Legislative Assembly of South West Africa and to be placed in possession of all the material necessary for it to form an opinion before being faced with a *fait accompli*.

M. PALACIOS directed the Commission's attention to the fact that, according to quite recent Press information, the party which was in favour of incorporation had just obtained a sufficient majority at the polls to ensure the two-thirds majority vote required to make any decision regarding incorporation effective. In view of that circumstance, he urged that the observation should be framed in such a way as to emphasise the importance that the Commission attached to the question.

M. ORTS, taking duly into account the foregoing observations, drafted and submitted the following text :

“ It has been brought to the Commission's notice that the Legislative Assembly of South West Africa has adopted a motion aiming at the constitution of the territory into ‘ a fifth province of the Union, subject to the provisions of the mandate ’.

“ On being questioned as to the attitude of the Union Government towards this proposal, the importance of which is obvious, the accredited representative replied that, on the occasion of the examination of the next report, he would supply the information requested which relates to an event that occurred after the close of the 1933 administrative period.

“ The Commission in its turn reserved its opinion as to the compatibility of the course proposed by the Legislative Assembly with the mandate system until it had been informed in due course of the point of view adopted by the mandatory Government in this connection and been acquainted with all the factors of the problem.”

M. Orts' text was adopted.

TWENTIETH MEETING.

Held on Saturday, November 10th, 1934, at 10.30 a.m.

Cameroons and Togoland under French Mandate : Observations of the Commission.

ECONOMIC EQUALITY : LOAN OF TWENTY-FIVE MILLIONS IN FAVOUR OF THE CAMEROONS (continuation).

M. MERLIN proposed, in the case of the Cameroons, under the head of “ Economic Equality ”, that the Commission should simply sum up the provisions of Article 7 of the Law of January 20th, 1934, authorising the Governments of certain colonies and the Commissariat of the French Republic in the Cameroons to contract loans guaranteed by the French State with a view to undertaking public works, and containing a clause which, in case of proved necessity, authorised exceptions for material that was not of French origin and was not transported under the French flag.

He thought it preferable not to dwell on the two currents of opinion in the Commission concerning the interpretation of economic equality. The attitudes adopted by the several members of the Commission were not new and were well known. Moreover, it was always difficult to sum up different arguments in such a case, and an analysis of the two tendencies might take time.

Lastly, he criticised the wording of the last paragraph of the relevant chapter of the draft observations, framed as follows :

“ In examining Article 7, reproduced above, of the French Law of January 20th, 1934, the Commission noted with satisfaction that the competent authorities are entitled to depart from the rule in question. It hopes that use will be made of this right whenever the materials can be obtained more cheaply elsewhere than in the mandatory Power's own market, or can be transported at less expense than under the French flag.”

He proposed that that paragraph be replaced by a text containing a brief reference to the Commission's discussions on the question of economic equality, as follows :

" It would refer to these exchanges of views and expresses the hope that the mandatory Power will make use of the derogation clause of the law in question whenever it would be to the advantage of the territory to do so."

M. PALACIOS and M. RAPPARD considered that M. Merlin's text was too weak.

M. MERLIN pointed out that, if the details of the original draft were retained, there was the risk of reopening the whole discussion on the question of economic equality.

Moreover, the last paragraph of the original text more or less involved the question of tenders. He knew from personal experience that, in practice, that system did not amount to very much, and, although its application relieved a Governor of his responsibilities, he himself had often found it to the advantage of the territories that he was administering to have recourse to private contracts. Tenders, again, brought in various factors : cost price, time-limits for payment, etc. Nor must it be forgotten that the mandatory Power undertook to take the place of the territory, if the latter could not meet the service of the loan, and, further, that the Mandatory only charged a very low rate of interest. The Commission must not discuss in terms of pure theory, but, while recognising the importance of principles, must face realities.

Again, it must be realised that, in such a matter, as on other occasions, the Council would undoubtedly abstain from taking a decision, and in the interests of the Commission it was preferable that the question should not be brought before the Council.

The wording he had proposed laid sufficient stress, in his view, on the possibilities of derogation provided for in the Law of January 20th, 1934, to give legitimate satisfaction to certain members of the Commission. He felt, indeed, that the derogations were made to loom rather larger than the mandatory Power would perhaps have wished, but he need not go into that matter. He would have been almost prepared to accept the original draft, but felt that it was not for the Commission to enter into too much detail unless, indeed, it examined the question exhaustively. It would be necessary, in every case, to consider whether it had fully weighed all the advantages and drawbacks of the system of economic equality, as defended by the Chairman, and that might take it very far.

The CHAIRMAN said that, while he did not propose to insist on the original text, the matter of tenders was not in question. It was, moreover, regrettable that, as M. Merlin had said, the system of tenders did not give satisfactory results. There was much to be said on the question of what was in the real interests of any colonial or mandated territory. It had been seen, for example, in the case of Ruanda-Urundi, that Japanese cement coming from the other hemisphere could be imported into the territory more cheaply, so that such imports were clearly in the latter's interests.

While he had the greatest respect for realities, the most important thing, in the Chairman's view, was respect for principles, and he maintained that the law in question was a derogation from the principle of economic equality. Lastly, the prestige of the Mandates Commission would not be in any way affected if the Council abstained from taking a decision.

There was no doubt that the text proposed by M. Merlin was too mild a statement of the views of several members of the Commission. He did not wish to insist, however, and said that it would be for the Minutes of the Commission to indicate the opinions of the members of the Commission.

The Commission adopted its observations concerning the Cameroons and Togoland under French mandate (Annex 20).

The Secretariat was requested to prepare a text on the " Situation of Women ", to be included in the general observations.

South West Africa : Observations of the Commission (continuation).

After an exchange of views, *the Commission adopted its observations concerning South West Africa (Annex 20), inserting the text adopted the previous day, on the motion of M. Orts, on the subject of " The Status of the Territory ".*

Islands under Japanese Mandate : Observations of the Commission.

After an exchange of views, *the Commission adopted its observations concerning the Islands under Japanese mandate (Annex 20).*

South West Africa : Question of the Request submitted by the Government of South Africa to the Portuguese Government with a view to the Granting of a Corridor giving Access to the River Kunene near the Ruacana Cataract.

Count DE PENHA GARCIA tabled, for the information of the Commission, a copy of a memorandum which he had sent on the subject to the accredited representative of the Government of the Union of South Africa, Mr. de Water, who had asked him, during the examination of the report for 1932, to intervene unofficially in order to clear up the situation.¹

¹ See Minutes of the Twenty-third Session of the Commission, page 88.

Syria and Lebanon : Petition, dated May 20th, 1934, from M. Georges Akl, Advocate, Beirut.

The Commission adopted the conclusions of Count de Penha Garcia's report (Annex 16).

Syria and Lebanon : Petitions (Six in Number) relating to an Order, dated April 30th, 1934, of the High Commissioner (continuation).

The Commission, while awaiting information on a legal point which M. de Caix had promised to send it, decided to adjourn until the next session the preparation of its conclusions on these petitions.

Representation of the Mandates Commission at the Council Session of January 1935.

The Commission decided that, in the event of the Chairman being unable to attend, it should be represented by M. RAPPARD at the January session of the Council, at which would be examined the reports on the work of the twenty-fifth and twenty-sixth sessions of the Commission.

TWENTY-FIRST MEETING.

Held on Sunday, November 11th, 1934, 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 20).

Western Samoa : Observations of the Commission.

After an exchange of views, the Commission adopted the text of its observations concerning Western Samoa (Annex 20).

Commemoration of Armistice Day.

At 11 o'clock the Commission, on the motion of the Chairman, observed one minute's silence as a tribute to the memory of those who fell in the Great War.

Syria and Lebanon : Petition, dated June 1933, from M. Nassir, M. Amdi Ez Zeini and Other Inhabitants of Tripoli el Mina (continuation).

After an exchange of views, the Commission adopted the conclusions of M. Rappard's report (Annex 11).

Syria and Lebanon : Petitions (Seventeen in Number), dated November and December 1933, from Inhabitants of Beirut, Tripoli and Saida (continuation).

After an exchange of views, the Commission adopted the conclusions of M. Rappard's report (Annex 12).

It decided, on the proposal of M. RAPPARD, to annex to the Minutes of the session the text of the seventeen petitions and the observations of the mandatory Power.

Syria and Lebanon : Petition, dated May 6th, 1934, from M. Avuallah El Djabri, President of the "Ligue Syrienne des Droits de l'Homme", Geneva (continuation).

After an exchange of views, the Commission adopted the conclusions of M. Rappard's report (Annex 13).

Syria and Lebanon : Petition, dated May 7th, 1934, from M. Sami Slim, Beirut.

After an exchange of views, the Commission adopted the conclusions of M. Rappard's report (Annex 15).

Syria and Lebanon : Petitions (Five in Number) consisting of Four Telegrams from Inhabitants of Latakia, Homs, Damascus and Hama, and of a Letter, dated June 27th, 1934, from M. Abdel Kader Sarmini, Aleppo (continuation).

After an exchange of views, the Commission adopted the conclusions of M. Palacios' report (Annex 14).

Syria and Lebanon : Petitions from M. Gebran Antoine Abou Samah, Beirut.

After an exchange of views, *the Commission adopted the conclusions of M. Sakenobe's report (Annex 17).*

Togoland under British Mandate : Petition, dated April 4th, 1933, from the Chief and Inhabitants of Woamé (continuation).

After an exchange of views, *the Commission adopted the conclusions of M. Palacios's report (Annex 18).*

It decided, on M. PALACIOS' proposal, to annex to its Minutes the petition and the mandatory Power's observations thereon.

South West Africa : Petitions, dated March 29th and April 5th, 1933, from Certain Members of the Rehoboth Community (continuation).

Mlle. DANNEVIG directed the Commission's attention to the following passage in her report :

“ If that is not the case, I suppose the burghers will still have the opportunity of availing themselves of the Administrator's promise.”

She said that she had inserted that phrase in order to give the Rehoboths the possibility of having their titles re-examined.

After an exchange of views, *the Commission adopted the conclusions of Mlle. Dannevig's report (Annex 19).*

Palestine : Petition, dated June 7th, 1934, from the “ Consistoire Central des Israélites en Bulgarie ”.

After an exchange of views, *the Commission adopted the conclusion of M. Orts' report (Annex 9).*

Palestine : Petition, dated April 30th, 1934, from M. A. Weinshal, President of the Central Committee of the Union of Zionists-Revisionists in Palestine.

After an exchange of views, *the Commission adopted the conclusions of M. Orts' report (Annex 6).*

Palestine : Petition, undated, from the General Council of Women Workers in Palestine.

After an exchange of views, *the Commission adopted the conclusions of M. Palacios' report (Annex 7).*

Mlle. DANNEVIG said that she was less optimistic than M. Palacios as regards the intentions of the mandatory Power.

Date of the Publication of the Report and of the Minutes of the Twenty-sixth Session of the Commission.

M. CATASTINI reminded the Commission that, under the regulations laid down by the Assembly for the Advisory Committees of the League, the reports and Minutes of those Committees were distributed simultaneously to the Members of the League and were published when forwarded to the Council in their printed form, unless the Committee concerned decided otherwise.

The Mandates Commission had therefore to decide whether it wished, with regard to the report and Minutes of the present session, to make any exception to that rule.

The Commission decided that it was not necessary to make any exception to the rule.

TWENTY-SECOND MEETING.

Held on Monday, November 12th, 1934, at 10.30 a.m.

Palestine : Petition, undated, from the “ Brit Kibbutz Galuiot ” (Union of Returning Exiles) in Palestine.

After an exchange of views, *the Commission adopted the conclusions of M. Orts' report (Annex 9).*

Palestine : Immigration Ordinance 1933.

On the proposal of M. RAPPARD, *the Commission decided to study, during its next session, the question of the compatibility of the “ 1933 Immigration Ordinance ” with Article 6 of the Palestine mandate.*

Palestine : Petition, dated February 28th, 1934, from the " Association syrienne arabe ", Paris.

QUESTION OF THE ATTITUDE OF THE COMMISSION IN VIEW OF CERTAIN THREATS ON THE PART OF THE PETITIONERS.

M. ORTS read his report, with the addition of a fourth paragraph referring to the passage in the petition where it was said that the Arabs would defend their existence " by all possible means ", and suggested that it might be advisable to mention this fact in the conclusion of his report which, in the draft before the Commission, read as follows :

" The Commission,

" Having examined the petition of February 28th, 1934, from the ' Association syrienne arabe ' of Paris and the mandatory Government's observations thereon :

" Considers that no special action need be taken by the Council in this matter."

Although the accredited representative of the mandatory Power had stated, during the examination of the report for 1933, that the Mandatory would answer for the maintenance of order in all circumstances, the Commission could not close its eyes to the fact that, having regard to the high feeling on both sides, the threats by the Arab petitioners and the Jewish fears of a pogrom, there was reason to fear that serious incidents might occur in the territory.

M. MERLIN suggested that M. Orts should merely word the fourth paragraph of his report more strongly. That would suffice for the information of the Council and mandatory Power, as the report would be appended in support of the conclusion submitted to the Council.

M. CATASTINI pointed out that only the conclusions adopted by the Commission in regard to petitions appeared in the Commission's report to the Council. The text of the reports on the petitions was merely annexed to the Minutes.

M. RAPPARD, while admitting that the mandatory Power had perhaps not exceeded the normal time-limit for the transmission of the petition and of its own observations, considered that the Commission ought to have been able to examine at its June session the petition dated February 28th of the same year. The practice of examining petitions in the absence of the accredited representative would ultimately render the benefit of the right of petition—slender enough in any case—wholly illusory. He suggested that the following addition be made to the conclusion of M. Orts's report :

" The Commission, having examined . . . thinks it desirable to draw the Council's attention to the state of mind which this petition reveals and considers that no other action need be taken thereon."

COUNT DE PENHA GARCIA pointed out that the Arab authors of the petition were resident, not in the territory, but in Paris. Could the Commission go so far as to say that the state of mind of the Arabs of Palestine was the same as that of the petitioners living outside the territory? In his opinion, the wisest course would be to draw attention to the fact in the exposition of the case—that was to say, in M. Orts's report itself. That would suffice to show the Commission's concern. It should not be forgotten that the accredited representative had stated that the mandatory Power guaranteed its ability to maintain order.

M. RAPPARD failed to see how the Commission could effectively make known its views unless they were expressed in the conclusion which alone was brought to the notice of the Council and consequently of the mandatory Power. It might be true that these threats came from Arabs outside the territory, but, on several occasions, they had already been partially carried out and they were in consonance with the Commission's information from other sources. The Commission must discharge its duties in the matter, and not miss any opportunity of drawing attention to a danger which appeared to it to be a very real one.

Mlle. DANNEVIG reminded her colleagues that there had already been several pogroms, so that the Commission was justified in calling the Council's attention to a possible danger.

COUNT DE PENHA GARCIA thought that, if the Rapporteur on the Arab petition had felt that he must draw attention to the threat implicit in that petition, it would have been well to make some reference to the apprehensions of the Jews in Palestine in the report on the Jewish petition previously examined.

M. RAPPARD replied that the case was not the same : a petition was a means by which the petitioner could complain of injustice suffered by him, whereas the threats preferred by the Arab petitioners were equivalent to an announcement that it was their intention to commit illegalities themselves.

M. MERLIN would have been inclined to agree with Count de Penha Garcia, were it not for the fact that, if reference were made to the Commission's concern only in the body of M. Orts' report, it would never come to the Council's notice. He therefore considered that, to avoid laying itself open to the reproach of having left the Council in ignorance of a potentially serious situation, the Commission's wisest course would be to adopt M. Rappard's proposed addition to the conclusion.

COUNT DE PENHA GARCIA thought that, by adopting this proposal, the Commission would lay itself open to observations before the Council on the part of the mandatory Power : either the latter would fail to take note of the allusion or else the representative of the mandatory Power would protest. If, nevertheless, the Commission wished to include a reference to the Arab threats in its conclusions, it must censure them categorically and not confine itself to drawing the Council's attention to what it regards as a dangerous state of mind.

M. RAPPARD suggested the following addition to his draft amendment :

“ . . . thinks it desirable to draw the Council's attention to the *dangerous* state of mind which this petition reveals, etc.”

COUNT DE PENHA GARCIA maintained that, if the Commission really believed that this state of mind was such as to give grounds for alarm, it should draw attention not merely to its disturbing but also to its reprehensible side.

M. MERLIN preferred the text originally suggested by M. Rappard.

After an exchange of views on the wording of the addition proposed by M. Rappard, COUNT DE PENHA GARCIA said he maintained the view that the Arab petition was not such as to justify alarm, the expression to which attention had been drawn being vague. If, however, his colleagues thought it their duty to refer to it in the conclusion of the report, attention should merely be drawn to the state of mind revealed by the Arab petition without comment of any kind ; in that way a criticism of the petitioners would be implied, but nothing else.

M. ORTS concurred in this view. The Council would itself realise the dangers inherent in such a state of mind.

The Commission approved the conclusion of M. Orts' report, with the addition originally proposed by M. Rappard (Annex 5).

Syria and Lebanon : Petition, dated September 1st, 1933, from Dr. A. Keyali, Aleppo (continuation).

After an exchange of views, *the Commission adopted the conclusions of Count de Penha Garcia's report (Annex 10).*

Examination of the Draft Report to the Council.

After an exchange of views, *the Commission decided that the question on the situation of women should not be made the subject of a general observation, but of an observation on the administration of the territories under B mandate examined in the course of the session—that was to say, Togoland and Cameroons under French and British mandate and Ruanda-Urundi.*

It adopted the draft report to the Council on the work of the twenty-sixth session (Annex 20).

Adoption of the List of Annexes to the Minutes of the Session.

The list of annexes was adopted.

Close of the Session.

In the absence of the Marquis Theodoli, M. ORTS thanked his colleagues and the Secretariat.

M. PALACIOS desired to recall, before the session closed, that it had previously been M. Van Rees who had thanked the Chairman and seconded his kind words regarding the collaboration of the Secretariat. In assuming that duty on the present occasion, M. Palacios desired very sincerely, and with the certainty that, by doing so, he was interpreting the feeling of all his colleagues, to pay a further tribute to the distinguished member whom the Commission had just lost.

The CHAIRMAN declared the session closed.

ANNEX I.

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. | E. Togoland under French Mandate. |
| B. Cameroons under French Mandate. | F. Islands under Japanese Mandate. |
| C. Ruanda-Urundi. | G. Western Samoa. |
| D. Togoland under British Mandate. | H. South West Africa. |

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 1933.
2. Supplement to the Laws of Nigeria, 1933.
3. Orders and Orders-in-Council, Nos. 22-28, 34-51 of 1933, 1-43 of 1934.
4. Ordinances, Nos. 35-65 of 1933, 1-11 of 1934.
5. Rules of Courts (Supreme Court, High Court, Protectorates Courts ordinances), Nos. 4 of 1933, 1-5 of 1934.
6. Regulations, Nos. 22-23, 38-50 of 1933, 1-16 of 1934.
7. Rules, Nos. 11-12 of 1933, 1-6 of 1934.
8. Bye-laws, Nos. 3-4 of 1933, 1-3 of 1934.
9. Resolutions and Orders, Nos. 2 of 1933, 1 of 1934.
10. Table of Amendments which should be made in the 1933 Supplement to the Laws of Nigeria.
11. Table of Amendments which should be made in the Laws of Nigeria and the 1933 Supplement in consequence of Legislation published :
During April, May and June 1933 ;
During July, August and September 1933 ;
During October, November and December 1933.
12. Legislative Council Debates² :
Eleventh Session, 1933 :
(March 6th, 8th, 9th and 10th, 1933) ;
(July 10th, 1933) ;
(October 30th and 31st and November 2nd, 1933) ;
Twelfth Session, 1934 :
(February 5th and 8th, 1934) ;
(June 12th, 1934).

Various Official Publications.

The Nigeria Gazette.²

¹ (a) Documents received by the Secretariat primarily for the use of any of the technical organisations (e.g., Advisory Committee on Traffic in Opium and Other Dangerous Drugs) or other Sections of the Secretariat (e.g., Treaty Registration) are not included in this list. Unless otherwise indicated, the members of the Permanent Mandates Commission should have received copies of all the documents mentioned in this list.

The annual reports and copies of laws, etc., are available only in the language in which they have been published by the mandatory Powers.

The communications forwarded in reply to the observations of the Permanent Mandates Commission and certain other documents have been translated by the Secretariat and are available in both official languages. The titles of these documents are followed by the official number under which they have been circulated.

(b) The petitions forwarded by the mandatory Powers, together with their observations on those petitions and on the petitions communicated to them by the Chairman of the Permanent Mandates Commission in accordance with the Rules of Procedure in force, are not mentioned in the present list. These documents are enumerated in the agenda of the Commission's session.

² Kept in the archives of the Secretariat.

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 1933 (Legislation annexed hereto).

Various Official Publications.

1. Special Budget and Annexed Budgets. Closed account of revenue and expenditure :
Special Budget.
Annexed Budget for Public Health.
Railways Operation Budget (annexed to the Special Budget).
Financial Year 1931.
Financial Year 1932.
2. Budget of Large-scale Works and Sanitary Expenditure from Loan Funds. Closed Account. Financial Year 1931.
3. Budget of Income and Expenditure :
Special Budget.
Railways Operation Budget (annexed to the Special Budget).
Financial Year 1934.
4. Rectifications to the Special Budget of the Cameroons. Financial Year 1934.
5. Special Budget of Large-scale Works and Sanitary Expenditure from Loan Funds. Financial Year 1934.
6. Special Budget of Large-scale Works and Sanitary Expenditure from Loan Funds. Closed Account. Financial Year 1932.
7. Official Gazette of the Cameroons Territory.¹

C. RUANDA-URUNDI.

Annual Report and Legislation.

Report by the Belgian Government to the Council of the League of Nations on the Administration of Ruanda-Urundi during 1933 (Legislation annexed hereto).

Various Official Publications.

- Official Bulletin of Ruanda-Urundi.¹

D. TOGOLAND UNDER BRITISH MANDATE.

Annual Report and Legislation.

1. Report by His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland to the Council of the League of Nations on the Administration of Togoland under British Mandate for the Year 1933.
2. Legislative Council Debates : First, Second and Third Session, 1934.¹
3. Ordinances of the Gold Coast, Ashanti, Northern Territories and Togoland under British Mandate, 1933.

Various Official Publications.

1. Departmental Reports of the Gold Coast Colony for the Year 1931-32, containing :
Annual General Report,
Agriculture,
Animal Health,
Audit,
Births and Deaths,
Education,
Geological Survey,
Medical,
Mines,
Police,
Railways,
Survey,
Treasury.
2. The Gold Coast Gazette.¹

¹ Kept in the archives of the Secretariat.

E. TOGOLAND UNDER FRENCH MANDATE.

Annual Report and Legislation.

Annual Report by the French Government to the Council of the League of Nations on the Administration under Mandate of the Territory of Togoland for the Year 1933 (Legislation annexed hereto).

Various Official Publications.

1. Local Budget.
Annexed Budget of Public Health and Native Medical Assistance.
Annexed Budget for Railways Operation and Wharves.
Annexed Budget from Loan Funds :
 Financial Year 1932.¹
 Financial Year 1933.
2. Final Accounts of the Local Budget and Annexed Budget :
 Financial Year 1932.
3. Official Gazette of the Territory of Togoland under French Mandate.¹

F. ISLANDS UNDER JAPANESE MANDATE.

Annual Report and Legislation.

Annual Report to the League of Nations on the Administration of the South Sea Islands under Japanese Mandate for the Year 1933 (Legislation annexed).

G. WESTERN SAMOA.

Annual Report and Legislation.

1. Fourteenth Report of the Government of New Zealand on the Administration of the Mandated Territory of Western Samoa for the Year ended March 31st, 1934.
2. The Samoa Publications Order, 1933.

Various Official Publications.

1. Return of the Trade, Commerce, and Shipping of the Territory of Western Samoa for the Calendar Year 1933.
2. Estimates of Revenue and Expenditure for the Year 1934-35.
3. Samoan Treasury Accounts 1933-34. Statements of separate accounts for year ended March 31st, 1934. Chinese Department.²
4. The Western Samoa Gazette.

H. 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 1933.
2. The Laws of South West Africa :
 1932,
 1933.

Various Official Publications.

1. Farm Area Map of South West Africa, 1 : 800,000, latest edition, 1930, three sheets.¹
2. Windhoek Sheet of the 1 : 1,000,000 map ; 1929 (South F.33).¹
3. Topographical Series Map of South West Africa, 1 : 500,000, 1925-27, sheets E-33, 5 ; E-34, 4 ; F-34, 1 ; F-33, 5 ; G-33, 2 ; G-34, 1 ; G-33, 5 ; G-33, 6 ; G-34, 4 ; H-33, 2-3 ; H-34, 4.¹

¹ Kept in the archives of the Secretariat.

² This document was handed in by the accredited representative on November 7th, 1934. It is kept in the archives of the Secretariat.

4. Accounts of the Administration of South West Africa for the Financial Year 1932-33, together with the Report of the Controller and Auditor-General thereon.
5. Estimates of the Revenue to be collected and of the Expenditure to be defrayed from Revenue and Loan Funds during the Year ending March 31st, 1935.
6. Report of the Board of Management of the Land and Agricultural Bank of South West Africa for the Year ended December 31st, 1933.
7. Official Gazette of South West Africa.¹

C.P.M.1561(1).

ANNEX 2.

AGENDA OF THE TWENTY-SIXTH SESSION OF THE PERMANENT
MANDATES COMMISSION.

I. Opening of the Session.

II. Examination of the Annual Reports of the Mandatory Powers :

Cameroons under French mandate, 1933.
Cameroons under British mandate, 1933.
Togoland under French mandate, 1933.
Togoland under British mandate, 1933.
Ruanda-Urundi, 1933.
South West Africa, 1933.
Western Samoa, 1933-34.
Islands under Japanese mandate, 1933.

III. Petitions.

A. Petitions rejected by the Chairman as not deserving the Commission's attention :
Report by the Chairman (document C.P.M.1574).

B. Petitions to be examined :

1. Palestine.

- (a) Petition, dated February 28th, 1934, from the " Association syrienne arabe de Paris " (document C.P.M.1501).
Observations of the United Kingdom Government dated September 6th, 1934 (document C.P.M.1556).
(Rapporteur : M. Orts.)
- (b) Petition, dated April 30th, 1934, from M. A. Weinshal, President of the Central Committee of the Union of Zionists-Revisionists in Palestine, Haifa, forwarded on June 14th, 1934, by the United Kingdom Government, with its observations (document C.P.M.1550).
(Rapporteur : M. Orts.)
- (c) Petition, undated, from the General Council of Women Workers in Palestine, forwarded on June 1st, 1934, by the United Kingdom Government, with its observations (document C.P.M.1522).
(Rapporteur : M. Palacios.)
- (d) Petition, undated, from the " Brit Kibbutz Galuiot " (Union of Returning Exiles) in Palestine, forwarded on June 22nd, 1934, by the United Kingdom Government, with its observations (document C.P.M.1551).
(Rapporteur : M. Orts.)
- (e) Petition, dated June 7th, 1934, from the " Consistoire central des Israélites en Bulgarie ", Sofia (document C.P.M.1554).
Observations of the United Kingdom Government dated October 11th, 1934 (document C.P.M.1565).
(Rapporteur : M. Orts.)

¹ Kept in the archives of the Secretariat.

2. Syria and Lebanon.

- (a) Petition, dated September 1st, 1933, from Dr. A. Keyali, Aleppo, forwarded on October 19th, 1933, by the French Government (document C.P.M. 1521).

Observations of the French Government dated October 25th, 1934 (document C.P.M.1571).

(Rapporteur : Count de Penha Garcia.)

- (b) Petition, dated June 1933, from M. Nassir, M. Amdi ez Zeini and other inhabitants of Tripoli el Mina, forwarded on May 31st, 1934, by the French Government, with its observations (document C.P.M.1524).

(Rapporteur : M. Rappard.)

- (c) Petitions (seventeen in number), dated November and December 1933, from inhabitants of Beirut, Tripoli and Saïda, forwarded on May 31st, 1934, by the French Government, with its observations (document C.P.M.1527).

(Rapporteur : M. Rappard.)

- (d) Petitions, dated May 6th, 1934, from M. Avuallah El Djabri, "Président de la Ligue syrienne des Droits de l'Homme", Geneva (document C.P.M.1552).

Observations of the French Government dated September 27th, 1934 (document C.P.M.1560).

(Rapporteur : M. Rappard.)

- (e) Petitions, five in number, consisting of four telegrams from inhabitants of Latakia, Homs, Damascus and Hama, and of a letter, dated June 27th, 1934, from M. Abdel Kader Sarmini, Aleppo, forwarded on August 24th, 1934, by the French Government, with its observations (document C.P.M.1555).

(Rapporteur : M. Palacios.)

- (f) Petitions (six in number), relating to a decree dated April 30th, 1934, of the High Commissioner, forwarded on September 13th, 1934, by the French Government, with its observations (document C.P.M.1557).¹

(Rapporteur : Count de Penha Garcia.)

- (g) Petition, dated May 7th, 1934, from M. Sami Slim, forwarded on May 29th, 1934, by the French Government, with its observations (document C.P.M.1525).

(Rapporteur : M. Rappard.)

- (h) Petition, dated May 20th, 1934, from M. Georges Akl, advocate, Beirut, forwarded on October 4th, 1934, by the French Government, with its observations (document C.P.M.1562).

(Rapporteur : Count de Penha Garcia.)

- (i) Petitions from M. Gebran Antoine Abou Samah, Beirut, forwarded on October 15th, 1934, by the French Government, with its observations (document C.P.M.1566).

(Rapporteur : M. Sakenobe.)

3. Togoland under British mandate.

Petition, dated April 4th, 1933, from the Chief and inhabitants of Woamé (Togoland under French mandate) (document C.P.M.1386).

Observations of the United Kingdom Government, dated February 22nd, 1934 (document C.P.M.1494).

(Rapporteur : M. Palacios.)

4. South West Africa.

Petitions, dated March 29th and April 5th, 1933, from certain members of the Rehoboth Community, forwarded on August 19th, 1933, by the Government of the Union of South Africa, with its observations (document C.P.M.1436).

(Rapporteur : Mlle. Dannevig.)

¹ The examination of these petitions has been postponed to the twenty-seventh session of the Commission (see Minutes, page 168).

ANNEX 3.

SOUTH WEST AFRICA.

PETITIONS OF MR. W. EICHHOFF : LETTER, DATED AUGUST 15TH, 1934, FROM THE GOVERNMENT OF THE UNION OF SOUTH AFRICA TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS REGARDING CERTAIN QUESTIONS RAISED BY THE PERMANENT MANDATES COMMISSION AT ITS TWENTY-FOURTH SESSION IN CONNECTION WITH THESE PETITIONS.

Pretoria, August 15th, 1934.

With reference to your letter No. 6A/8053/761, of February 7th last, regarding the conclusions reached by the Permanent Mandates Commission on the petitions of Mr. W. Eichhoff,¹ I have the honour to state that, during the recent drought, when it became necessary to find grazing for a large number of native stock from the Waterberg Reserve, grazing was hired from Mr. Eichhoff to assist him in paying off his debts to the South West African Administration. Under this arrangement he received some £700.

There appears to be no justification to purchase the farm on behalf of the natives, for, if additional land is required, there are large areas of public land to the east of the Waterberg Reserve which can be utilised for this purpose without necessitating the purchase of Mr. Eichhoff's farm, for which, it is understood, he requires a sum far in excess of its estimated value.

(Signed) J. B. M. HERTZOG,
Minister of External Affairs.

C.P.M.1574.

ANNEX 4.

PETITIONS REJECTED IN VIRTUE OF ARTICLE 3 OF THE RULES OF PROCEDURE IN RESPECT OF PETITIONS.

REPORT BY THE CHAIRMAN.

In accordance with the terms of Article 3 of the Rules of Procedure, I have the honour to submit the following report on the petitions received since our last ordinary session which I have not regarded as claiming the Commission's attention :

I. PALESTINE.

Petitions relating to Jewish immigration into Palestine from :

1. M. Semtov Allalouf, Chairman of the « Congrès de la Fédération sioniste de Grèce », Salonika : letter, dated June 5th, 1934, transmitting the text of a resolution adopted by that Congress.

2. " Landesverband der Zionisten-Revisionisten für Oesterreich ", Vienna : letter dated June 5th, 1934.

3. Chairman of the Jewish Community of Ostroviec, Poland : telegram dated June 5th, 1934.

4. M. Landau and M. Fischlowitz, on behalf of the Jewish Community of Cracow, Poland : telegram dated June 10th, 1934.

5. M. Sabas Chahuan, Chairman, and M. Ahues, Secretary, of the " Comité arabe pour la défense des droits nationaux des Palestiniens ", Santiago de Chile : telegram dated November 1st, 1934.

Certain of the protests contained in these petitions relate to facts and questions dealt with in petitions which are pending and do not contain any new information of importance (Nos. 1, 2, 3 and 4).

The petition mentioned under No. 5 contains complaints which are incompatible with the provisions of the mandate for Palestine.

¹ See Minutes of the Twenty-fourth Session of the Commission (document C.619.M.292.1933.VI), page 139.

II. SYRIA AND LEBANON.

1. *Two identical telegrams, dated June 9th, 1934, from the "Ligue syrienne des Droits de l'Homme", Geneva, one addressed to the Mandates Commission and the other to the President of the Council.*
2. *Two identical telegrams, dated June 9th, 1934, from the "Association des Etudiants arabes de Genève", one addressed to the Mandates Commission and the other to the President of the Council.*

These communications deal with the Aleppo incidents. They contain no definite details and the language is, moreover, unnecessarily violent.

3. *Petitions, dated May 22nd, June 11th and 24th, 1934, from M. Louis Ghaleb, Leskovatz.*

The author of these communications, who is of Lebanese origin, asks for compensation in respect of losses which he professes to have incurred in Serbia during the war. On the one hand, so far as the substance of the petition is concerned, he merely reproduces, without contributing any new information, the claims he has previously made to the League, regarding which the Mandates Commission, at its thirteenth session, declared itself incompetent; on the other hand, he repeats the complaints contained in the petitions which I decided to reject in June and November 1933¹ and May 1934².

III. SOUTH WEST AFRICA.

Petitions, dated July 9th and September 28th, 1934, from M. E. J. E. Lange, and petition, dated September 28th, 1934, from Mme. G. M. H. Lange, Capetown.

These communications deal in part with questions outside the Commission's province and in part with matters covered by previous petitions and contain no new information of importance on those matters.

ANNEX 5.

C.P.M.1581(1).

PALESTINE.

PETITION, DATED FEBRUARY 28TH, 1934, FROM THE "ASSOCIATION SYRIENNE ARABE", PARIS.

REPORT BY M. ORTS.

This petition regarding the situation in Palestine, which was addressed to the Chairman of the Mandates Commission, was submitted by him to the mandatory Power, which sent its observations in a note dated September 6th, 1934.

The points raised in this document are the following :

1. Jewish immigration into Palestine is alleged to be insufficiently regulated and too widely authorised by the British authorities and to create grave unrest and a dangerous threat to the existence of the "inhabitants of the country"—in other words, the Arabs.

2. The latter engaged in "peaceful demonstrations" to protest against this state of affairs, which demonstrations are alleged to have been put down by the police in a brutal and sanguinary manner.

3. Lastly, the petitioners state that the official responsible for this violence was the Deputy Superintendent of Police.

In conclusion, they solicit the intervention of the Mandates Commission for the twofold purpose of putting an end to Jewish immigration and of securing for Palestine a status similar to that of Iraq—*i.e.*, full independence.

* * *

In its note, the Government of the mandatory Power replies to each of the points advanced by the petitioners.

* * *

¹ See Minutes of the Twenty-Third Session of the Commission, page 166, and of the Twenty-Fourth Session, page 114.

² See Minutes of the Twenty-Fifth Session of the Commission, page 130.

The petition in question calls for the following observations :

1. When examining the annual reports on the administration of Palestine, the Mandates Commission has constantly endeavoured to determine whether the Jewish immigration, while satisfying the recommendation expressed in the mandate as regards the creation of a Jewish National Home in Palestine, did not prejudice—to use the terms of the mandate—“the rights and position of other sections of the population”. The Commission will remember that it received full satisfaction in this connection from the mandatory Power.

At its twenty-fifth session¹ in particular, it received an assurance from the representative of the mandatory Power that effective measures had been taken to prevent the clandestine immigration to which the petitioners alluded and which was a ground for complaint on the part of both Jews and Arabs.

For the rest, the policy pursued by the mandatory Power as regards immigration did not call for any criticism on the part of the Commission.

2. The second point raised by the petitioners apparently concerns the incidents which occurred at Jerusalem and Jaffa in October and November 1933. The circumstances of these incidents were described in the mandatory Power's report on the administration of Palestine in 1933, and supplementary explanations were given by the accredited representative at the Commission's twenty-fifth session (see Minutes, pages 19 and 20).

The latter's attention was particularly directed to the report on the enquiry concerning the Jaffa riots, to which the petitioners no doubt allude in speaking of “demonstrations put down in a sanguinary manner”. This enquiry brought out the share of responsibility incurred by the Arab Executive Committee in these regrettable occurrences; it also proved that no reproach could validly be levelled against the responsible authorities in regard to the measures taken by them for the restoration of order.

3. The same observation appears to apply to the police officer named by the petitioners, whose conduct during the disturbances elicited the praise of the Commission of Enquiry. It is true that soon afterwards he so far forgot himself as to strike a demonstrator arrested during the riots, an act for which disciplinary punishment was inflicted on him.

4. There is one sentence in the petition to which the mandatory Power's attention should, we think, be specially directed: “As they have no means of redress, the Palestine Arabs are obliged to defend their existence as best they can”. This is not the first time that petitions from an Arab source have contained similar threats to regulate the situation in Palestine in accordance with their own desires—if necessary by violence.

In view of the foregoing considerations, I would recommend that the Commission adopt the following conclusion :

“The Commission, having examined the petition of February 28th, 1934, from the ‘Association syrienne arabe’ of Paris, and the mandatory Government's observations thereon, considers that the Council's attention should be drawn to the state of mind revealed by this petition, and decides to take no other action in the matter.”

C.P.M.1582(1).

ANNEX 6.

PALESTINE.

PETITION, DATED APRIL 30TH, 1934, FROM MR. A. WEINSHAL, PRESIDENT OF THE CENTRAL COMMITTEE OF THE UNION OF ZIONISTS-REVISIONISTS IN PALESTINE, HAIFA.

REPORT BY M. ORTS.

This petition, addressed to the Secretary-General of the League of Nations through the High Commissioner for Palestine, was transmitted to the Secretary-General on June 14th, 1934, by the mandatory Power, with a covering letter containing its observations.

* * *

The petition is presented in the form of a printed pamphlet of 21 pages, written in English, which sets forth at length considerations intended to justify the title of the document—namely, “The Meaning of the Mandate: The Creation of a Jewish State”.

¹ See Minutes of the Twenty-fifth Session of the Commission, pages 26-28.

The petition concludes with an appeal to the Permanent Mandates Commission with a view to obtaining its intervention in favour of a "radical revision of the principles of administration of Palestine" in the sense of raising the restrictions on Jewish immigration with the object of gradually forming a Jewish majority in Palestine as a preliminary to the creation of a Jewish State, which, in the petitioner's view, is the ultimate aim of the mandate. This Jewish State, as conceived by the petitioner, would, it appears, include Transjordan.

The mandatory Government in its observations points out that this petition is based on a conception of the obligations arising out of the mandate which differs widely from the conception held by the mandatory Power itself and approved by the League of Nations. This general observation, the mandatory Government adds, dispenses it from offering detailed comments on the various proposals and criticisms contained in the petition.

* * *

The justice of the above observation is unquestionable. Indeed, the petitioner's view as to the scope of the Palestinian mandate is in contradiction with the interpretation which the Commission itself placed upon that document, in particular in its report on the seventeenth session, and which was approved by the Council.

For this reason, your rapporteur thinks that he also need not examine the various points raised in the petition. There is one point, however, which claimed his special attention because it reflects a fairly widespread anxiety—namely, the remarks on the danger which threatens the Jewish population of Palestine on account of the slight confidence which can be placed in a police force 60 per cent of which is recruited among the Arab population, and of the weakness of the British garrison.

In this connection, your rapporteur would remind you that, during our twenty-fifth session (see Minutes, page 22), the accredited representative of the mandatory Power for Palestine formally stated that the mandatory authority answered for the maintenance of order in any eventuality with the means at its disposal.

Should the Commission agree with the above considerations, I would propose that it adopt the following conclusion :

"The Commission, having examined a petition, dated April 30th, 1934, from Mr. A. Weinshal, President of the Central Committee of the Union of Zionists-Revisionists in Palestine, together with the observations thereon by the mandatory Power, considers that this petition does not fulfil the conditions of admissibility, since it raises claims which are incompatible with the mandate for Palestine."

ANNEX 7.

C.P.M.1585(1).

PALESTINE.

PETITION, UNDATED, FROM THE GENERAL COUNCIL OF WOMEN WORKERS
IN PALESTINE.

REPORT BY M. PALACIOS.

The General Council of Women Workers of the General Federation of Jewish Labour in Erez-Israel (Palestine), which states that it is speaking on behalf of 20,000 Jewish working-women, protests against the provisions of the Municipal Corporation's Ordinance of January 12th, 1934, which deny the female population in the towns of Palestine (with the exception of Tel-Aviv) the suffrage in municipal elections. The petitioners do not consider the fact that there is in the towns of Palestine a great number of ignorant and illiterate Arab women as sufficient ground for this discrimination. As there is a great number of illiterates among the Arab men as well, they assert that they are deprived of votes solely because they are women and that this is indefensible since suffrage and the exercise of civic duties prompt and stimulate education among the people. The Jewish women, who have always enjoyed full equality in the Jewish community and who work side by side with the men in all fields of activity—in colonisation, agriculture, building, manufacture and industry, as well as in the sphere of education and literature—feel that they possess sufficient qualifications to claim this right of suffrage, which they state they have conquered by means of persistent efforts and at the cost of great sacrifices. Women constitute 50 per cent of the membership of the Jewish Federation of Labour. They conclude that the Ordinance is humiliating to the women of Palestine and deprives the municipalities of their valuable co-operation.

The protest was transmitted to the League of Nations by the mandatory Power in a letter dated June 1st, 1934. The mandatory Power confirms that the Ordinance as finally enacted contains the provisions mentioned by the petitioners. But it adds: "This Ordinance also provides, however, that the High Commissioner may vary any of the qualifications of municipal voters if he is requested to do so by a resolution of a council of any municipal corporation passed by a majority of not less than two-thirds of the total number of councillors".

The door of the polling-booth is therefore not entirely closed to women, even outside Tel-Aviv. If they win over public opinion to their side, they will gradually succeed without any doubt in securing the change for which they are making such splendid efforts. At least, that is how I interpret the communication of the United Kingdom Government in reply to the protest.

For this reason and recalling the fate of another similar petition from the International Alliance of Women for Suffrage and Equal Citizenship (Minutes of the Twenty-third Session of the Commission, pages 167 and 192) at a time when the Ordinance in question was still in the draft stage, I do not consider that any action should be taken on this protest.

I therefore propose the adoption of the following resolution :

"The Commission, having examined the petition, undated, of the General Council of Women Workers in Palestine and the mandatory Power's observations thereon, does not consider that any action should be taken on this petition."

C.P.M.1586(1).

ANNEX 8.

PALESTINE.

PETITION, UNDATED, FROM THE "BRIT KIBBUTZ GALUIOT"
(UNION OF RETURNING EXILES) IN PALESTINE.

REPORT BY M. ORTS.

This undated petition, addressed to the Mandates Commission, was forwarded to the League on June 22nd, 1934, by the mandatory Government for Palestine, accompanied by a memorandum containing its observations thereon.

* * *

The petition refers to the Immigration Ordinance of 1933, which the petitioners assert to be contrary to the provisions of Article 6 of the Palestine mandate. Under this article, the Palestine Administration, while ensuring that the rights and position of other sections of the population are not prejudiced, must "facilitate Jewish immigration" and "encourage close settlement by Jews on the land".

The reasons which they put forward in support of their assertion may be summarised as follows :

1. The obligations contracted by the mandatory Power in virtue of Article 6 of the mandate imply that Jewish immigrants should have the benefit of certain facilities before other immigrants.

The Immigration Ordinance of 1933, however, does not grant Jewish immigrants any facilities of this kind.

2. On the contrary, Article 4 of the same Ordinance gives special facilities to another class of immigrants—namely, persons habitually resident in Transjordan. The latter are authorised to enter Palestine from Transjordan without passports or other similar papers.

3. This provision opens, in practice, the gates of Palestine to the Arabs who are subjects of all the adjacent territories—Syria, Iraq, and Arabia—regardless of the "rights and position of the other sections of the population" of Palestine, so that this latter clause of the mandate is only invoked to restrict Jewish immigration.

4. In conclusion, the petitioners appeal to the Mandates Commission to draw the attention of the Government of Palestine to the contradiction between the Immigration Ordinance of 1933 and the provisions of the mandate prescribing that Jewish immigration to Palestine should be "facilitated".

* * *

In its observations on the petition, the mandatory Government points out :

That the Ordinance complained of does not introduce any change in the policy set out in its annual reports to the League of Nations ;

That the 1931 census showed that at that time there were in Palestine only 3,661 persons who declared Transjordan as their birthplace and that there is no reason to suppose that this situation has changed ;

That Transjordanians who are found in Palestine as having settled without permission are dealt with in the same way as other illegal settlers ; and

That the influx of Arab workers from Syria has not assumed the proportions ascribed to it in Jewish circles.

Lastly, the mandatory Government observes that it has introduced measures to control more effectively the entry from Syria of illicit Arab and Jewish immigrants through the northern and eastern land frontiers.

* * *

It may perhaps be remarked that the last statement is somewhat in contradiction with the previous assertions. One cannot help thinking that, if there had been no abuses, the mandatory authority would not have thought it necessary to strengthen the supervision of the land frontiers, across which, according to the petitioners, illegal Arab immigration takes place.

However this may be, it may be hoped that the stricter control organised on those frontiers will put an end to all illegal immigration on any serious scale, and thus provide an answer to the complaints which are constantly being made in this connection both by the Arabs and by the Jews.

Accordingly, your rapporteur, believing that the specific object of the petition has lost its cogency, considers that no useful purpose would be served by discussing it unless further complaints are made asserting the ineffectiveness of the new measures of control adopted by the mandatory Power.

As regards the assertion contained in the analysis of this petition given above, your rapporteur considers that the Commission might take an early opportunity of examining it in the presence of the accredited representative of the mandatory Power.

* * *

If the Commission agrees with my remarks, I propose that it adopt the following conclusions :

“ The Commission, having examined the undated petition from the “ Brit Kibbutz Galuiot ” (Union of Returning Exiles) in Palestine, and the mandatory Power’s observations thereon, considers that in the present circumstances no special recommendation need be made to the Council with regard to the petition.”

ANNEX 9.

C.P.M.1594(I).

PALESTINE.

PETITION, DATED JUNE 7TH, 1934, FROM THE “ CONSISTOIRE CENTRAL DES ISRAÉLITES EN BULGARIE ”, SOFIA.

REPORT BY M. ORTS.

This petition is in the form of a letter from the “ Consistoire central des Israélites en Bulgarie ”, dated Sofia, June 7th, 1934, addressed to the Secretariat of the League of Nations, forwarding the text of a resolution voted by the Consistory.

It was transmitted to the mandatory Power, which sent a short communication in connection therewith.

* * *

The petitioner protests against the “ artificial restriction ” of Jewish immigration into Palestine—*i.e.*, the application of the rule under which the quota of Jewish immigrants admitted into Palestine is dependent on the economic absorptive capacity of the country as determined by the High Commissioner.

The petitioner asserts that this capacity is incorrectly estimated, Palestine’s economic needs being such as to require an infinitely greater influx of labour than that represented by the authorised immigration ; he also accuses the mandatory Power of encouraging the mass

invasion of Palestine by Arab workers from adjacent countries to the detriment of the Jewish people, which, owing to the "tragic situation" in which it is placed throughout the world, should more than ever be able to find a refuge in the National Home promised to it by the mandate.

* * *

The mandatory Government says that it has no observations to make on the petition except to state that Jewish immigration into Palestine continues to be regulated by the economic absorptive capacity of the country.

* * *

The criterion adopted by the mandatory Power for the issue of immigration permits has been approved by the Mandates Commission and has been so wisely applied by the High Commissioner to call for no observations from the Commission.

The latter has, moreover, received an assurance from the mandatory Power that measures have been taken to stop clandestine immigration across the land frontiers.¹

In these circumstances, I have the honour to propose that the Commission adopt the following conclusion :

"The Commission, having examined the petition, dated June 7th, 1934, from the 'Consistoire central des Israélites en Bulgarie', and the mandatory Power's note thereon, considers that the Council need not be asked to make any recommendation in connection with this petition."

C.P.M.1588(1).

ANNEX 10.

SYRIA AND LEBANON.

PETITION, DATED SEPTEMBER 1ST, 1933, FROM DR. A. KEYALI, ALEPPO.

REPORT BY COUNT DE PENHA GARCIA.

A petition from Dr. A. Keyali, dated September 1st, 1933, has been forwarded to the Permanent Mandates Commission. The mandatory Power's observations on this petition were sent on October 25th, 1934. The petition consists of a small volume of 197 pages with the following title :

"Reply to M. Ponsot, High Commissioner of the French Republic in Syria and Lebanon, with regard to his statements to the Permanent Mandates Commission of the League of Nations."

This work was written in consequence of a decision taken by the Syrian National Congress held at Aleppo on February 18th, 1933. In a short preface, Dr. Keyali, a former deputy to the Constituent Assembly and former member of the Constitutional Commission, defines the character of the volume thus : "This study is a work of defensive polemics and not of mere exposition."

The booklet contains an introduction explaining the reasons and purpose of the statement made by M. Ponsot, High Commissioner for Syria and Lebanon, to the Mandates Commission in 1932, and of its publication in Syria on February 5th, 1933, as well as the grounds for the anxiety which it aroused among the nationalists, who met in congress at Aleppo to discuss the High Commissioner's manifesto.

Chapter I deals with questions of sovereignty and unity and with the future treaty, but contests the mandate, asserting that it has never been accepted by Syria.

Chapter II reverts in greater detail to the question of Syrian unity and gives the history of the policy followed by the mandatory Power in the application of the mandate.

Chapter III gives an historical account of the promulgation of the constitutions of 1930 and of the elections of 1932.

Chapter IV criticises the economic work of the mandatory Power, accusing it of responsibility for the economic decline of the territory and of exploiting the territory to its own advantage.

In a conclusion covering several pages, Dr. Keyali summarises as follows what he considers to be the demands of the Syrians :

"They simply ask that they be given sovereignty in their own territory ; that the unity of their country be respected ; that a treaty be concluded fixing the reciprocal relations, rights, and obligations of France and Syria ; that all direct administration and all interference in the affairs of the country be stopped ; that a general amnesty be proclaimed for all exiles and all political prisoners ; that a national army be organised for the defence of the country ; that the Moslem community have its Wakfs restored to

¹ See Minutes of the Twenty-fifth Session of the Commission, pages 26-28.

it and that its autonomy be guaranteed, particularly the autonomy of the Hejaz railway ; that all denominational policy be abandoned ; that a campaign be undertaken against the modern social depravity made fashionable by the present regime ; that emigration be regulated in accordance with the country's needs ; that all public liberties be restored ; that all emergency decrees and all laws contrary to the spirit of the Constitution as drawn up by the Syrian Constituent Assembly be withdrawn ; that the national judicature be respected ; that an equitable and final settlement be made of the question of the public debt ; that care be taken to inculcate a sound education and principles in conformity with the national spirit, young people being taught their patriotic duties and privileges ; that Syria be admitted to the League of Nations ; in short, that all the legal and natural consequences be drawn from the political, economic, social, and moral circumstances of the country, in order to make Syria a self-reliant unit capable of worthily taking her place among advanced nations."

The desire of the Syrians for independence will readily be understood, but it is hardly by disputing the mandate itself, as Dr. Keyali does, that they will be most likely to achieve success.

The mandatory Power has studied this long petition, and divides its reply into two parts.

In the first, it points out that all that part of the petition concerning the history of the mandate has already given rise to numerous explanations on its part, both when the reports were examined and in connection with petitions. It therefore considers it unnecessary to revert thereto.

In the second part it says :

" On the other hand, the French Government considers it desirable to make observations on certain accusations of an economic nature put forward by the petitioner, relating to subjects which have not yet been examined at length by the Mandates Commission, particularly as regards companies with French capital operating in the territories under mandate."

There follow ten pages of information constituting a reply to the petitioner's assertions in the fourth chapter of his indictment.

The representative of the mandatory Power also supplied additional information when he was heard during the eighteenth meeting of our present session. It would take too long to repeat the petitioner's accusations and the mandatory Power's replies, which can be found in our documents.

An impartial examination of each case has led us to form the opinion that the charges made were exaggerated or inaccurate and that the mandatory Power has sufficiently explained the reasons for its acts.

In these circumstances, I do not think that any observation need be made to the Council on this petition.

I therefore propose that the Commission adopt the following conclusion :

" The Commission, having examined Dr. Keyali's petition dated September 1st, 1933, having taken cognisance of the mandatory Power's written observations thereon, and having received additional particulars regarding the various points touched upon in the petition from the accredited representative of the mandatory Power, considers that no special recommendations need be made to the Council on the subject of this petition."

C.P.M.1589.

ANNEX 11.

SYRIA AND LEBANON.

PETITION, DATED JUNE 1933, FROM M. NASSIR, M. AMDI EZ ZEINI, AND OTHER INHABITANTS OF TRIPOLI EL MINA.

REPORT BY M. RAPPARD.

This petition, which bears 400 signatures, is extremely brief. The signatories, who are inhabitants of Tripoli el Mina, merely claim the right to be incorporated in Syria.

As this claim is not based on any provision of the mandate and as, moreover, according to the written observations of the mandatory Power and the oral statements of its accredited representative,¹ the verification of the identity of the signatories reveals a considerable number of irregularities, I am of opinion that this petition should not be considered by the Commission.

I therefore propose to my colleagues to adopt the following resolution :

" The Commission considers that no action need be taken on the petition from M. Nassir, M. Amdî ez Zeini, and other inhabitants of Tripoli el Mina, transmitted by the French Government on May 31st, 1934, with its observations."

¹ See Minutes, page 153.

ANNEX 12.

SYRIA AND LEBANON.

PETITIONS (SEVENTEEN IN ALL),
DATED NOVEMBER AND DECEMBER 1933, FROM INHABITANTS
OF BEIRUT, TRIPOLI, AND SAÏDA.

(a) TEXT OF THE PETITIONS AND ANNEX.

*Translation*¹ of the Printed Form for Petitions addressed to the High Commissioner.

(The name of the town in which the signatures were to be collected was left blank.)

We the undersigned, inhabitants of the town of ² have taken cognisance of the report submitted to Your Excellency containing the decisions of the Syrian Littoral Congress held at Beirut on November 16th, 1933. Having ascertained that the said report expresses our desiderata, we send you the present *mazbata*³ in support of the report, and would ask you to forward a copy to the League of Nations.

We have the honour to be, etc.

List of the First Few Signatures at the Foot of Each of the Seventeen Copies of the Petition.

A. *Beirut.*

No. 1. *November 24th, 1933.* — Mohammed Hossein Hadra, Abd El-Kader Tabara (?), Ali Dunsî, Abd El-Hamid Ibrahim, Abd El-Hafid Ayyach, etc.

No. 2. *November 24th, 1933.* — Mohamed Chaki ; Saïd Chakir, Mahmoud Chakir, Mohamed Moustafa, Hossein Moustafa and Omar Es-Seyyid, all members of the Beidoun family ; Moukhtar Alaon-ed-Din ; El Hadj Youssouf Chalhoub, etc.

No. 3. *November 25th, 1933.* — The list is headed by property-owners and traders : Saad ed-Din, El-Khayyat, Izzé Khayyat, Moussa Ahmed Tabara, etc. Among the other signatories are Mahmoud Arabi, Mouhi ed-Din ibn Djemal ed-Din, Mohammed Khalid Zaïn, etc.

No. 4. *November 25th, 1933.* — Mohammed Djemal ed-Din, Abd Er-Rahman Sallam, Mouhi ed-Din Tabara, Abd Es-Salam Assali (?), Selim Faradj, Mohammed Zaïdan, Abd El Latif, Badran, etc.

No. 5. *November 25th, 1933.* — The list is headed by traders and property-owners : Mohammed Ammin, Adib El-Ladiki, Mohammed Es-Souli, Misbah Ech-Cheikh, Omar Nadja, etc. Others : Ali El-Djazzar, Hassan Abdallah, Mouhi ed-Din Sadiki, etc.

No. 6. *November 27th, 1933.* — Here, again, are the signatures of a good many traders, including : Mouhi ed-Din Kadoura, Abd El-Kerim Yamout, Fouad El-Hami, Saad ed-Din Ghazawi, Ramiz Er-Refai, etc. There are a few property-owners, such as : Mohammed Ali El-Habib. Others : Mohammed Es-Sabri, Djemil and Abd El-Kerim, El-Djarondi, etc.

No. 7. *November 27th, 1933.* — Ahmed Khabil Dimackia (?), Habib Kadawi, Abd El-Medjid Arabi, Amin Moustafa Alam ed-Din, Mohammed Barakat, Hassan Rachid Halabi, Osman Badran, etc.

No. 8. *December 4th, 1933.* — Signatures of Zaïdan, Omar and Mohammed Ali, members of the Bitar family ; of Khabil Choukri Aoun, Mohammed Bichara, Selim Yamout, Abd El-Hafid Halabi, Omar Yassin, etc.

No. 9. *December 4th, 1933.* — Signatures of Nour en-Nakib, Abd El-Latif Mohammed Djilani, Ali Ech-Cheikh, Djemil Faradj, Khabil El-Hosseïni, Mohammed Sélim Guilani, Nadj (?) Khayyat, etc.

No. 10. *December 10th, 1933.* — Signatures of Abd Er-Rahman Maghrebi, Abd Er Rahman Wasit, Mouhi ed-Din Bawwab, Abdon Mahmoud Youssouf, El-Hadj Mohammed Djilani, etc.

* * *

B. *Tripoli.*

No. 11. *Undated.* — This list is headed by the clergy, including the Imam and Professor of Theology, Seyyid Ibrahim Es-Senderoussi (?) El-Hosseïni ; the Superior of the Molévis Dervishes, Hossein El-Hosseïni (?) ; the Ulemas Ali Keramat and Mohammed Fonad Ziadé ;

¹ Note by the Secretariat of the League of Nations. — Translation of French translation forwarded by the French Government.

² Beirut, Tripoli, or Saïda.

³ Decision.

the preacher Munir, the divines Mohammed Saïd el Bekri and Mohammed Tadj ed-Din, etc. A barrister signs illegibly. A few property-owners : Mouhi ed-Din Nadzi, Abdallah Hanza, Mohammed Djewoa, etc.

No. 12. *November 25th*, 1933. — Other members of the clergy : Mohamed Saïd El-Bekri, Abd El-Kader Ma Cha Allah, Abd El-Wahhab . . . Mohammed Saïd . . . etc. Miscellaneous signatures : El-Hadj Abd El-Kader Er-Refai, Abd El-Kader Sooud, Moustafa Idris, Rachid Ziadé, Ibrahim El Baroudi, etc.

No. 13. *November 26th*, 1933. — Various signatures : Soubhi El-Baba, Aman As Saba, Zéki Kérim, Abd Es Salam Feltal, Moustafa Zekour, Kamil Mohammed Ali, Abd El-Catif, Salih, etc.

No. 14. *December 1933* (day not indicated). — Signatures of Khalid El-Moukaddam, of Kemal, Kabouli, Salah, Ahmed, Marzhar, and other members of the Douk family, of Osman Tarrad, Salah ed-Din ibn Abdallah (?) Niazi Chebati, Cheikh Nassir, etc.

No. 15. *December 2nd*, 1933. — Signatures of Hassan Adjam, Moustafa Toukaddam, Dr. Mohammed Ali and several other doctors whose names—which do not follow consecutively—are illegible ; of Salih Noman, Abd El Hokk El Djebelawi, etc.

No. 16. *December 22nd*, 1933. — Signatures of Zaïz El-Adjam, Mahmoud Minkara, Mohammed Cheoket Minkara, Hani El-Hadj Akari, Mohammed Hassan El-Haddad, El-Hadj Abd El-Aziz, Superior of the Order of the Refaïs, Ali en-Nabouloussi, Khabil Amorr, etc.

C. *Saida.*

No. 17. *November 29th*, 1933. — Signatures of the barrister Salah Khayyat, Abd En-Nebi Kassim, Mohammed Hamond, Abd Er-Rahman El-Khayyat, Abdou Rachid El Ayyoubi, Salah Taha, Izz ed-Din Er-Ramlawi, Hassan Mohammed Assaf, Mohammed Darif, Ahmed El Mallah, etc.

Appendix.

*To His Excellency the
High Commissioner of the
French Republic in Syria
and Lebanon, Beirut.*

Sir,

The undersigned, who are all inhabitants of the towns of Beirut, Tripoli, Saida, Sour, Djebel Amal, and their dependencies, and represent the great majority of the property-owners, traders and manufacturers of those towns, which were annexed to the former Mount Lebanon without their agreement or consent, have the honour to submit this petition to Your Excellency. It describes the precarious and irregular position in which they have been placed from the occupation to the present time, and the undesirable and unfavourable circumstances responsible for their very legitimate grievances, which they are henceforth unable to support.

On many occasions and in various circumstances, we have presented to your predecessors, the High Representatives of France among us, petitions and protests explaining why we objected to the annexation of our various towns and their districts to the former Mount Lebanon. We have also submitted petitions, either direct or through official channels, to the Government of the French Republic and the League of Nations, stating our claims and asking to be annexed to United Syria, a principle vital to our country, apart from which there can be neither prosperity nor happiness.

In 1926, our representatives in the Lebanese Chamber of Deputies officially protested, when the constitution was drawn up, against the annexation of our towns and their districts to the former Mount Lebanon. Their protests were recorded in the Minutes of the sessions of the Chamber.

These protests were signed by Omar bey Beyhum and Omar bey Daouk, deputies for Beirut ; the Emir Khaled Chelab, deputy for Hasbaya and Rachaya ; Soubhi bey Haidar, deputy for Baalbek and Dekaa ; and Khaïreddine bey Adra, deputy for Tripoli.

The various associations, both in our own country and abroad, the principal representatives of the Press, and various trade associations, have also constantly protested against the annexation and have claimed and proclaimed the principle of complete Syrian unity.

These demands, expressing their most ardent desires and hopes, the abhorrence which they felt at the dismemberment of the country, and their refusal to accept the present state of affairs, were also addressed to the Lebanese Chamber of Deputies.

In June 1928, a General Congress met at Damascus ; the participants included various distinguished and highly influential persons belonging to the provinces annexed to the Lebanon, among whom were the deputies for the Littoral in the Lebanese Chamber.

This Congress unanimously adopted a motion protesting against the dismemberment of the country and the annexation of a portion of Syrian territory to the former Mount Lebanon.

This motion was officially submitted to the representative of the French Government accredited to the Syrian State, through the Head of the State.

We wish to submit the present petition to Your Excellency and to set forth once again our aspirations and grievances, on the occasion of your assumption of the important office of High Commissioner of this country and in view of your announcement that you will establish a new order and inaugurate an era of prosperity and happiness. We would ask Your Excellency

to be good enough to take our just demands into consideration and to grant our requests, which are based on justice and equity, by applying the immortal principles proclaimed by France, which desires them to be adopted by all the nations of the world as a rule of general conduct.

Our demands are as follows :

1. Syria is a country with a population not exceeding 3 millions. Its financial position has become precarious as a result of the series of misfortunes sustained during the last fifteen years. The difficulties through which it is passing are destroying its trade, jeopardising its agriculture and paralysing its industry.

The dismemberment and subdivision of the country into several small States involves exorbitant expenditure which is out of all proportion to its resources and economic capacity. This expenditure, together with the cost of public administration, has sometimes amounted to as much as 35 million Syrian pounds, whereas before the war, when the country was under a single administration, its expenditure did not exceed £1,000,000 gold.

It is the dismemberment and subdivision of the territory that have led to this enormous expenditure, which is ruining the country.

2. Figures, which are sometimes more eloquent than words, will prove that the provinces annexed to the former Mount Lebanon, on whose behalf we are speaking, have become a source of exploitation for the inhabitants of the Lebanon Mountains. 82 per cent of the revenue of the Lebanese Treasury is collected from the provinces annexed to the former Mount Lebanon. The remaining 18 per cent is not all collected from the former Mount Lebanon ; the inhabitants of the annexed provinces pay a very large share of these taxes, because they possess property and large interests in various mountain villages and summer pasturages.

80 per cent of the expenditure under the Lebanese budget goes to the inhabitants of the former Mount Lebanon ; this is allotted to them in the form of salaries, road repairs, grants for the promotion of summer pasturage, grants to municipalities, schools, hospitals, etc.

These are the official figures published annually by the Government of the Lebanese Republic.

3. 82 per cent of the budgetary revenue of the Lebanese State is furnished by the taxes paid by the inhabitants of the annexed provinces, and the actual administration of the country and the highest posts are monopolised by the inhabitants of the former Mount Lebanon. It is they who govern and we who pay.

That is how the principles of justice and equality have been applied during the last fifteen years.

Yet the Lebanese Constitution itself expressly stipulates that public offices shall be distributed among the various communities in proportion to their size.

Statistics show that the vast majority of the personnel of the Lebanese Republic consists of inhabitants of the former Mount Lebanon, who almost monopolise the posts, especially the highest ones.

The few officials coming from the annexed provinces, to whatever community they belong, rarely enjoy the confidence of their coreligionists or of the majority of the population.

The last census clearly showed, however, that the majority of the inhabitants of the Lebanese territory belong to the provinces annexed against their will,

This obvious violation of our rights, the inequitable distribution of offices, and the absence of political freedom, are increasing our discontent with this abnormal state of affairs, which we can no longer tolerate.

4. The sole concern of the Lebanese Government appears to be to devise some means of increasing taxation so as to spend still larger sums for the benefit of its partisans and their myrmidons, with no regard to the acute depression which has dried up the country's resources, or to the general state of poverty.

The State's chief duty should, however, have been to endeavour to balance exports and imports, to devise schemes for the promotion of agriculture and industry, and to increase the country's economic resources.

This situation has aroused the apprehensions of the population in general and of every individual, but no one dare speak of it for fear of being brought to ruin.

5. The Moslem community forms half the population of the Lebanese Republic. But it is treated in a particularly unfair way ; its traditions and religious organisations are attacked and its deepest feelings are wounded. The Moslem community is obliged to suffer the application of the laws imposed upon it by the authority in power.

All the communities have the right to dispose of their own Wakfs, and are freely governed by their statutes personal and religious courts ; they are free to appoint their clergy of every degree as they think fit. Only the Moslem community has been deprived of this right, despite its vigorous protests.

The Moslem Wakfs are governed and have been seized by the authority, which also appoints the religious judges, the muftis, and even the most junior officials of those organisations.

This is flagrantly at variance with the religious principles of Islam and is in striking contrast with the rights of the other communities. This procedure appears to be expressly directed against the Moslem community, as there is no plausible reason to justify it.

Your Excellency can imagine the profound discontent of the Moslem community by supposing—to take an impossible case which affords a striking antithesis—that the Moslems were allowed to interfere, for instance, in the appointment of a bishop or patriarch of one of the Christian communities. That is why the Moslem community, solicitous for its dignity and jealous of its prerogatives, firmly demands its rights, because it is suffering more than any of the other communities from the authority's interference in its strictly private affairs, and this only aggravates its discontent with and abhorrence of the *de facto* situation.

6. Customs revenue constitutes the country's chief resources. This revenue and the general administration of the Customs have been seized by the authority, and no control is exercised over its expenditure. This has completely ruined commerce and industry and paralysed the general economy of the country, although we have indirectly contributed to the prosperity of neighbouring States, such as Palestine.

Trade has developed in this last-named country to the detriment of our own trade. Syria has thus been deprived of her principal source of wealth. Before the war, she always did more trade than any other country with the Near-Eastern States now detached from the Ottoman Empire. Her commercial and economic prosperity exceeded that of all the other States.

As things are at present, the country is going from bad to worse.

7. The foreign companies which have been granted concessions enjoy excessive protection and prerogatives, which have led to very grave abuses.

Grants are made to those companies out of our own funds without any legitimate reason.

8. It is possible that persons coming from our part of the country who have the privilege of meeting Your Excellency or obtaining an audience and who may in their own interests seek to conceal the true facts from you may assert that the country is in a prosperous and flourishing condition—which has not been the case so far—and that it is fairly and justly administered.

You may then be struck by the discrepancies between their assertions and ours. But an enquiry—even a superficial one—will serve to establish the facts and to show you that persons whose statements conflict with the contents of this petition are endeavouring to conceal the truth. That, indeed, is why the country refuses to place any confidence in such persons, who do not speak in its name and do not represent it in any way. Such persons are to be found at all times and in all countries; they are their own enemies and the enemies of their country.

9. Every effort is being made to influence public opinion and to control the Press so as to prevent the truth from coming to light and reaching Your Excellency's ears.

Free persons of independent views are ill-treated, and even in some cases deported and forbidden to return to their own country. All these arbitrary measures serve as a kind of watertight bulkhead which prevents the views of the public from coming to your knowledge.

Yet we have merely adopted and proclaimed the sacred principles of the French Revolution. This state of affairs is preventing the country from co-operating sincerely with the mandatory Power in finding an equitable solution which will meet the wishes of the population in general.

The situation is being aggravated day after day by other occurrences which we will not enumerate, as we do not wish our petition to be too lengthy.

During the last fifteen years, every form of government has been tried—direct, consultative, parliamentary, and dictatorial—and all have failed lamentably. We have lost all hope of the success of these attempts. We wish to inform Your Excellency in the present petition, on behalf of all our compatriots, that we have endured this state of affairs, but have never willingly accepted it, and that we view the future with the most gloomy forebodings.

Should any doubt exist in your mind as to whether our statements are trustworthy, we would request you to arrange for a free and independent plebiscite, which will show that our complaints are fully justified.

It is on behalf of the vast majority of the inhabitants of the provinces annexed to the former Mount Lebanon, whose national and religious sentiments are being wounded and whose economic existence has been completely broken up, that we have the honour to request Your Excellency to be good enough to take into consideration the just demands of those provinces, and to restore to them their full rights—and not merely a part thereof—without which there can be no prosperity or happiness.

Those demands can be summarised as follows :

(a) Complete Syrian unity, with the constitution of a Government based on national sovereignty, which will actually represent the country and administer it in accordance with the wishes of its inhabitants ;

(b) The handing-over of the Customs administration to that Government ;

(c) Permission to political exiles to return to their country and participate in the control of its destiny.

We should be glad if you would be good enough to forward a copy of the present petition to the League of Nations, and we have the honour, etc.

Beirut, November 16th, 1934.

Signed :

<i>Beirut :</i>	<i>Tripoli :</i>	<i>Saida :</i>
Selim Ali Salam	Abdulhamid Karami	Hashid Asseyran
Omar Seyhum	Br. Abdullatif Bissar	Riad Shehab
Zakarya Nsouli		Hassan Zantoute
Najib Itani	<i>Djebel Amel :</i>	Fadhl Shomma
Sheik Tewfic Hibri		Hilal el Jawhari
Dr. Melih Sinno	Sheik Suleiman Bhafer	Kamel Kassom
Mohamed el Bakir	Sheik Ahmed Ridha	Riadh el Jawhari
Izzet Koreytim	Mohamed Jaber	
Abdullah el Yafi	Ali Jawad Ghandour	<i>Sour :</i>
Kheiriddine Ahdab		Mohamed Khalil
Abdulkader Ghandour	<i>Nerdjayoun :</i>	Moussa Khalil
Ahmed Daouk		
Ali Ardati	Hadj Nejib Bakkar	
Ahmed Ayas		

(b) LETTER, DATED MAY 31ST, 1934, FROM THE FRENCH GOVERNMENT TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS, TRANSMITTING THE TEXT OF THE PETITIONS ACCOMPANIED BY ITS OBSERVATIONS.

Paris, May 31st, 1934.

As a sequel to the "Congrès du Littoral" held at Beirut at the end of last year and mentioned in the report for 1933 (page 13), seventeen petitions, in identical terms, were addressed to the High Commissioner's Office for transmission to the League. I have the honour to enclose a translation of the uniform text of those petitions, a copy of the letter sent to the High Commissioner at the end of the Congress, to which the petitioners refer, and a French transcription of the first few names of the seventeen series of signatories.

The French Government has no special observations to make on the political claims of a general nature set forth in the letter to the High Commissioner ; these questions are dealt with in the annual reports and verbal observations have been or can be made by the accredited representative with regard to them.

The petitioners' criticisms are based to a large extent on budgetary reasons, and the definite charges which they bring call for certain comments. It should be pointed out in the first place that, in order to lend weight to their arguments, they have appreciably increased the total expenditure of the mandated territories, which they estimate at 35,000,000 Syrian pounds—*i.e.*, 700,000,000 francs—whereas the tables of aggregate expenditure published in the report show that it barely exceeds 500 million francs. If, prior to the mandatory régime, the expenditure in the territories now under mandate did not exceed £1,000,000 gold—*i.e.*, approximately 22,600,000 gold francs—it was very much less than the amount raised by taxation, which can be reckoned at 75,000,000 gold francs—*i.e.*, slightly under 375,000,000 French francs at the present rate. On the other hand, practically the whole amount raised by taxation at the present time is spent in those territories, quite apart from the appropriations for Syria and the Lebanon in the French budget.

The comparison between the direct taxes levied within the boundaries of the former Mount Lebanon and those paid in the towns and cazas attached to it in 1920 takes no account of the difference in wealth between, on the one hand, the urban centres, where all the commercial activities and the greater part of public administration and the administrative staff are concentrated, and the small irrigated plains near the coast, and, on the other, the Mountains. Even if all the mandated territories were under a single Government, their very unequal resources would be reflected in very unequal payments ; consequently, even if they are correct, the comparative percentages given by the petitioners do not possess the significance attributed to them. The inhabitants of the Mountains have no greater privileges than the taxpayers in the poorest parts of any country and pay quite as much as their fellow-citizens living in the coastal towns, in proportion to their numbers and resources.

As regards the distribution of expenditure, and particularly of administrative posts, among the religious communities, it should be observed that the rule of the proportional representation of all creeds in the administration, temporarily incorporated in the Lebanese Constitution, has been respected as far as possible. There is no doubt that the Christians, among whom the proportion of educated persons is higher, have been given a larger percentage of posts, especially as, ever since the Grand Lebanon was first proclaimed in 1920, the Moslems

have deliberately held aloof. Every effort has been made, however, to satisfy the Moslem element. The majority of subordinate posts not filled by competitive examination (which has become the rule) are reserved for non-Christians.

It should also be pointed out that the Moslem element consists, not of one, but of two more or less equal groups, the Sunni and the Shiah. The latter, who live in the mountainous districts behind Tyre and in the northern part of the Bekaa Plain, were practically illiterate until the mandatory administration developed the school system. On the other hand, the Sunni, most of whom live in the towns, are adequately represented in the administration and even in the Government. Under the régime set up by the Lebanese Constitution of 1926, one minister, as well as the President and Vice-President of the Chamber, belonged to that creed while another minister was a Shiah. Since May 9th a Sunni has been Director of the Interior, while the Director of Education is a Shiah. At the present time, the chief personage in the State, after the President of the Republic—namely, the Secretary of State—is a Sunni notable of Beirut.

As regards the proportion of public expenditure by which the Moslems benefit, it should be pointed out that, apart from grants to private schools (400,000 francs), nearly the whole of the public education budget is spent on Moslem children, who form the vast majority of the pupils in the public schools. The State, which took over the obligations of the old régime, pays the personnel of the Moslem religious courts and the muftis, whereas it spends nothing on the Christian clergy and the patriarchs' courts. This difference, incidentally, explains the State's intervention in the appointment of certain officials of the Islamic creed.

The petitioners also allege that the budgetary funds are systematically and lavishly expended on the Mountains. It is true that the Mountains have an extensive road system—which, moreover, encourages the tourist traffic to the benefit of the whole country; on the other hand, it is at Beirut, where the vast majority of the contractors and the whole staff of the central administrations live, that most of the orders and contracts for supplies are placed.

The assertion that the Lebanese Government's sole concern is to increase its expenditure for the benefit of its partisans is at variance with the policy followed for the last two years and more in the Lebanon. All expenditure has been cut down since May 9th, 1932. The salaries of officials have been reduced by from 6 to 22 per cent according to the amount, and contributions to pensions increased from 7 to 10 per cent. As regards taxation, the Lebanese Government has done away with the silk tithe, has united the wirgho and the tithe, a basic reduction of 25 per cent having been made, and has cancelled the taxes in arrears prior to 1925.

The other criticisms made by the petitioners are answered by the information given in the report on the Wakfs and on public works in relation to agriculture.

It is impossible, however, to let pass the petitioners' statement regarding the Press régime and the ill-treatment of "free persons of independent views". Judging by the meetings held and the tone of the newspapers, the Lebanese can hardly be said to be deprived of the freedom of expressing their views. On reading the local newspapers we are struck by the vehemence, and even violence, with which the public authorities are criticised. In many European countries this would not be tolerated and many more newspapers would be suspended.

Is it possible to give any actual instances of the ill-treatment of Lebanese citizens on account of their independent views? No politician has been banished since 1926. Only three persons have been forbidden to re-enter Lebanese territory: two were sentenced to death for their participation in the 1925 revolt or the burning of the Baalbek Seraglio. The third was not in Lebanon in 1924, and, as he did not opt for Lebanese nationality, he is not a citizen of Lebanon.

In short, the "Congrès syrien du Littoral", held on November 16th, 1933, by a number of notables—not the principal leaders—and young men from the schools, and the publicity given to its findings, can only be regarded as a political manoeuvre. The Congress coincided with the agitation at Damascus against the Treaty. But, in spite of the prominence given it, the former did not make much sensation in Lebanon. The meeting had no influence on the electoral campaign which took place less than two months later, and no candidate, even among the Sunni Moslems, included the Congress's resolutions into his programme.

I should be glad if you would kindly communicate these observations to the Permanent Mandates Commission.

For the Minister for Foreign Affairs and by
authority:

(Signed) R. MASSIGLI,

*Minister Plenipotentiary, Head of the French League
of Nations Service.*

C.P.M. 1590 (1).

(c) REPORT BY M. RAPPARD.

It is unfortunate that the somewhat bulky file formed by these petitions, the letter attached thereto, and the observations of the mandatory Power, should have reached the Commission too late for the latter to be able to examine it at its previous session.

These petitions from Moslems of Lebanon involve a general indictment of the mandatory Power's policy. They have been subjected to a careful critical examination by the mandatory Power, whose conclusions have been communicated in writing to the Commission. In addition, the latter has had the privilege of examining them in the presence and with the co-operation of M. de Caix.¹

The nature of these petitions renders it unnecessary for me to analyse them here. Indeed, the general policy of the mandatory Power has for a number of years been the subject of consideration by the Mandates Commission. Moreover, the observations contained in the letter from the mandatory Power, together with the statements of the accredited representative recorded in the Commission's Minutes, will enable the petitioners to realise the mandatory Power's views. As the petitions do not appear to point to any fact incompatible with the mandate, they do not seem to call for any observations on the part of the Commission.

If my colleagues share my views, they might signify this by adopting a resolution in the following terms :

“ The Commission,

“ Having carefully examined, in the light of the written and oral statements of the mandatory Power, the seventeen petitions, dated November and December 1933, from inhabitants of Beirut, Tripoli and Saida ;

“ Noting that the petitioners have not established the existence of any fact such as might constitute a violation of the mandate ;

“ Noting, further, that they will find in the observations of the mandatory Power and in the Minutes of the Commission replies to their complaints, to which the Commission considers it has nothing to add :

“ Decides to take no action on these petitions.”

C.P.M.1591(1).

ANNEX 13.

SYRIA AND LEBANON.

PETITION, DATED MAY 6TH, 1934, FROM M. AVUALLAH EL DJABRI, “ PRÉSIDENT DE LA LIGUE SYRIENNE DES DROITS DE L'HOMME”, GENEVA.

REPORT BY M. RAPPARD.

This petition, received by the Chairman of the Commission, was submitted by him to the Government of the mandatory Power, which sent a short reply on September 27th, 1934. It says that it has “ no special observations to make on this petition, the question of unity and that of autonomies, which are its principal subject, being problems on which the representatives of the mandatory Government have several times had occasion in the past, and will no doubt again have occasion in the future, to give detailed explanations to the Permanent Mandates Commission ”. A careful examination of this petition in co-operation with M. de Caix² has, I think, convinced the Commission that no useful recommendation can be made in connection therewith. On the one hand, its author, an advocate of Syrian independence and unity, criticises the general policy pursued by the mandatory Power and hopes that the mandate will speedily be abrogated. On the other hand, he criticises the draft treaty concluded between the High Commissioner and the Syrian Government.

The general policy of the mandatory Power has for many years past been under the careful examination of the Commission.

Furthermore, the Commission, for reasons with which you are acquainted, has not thought it desirable to examine the treaty negotiated between France and the Syrian Government.³ Not having thought it expedient to consider that treaty when its text was communicated to us by the mandatory Power, you will no doubt judge it still more undesirable to examine it in connection with the petition when it has not yet undergone the proper parliamentary procedure.

As the Mandates Commission has made a special point of reserving its opinion on Syria's political maturity, and as, moreover, this petition itself, owing to the state of mind which it reveals, particularly as regards the future of religious minorities in the event of the abrogation of the mandate, is not of a reassuring nature, I do not think that it deserves any further consideration.

If you agree with these views, I propose that we adopt the following resolution :

“ The Commission, having taken cognisance of the petition of M. Avuallah El Djabri, who signs as President of the ‘ Ligue syrienne des Droits del'Homme ’, at Geneva, considers that no action should be taken thereon.”

¹ See Minutes, pages. 154-157.

² See Minutes, pages 157-159.

³ See Minutes of the Twenty-fifth Session of the Commission, page 150.

ANNEX 14.

SYRIA AND LEBANON.

FIVE PETITIONS, CONSISTING OF FOUR TELEGRAMS FROM INHABITANTS OF LATAKIA, HOMS, DAMASCUS AND HAMA, AND A LETTER, DATED JUNE 27TH, 1934, FROM M. ABDEL KADER SARMINI, ALEPPO.

REPORT BY M. PALACIOS.

The protests examined in this report consist of four telegrams coming from Damascus, Hama, Homs and Latakia, the first two despatched on May 27th, the third on May 28th, and the fourth on June 3rd, 1934, and a letter, dated June 27th, 1934, from M. Abdel Kader Sarmini, of Aleppo. All these documents relate to the repressive measures taken in that town in consequence of the disturbances provoked by the official journey of the President of the Republic and the Prime Minister in Northern Syria. They were transmitted by the mandatory Power, together with its observations, on August 24th, 1934.

The telegrams, with the exception of that from Damascus, which bears only the signature of Ahmed el Kadamini, are signed by a large number of persons. All express great indignation at the policy of violence and anarchy which they allege to be pursued by the mandatory Power : attacks upon educational institutions, the violation of sanctuaries, "faked receptions", and the arrest of hundreds of patriots. The four telegrams mention the strike declared in their respective towns as a protest.

The letter was written by a religious leader, an imam khatib and former cadî, on leaving prison, to complain to the League of Nations of the manner in which he himself, despite his status, and sixty other notables were treated on coming out from prayer on Friday, May 25th, 1934. They were, they say, left standing opposite the big mosque for over two hours, under the guard of a double rank of gendarmes and soldiers, and were then conducted to a distant police-station through the main streets and through numerous souks, and were jostled by the police. The writer of the letter asserts that he was sentenced for purely political reasons.

The mandatory Power, in its observations, gives details. It appears that the pretext for the demonstrations in question was the grant of a pardon to two accomplices in an assault committed in 1932 on the nationalist leader Ibrahim Hanano. The assault was committed by members of a family which was gradually being deprived of its possessions to the advantage of the person assaulted. Ibrahim Hanano's supporters took this pardon as a pretext for organising a "mouled" in his honour, on the same day and in the same place as the ceremony attended by the President of the Republic and the Prime Minister. The nationalists, although called upon by the Criminal Investigation Department to cancel this demonstration and although informed that they would be held responsible for any disorder, insisted on holding it. The expected disorders, which had already been preceded, on the occasion of the official tour, by strikes and demonstrations by schoolboys and students at certain educational centres, duly took place, and the demonstrators broke into the mosque and penetrated as far as the platform and seats reserved for the high dignitaries of the Republic ; on coming out, they threw various missiles at the police. One hundred and eighteen persons were arrested, but the majority were afterwards released. Forty-six demonstrators were sentenced by the courts for offences against the public order decrees and for insulting the police. Among them was sheik Abdel Kader Sarmini, who, despite "his religious garb, had taken part in a riot against the police" and was sentenced to two months' imprisonment, but was released after one month.

The mandatory Power asserts that the native police, the only force which took action, did not enter the mosque. It also states that it is untrue that the Latakia shops were closed on June 2nd.

The incidents in question are therefore examples of those which so often occur in the struggle between the Syrian nationalist parties and the mandatory Power. Those parties seize every opportunity of organising demonstrations against the Government ; they have done so in the public squares and streets, at the schools and in the sanctuaries, provoking disturbances and committing assaults, and, by intervening whenever these demonstrations occurred, the mandatory Power, which is responsible for public order, seems to have maintained that order to the best of its ability and without exceeding reasonable limits.

I therefore propose the following resolution :

"The Commission, having examined the five petitions regarding the incidents at Aleppo, forwarded on August 24th, 1934, by the French Government, together with the latter's observations, decides not to propose that the Council take any special action in the matter."

ANNEX 15.

SYRIA AND LEBANON.

PETITION, DATED MAY 7TH, 1934, FROM M. SAMI SLIM.

REPORT BY M. RAPPARD.

The petitioner protests against the division of the area occupied by Syria and Palestine into separate mandates, thus rebelling against the actual terms of the mandates, which it is the Commission's duty to uphold. I therefore consider that we should not pay any attention to this petition.

I have accordingly the honour to propose the following resolution :

“ The Commission, being responsible for ensuring the observance of the terms of the mandates, and being thus debarred from considering petitions the authors of which attack those terms, decides not to make any detailed examination of M. Sami Slim's petition, nor to draw the Council's attention to it.”

C.P.M.1572.

ANNEX 16.

SYRIA AND LEBANON.

PETITION, DATED MAY 20TH, 1934, FROM M. GEORGES AKL, ADVOCATE, BEIRUT.

REPORT BY COUNT DE PENHA GARCIA.

On October 4th, 1934, the French Government, as the mandatory Power for Syria and Lebanon, forwarded to the Secretary-General of the League of Nations, for communication to the Mandates Commission, a petition from M. Georges Akl, a former candidate at the elections in Lebanon in the constituency of Mount Lebanon.

The document is a protest addressed “ to the Lebanese and French peoples and Governments and to the League of Nations ”. The petitioner accuses the administration of numerous interferences with the electoral proceedings, without, however, giving details with regard to the individuals concerned in the acts complained of.

The French Government contests the truth of these allegations. It draws attention to the absence of details in the charges brought by M. Georges Akl and points out that it would have been impossible for the Government to have sent its agents to prevent particular electors from entering the voting-stations, since the number of voting-stations was large and the number of official agents of the Government comparatively small.

The mandatory Power further observes that the petitioner was ignorant of the Electoral Law, since he asked that magistrates should preside over the voting-stations, which the latter are prohibited by law from doing, in order to prevent their being called upon to judge cases in which they had themselves intervened. In conclusion, the mandatory Power brings forward a very strong argument against the justice of the petition by pointing out that there was a normal method of appeal open to the petitioner against alleged irregularities in the electoral proceedings, of which the petitioner failed to take advantage—namely, the lodging of a complaint with the Department of the Interior of the Lebanon Government against persons considered by the petitioner to have infringed the Electoral Law.

In the circumstances, I propose that the Commission should adopt the following conclusion :

“ The Commission, having considered the petition dated May 20th, 1934, from M. Georges Akl, and the observations of the French Government accompanying them, is of opinion that there is no action to be taken with regard to the said petition.”

ANNEX 17.

SYRIA AND LEBANON.

PETITIONS FROM M. GEBRAN ANTOINE ABOU SAMAH, BEIRUT.

REPORT BY M. SAKENOBE.

The League of Nations has received, through the mandatory Power in Syria and the Lebanon, a petition from M. Gebran Antoine Abou Samah. This petition consists of the two following documents :

1. Petitioner's letter, dated April 2nd, 1933, addressed to M. Robert de Caix, the accredited representative of the French Government to the Permanent Mandates Commission.

2. Petitioner's letter, dated March 29th, 1933, addressed to the President of the Lebanon Republic.

On comparing the above-mentioned documents, which are quite incoherent and pointless, I find that the petitioner requests the intervention of the League of Nations in the lawsuits relating to a matter of succession which he lost in the courts. Curiously enough, the petitioner does not state the nature of his case. But from an examination of the " Report of M. Jemil F. Ghelab, Director of Finance of the Lebanon Republic, to the Representative of the High Commissioner at the Lebanon Government ", which is, in fact, the summary account of the case prepared by that authority and which has been forwarded to the League of Nations by the mandatory Government as annex to the petition, the following facts might be deduced :

The petitioner had two uncles who seem to have left considerable fortunes and he has long been trying to secure possession of the property left by them by means of lawsuits.

The first of these lawsuits relates to buildings at Beirut left by one of his uncles, Nassif Abou Samah, to his two daughters. The petitioner laid claim to half the value of these buildings on the ground that they belonged jointly to his father and his uncle. He instituted a civil action, which he lost in the lower court. Without appealing against the judgment, he instituted criminal proceedings. He based himself on an erasure in the land registers occasioned probably by a blot of ink and accused his female cousins of forgery. The court seemed to find no proof that the daughters of the petitioner's uncle had been guilty of forgery and acquitted them. On this occasion, again, says the " Report " the petitioner lodged no appeal against this verdict.

The second lawsuit relates to property left in Egypt by the other uncle of the petitioner. The property left by this uncle seems to have passed to Nassif Abou Samah, the petitioner's uncle, who, on his death, bequeathed it to his son, who died recently without leaving any heir. The property went to a nephew of the deceased, whereupon the petitioner decided to bring an action against this nephew, whom he accused of having appropriated part of the inheritance. This case, the " Report " states, did not give rise even to a judgment. The charge was dismissed by an order of the courts as being unfounded, and this decision was confirmed by the " Chambre des mises en accusation " because Gebran Abou Samah could not adduce any proof and had not put forward any serious ground for his claim.

The case of M. Gebran Antoine Abou Samah, thus summarised in the light of documents supplied by the mandatory Government, seems to be a dispute which the courts had competence to deal with, and the decisions taken in this connection appear to have been regularly pronounced. The petitioner does not contest the validity of the decisions nor does he make any protest regarding the appropriateness of the legislation applied to his case in the courts. He is merely not satisfied with the decisions.

I therefore propose that the Commission should adopt the following conclusion :

" The Commission,

" Having examined the petitions from M. Gebran Antoine Abou Samah, together with the observations of the French Government ;

" Considering that the petitioner objects to the decisions regularly rendered by the competent courts of the mandated territory :

" Is of opinion that the petition should be rejected as non-receivable.

ANNEX 18.

TOGOLAND UNDER BRITISH MANDATE.

PETITION, DATED APRIL 4TH, 1933, FROM THE CHIEF
AND INHABITANTS OF WOAME.

(a) TEXT OF THE PETITION.

[*Translation.*]

Woame, April 4th, 1933.

On July 3rd, 1928, the Chief and inhabitants of Woame (District of Klouto, French Togoland) petitioned the League of Nations,¹ requesting it to settle the dispute between Woame and Honuta with regard to certain land situated in the hills. On September 28th, 1929, the League of Nations replied to us, under No. 6A/8535/5381, that it had adopted the conclusions of the Mandates Commission, according to which "the inhabitants of Woame will thus continue to enjoy the possession of their farms even though these lie on the British side of the frontier, and their fears lest they should be deprived of their property are groundless".² This reply gave us great pleasure; but there is no one to render us justice. The respective Commandants state that they are not in a position to settle the matter.

The inhabitants of Woame are, in fact, now deprived of their property.

The land in question has belonged to the people of Woame from time immemorial. Formerly the village of Woame was situated in the hills, on the land now claimed by the people of Honuta. The village has been moved to the plain, but the people of Woame have naturally kept their farms in the highlands as a precious heritage from their forefathers. The western boundary between Woame and Honuta, formed by the crest of the Fiamekito and of the Agaga, was never in dispute. In 1914, Dr. Brunner, the German Commandant at the time, fixed the frontier between Woame and Hanigbadodzy to the north. This boundary is marked by two stones (Agaga and Adetugbe), which still exist. This frontier, too, was accepted by Honuta. In 1916, the people of Woame began to cut wood and trees and to prepare the ground for cocoa plantations. By 1917 two cocoa groves had been completely planted. The rest of the land was prepared and worked for the most part, and was gradually being planted with cocoa; all the work was done by the people of Woame.

In 1919, when the Anglo-French boundary was fixed, the land was divided in such a way that the greater part of the land belonging to Woame was situated on the British side. The people of Woame continued to cultivate and enjoy their property, because they had been told that the Anglo-French boundary did not affect acquired rights. In 1924, the people of Honuta claimed all the ground and its produce. They even sought to compel Woame people to leave houses situated on the British side and inhabited by people of Woame for many years past. The decision of the League of Nations of December 28th, 1929, is not accepted by Honuta; on the contrary, the people of Honuta laugh at the League and say that "for them the letter from the League of Nations is like a letter found in the bush" (a father who was there protested energetically against this insult!).

Since January, the Chief of Honuta has been sending ten or twelve men to the land in question. The men remain on the hill night and day. They are armed with loaded rifles, occupy the paths leading towards Woame, and forcibly prevent the people of Woame from going to their own property. All that the people of Woame carry with them (knives, implements, etc.) is stolen by the Honutas. Two cocoa groves already planted in 1916 have been destroyed and the trees cut down. The people of Woame are not even able to cultivate their land or to fetch food therefrom, being forcibly prevented by the people of Honuta. Several attempts have been made to settle the dispute in a friendly manner, but the people of Honuta refuse.

Latterly, the Honutas have said that they claim this land because Dr. Brunner gave it to them. They now assert that Dr. Brunner did not fix the frontier to the north between the Agaga and Adetugbe stones (shown on the map as Ag. and Ad.), but more to the south, between A and B (on the attached map), and that this land was divided between Honuta and Hanigbadodzy. The official map, and particularly the two boundary-stones, prove the exact contrary. Formerly, the people of Honuta wished to buy the land, but without success, and now they wish to achieve their purpose by lies. In 1926 or 1927, the Commandant at Missahohe threatened to imprison the Chief of Honuta if he continued to assert that the frontier between Ag. and Ad. had not been fixed by Dr. Brunner. But the people of Honuta take no notice and continue to do violence to the people of Woame and to exploit the land. We are powerless and, having no means of defence, we once more appeal to the League of Nations and urgently

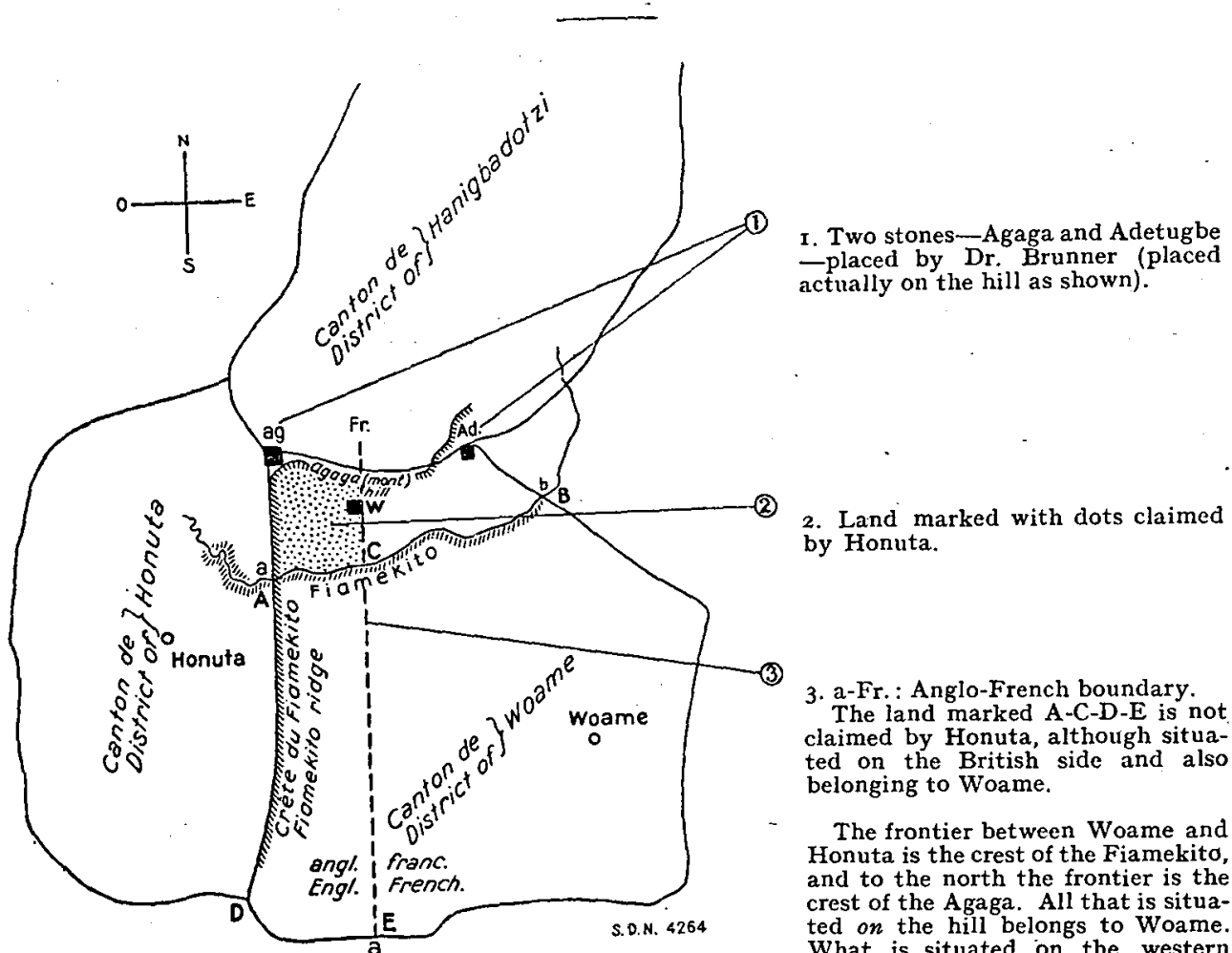
¹ See Minutes of the Fifteenth Session of the Commission, pages 257 and 258.

² See Minutes of the Fifteenth Session of the Commission, page 297.

beg you to forbid in writing the Chief of Honuta to occupy the said land and prevent the people of Woame from cultivating it and collecting its produce. We appeal to the justice represented by the League of Nations. We should be grateful if you could give a final decision by September —i.e., before the cocoa crop; otherwise this year's crop will be lost to us.

The Chief and the inhabitants of Woame :

(Signed): T. A. AKOTO III, Chief.
Christlieb DOGBA.
Manfred ABATSO.
M. ANKEE.



northern slope to Hanigbadotzy. Only the land marked with dots constitutes an exception according to the Honuta assertions. The above map, copied from the official map, clearly shows that this is impossible. The red square marked "W" is the former site of the village of Woame.

(b) LETTER, DATED MAY 21ST, 1933, FROM THE CHAIRMAN OF THE PERMANENT MANDATES COMMISSION TO THE SECRETARIAT OF THE LEAGUE OF NATIONS.

I have received your letter of May 19th, 1933, submitting to me a petition with annex, dated April 4th, 1933, from the Chief and inhabitants of Woame (Togoland under French mandate), concerning the fate of the land which the petitioners possess in the adjacent territory of Togoland under British mandate.

As regards procedure, I consider that if—as is apparently not the case—the purpose of the petition had appeared to be to denounce an alleged refusal by the authorities of Togoland under French mandate to approach the Administration of the neighbouring territory, the Secretariat should have returned it to its authors, requesting them, in accordance with the procedure in force, to submit their petition through the mandatory Power under whose authority they are placed.

Moreover, I notice that, on July 3rd, 1928, the same inhabitants submitted a petition on the same subject through the French Government. In forwarding that petition, the mandatory Power pointed out that, although it would normally have been laid before the French Commissioner, the questions which it raised came within the province of the Administration of Togoland under British mandate. The French Government added that, in those circumstances, it had not felt called upon to submit any observations, but that it was prepared to supply the Permanent Mandates Commission with any information it might require. The said petition, together with the French Government's letter, was thereupon submitted to the United Kingdom Government, which made certain observations. The Commission pronounced its views on the matter in its report on its fifteenth session.

I think that this precedent justifies the application of the same procedure in the present case.

Furthermore, the petition of the Chief and inhabitants of Woame contains new elements. I therefore consider that it should be regarded as admissible, and would request you to communicate it to the members of the Permanent Mandates Commission, to the United Kingdom Government for its observations, and to the French Government for information, accompanied by the foregoing explanations.

(Signed) A. THEODOLI.

(c) LETTER, WITH TWO ANNEXES, DATED FEBRUARY 22ND, 1934, FROM THE GOVERNMENT OF THE UNITED KINGDOM TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS TRANSMITTING ITS OBSERVATIONS ON THE PETITION.¹

C.P.M.1494.

With reference to your letter No. 6A/4245/4245 of June 8th last, on the subject of a petition addressed to the League of Nations by the Chief and inhabitants of Woame in Togoland under French mandate regarding certain lands situated in Togoland under British mandate, I am directed by Secretary Sir John Simon to invite your attention to the letter from this department No. W 6084/49/98 of June 28th, 1929,² which concerned a similar petition.³

2. It was pointed out in that letter that any rights which the petitioners might have in respect of the land in question were safeguarded when the Anglo-French boundary in the vicinity was demarcated and it was further stated that efforts would be made to settle the tribal boundary between the contending parties.

3. Correspondence with the Government of Togoland under French mandate ensued, as a result of which it was agreed that the best way to deal with the matter would be for the Chief of Woame to take action in the British courts. However, the Chief at first showed no inclination to do so and the dispute remained dormant until he brought matters to a head in April last by taking out a summons against the Chief of Honuta in the Court of the District Commissioner, Ho, for £50 damages for trespass.

4. A copy of the District Commissioner's judgment in the case, together with the plan mentioned therein, is enclosed, from which you will observe that the judgment defines the tribal boundary between Woame and Honuta. The Chief of Woame repudiated the District Commissioner's findings and was informed subsequently, through the French authorities, that an appeal lay to the Provincial Commissioner's Court: but, although special facilities which would lessen the expense of such an appeal were offered to him, he has not availed himself of his proper remedy at law.

5. The Secretary of State will be glad if you will be good enough to communicate the foregoing information to the Permanent Mandates Commission.

(Signed) A. W. A. LEEPER.

Copy of Judgment in the Supreme Court of the Gold Coast Colony, Eastern Province, held at Honuta Preventive Service Station on Monday, July 31st, 1933, before His Worship John Gutch, Assistant District Commissioner, Ho District.

Chief Akoto Vs. Divisional Chief Ayisa IV
and
Div. Chief Ayisa IV Vs. Chief Akoto } From page 34.
Both parties present.

JUDGMENT.

This is a claim for damages for trespass brought by the Chief of Woame in Togoland under French mandate against the Divisional Chief of Honuta in Togoland under British mandate.

The Divisional Chief of Honuta has set up a counter-claim against the Chief of Woame, also for trespass. It is clear therefore the title to the land in question is in dispute between the two parties. The Chiefs appear as representatives of their people farming on this land, and the boundary in dispute is that between the Woames and the Honutas. It is therefore in my opinion doubtful whether this land lies

¹ See Minutes of the Twenty-fourth Session of the Permanent Mandates Commission, pages 52, 59 and 104.

² See Minutes of the Fifteenth Session, pages 258-261.

³ See Minutes of the Fifteenth Session, pages 257-258 (extract from document C.P.M.826).

within the jurisdiction of any Tribunal established under the Native Administration (Southern Section) Ordinance, No. 1 of 1932, and the case therefore falls within the jurisdiction of the District Commissioner's Court under Section 79 of that Ordinance.

The land in dispute is bounded on the west by the watershed formed by the Agaga and Fiamekito hills, on the north and east by the Adetugbe River and the Anglo-French International Boundary and on the south again by the International Boundary. The land is mainly forest suitable for the cultivation of cacao and consists of a more or less level tableland lying on the top of the Agaga and Fiamekito hills.

The Woames first appear to have begun making cacao farms on this land seventeen years ago and shortly afterwards their right to do so was challenged by the Honutas. Since that time, the dispute has continued intermittently, in spite of several attempts by the British and French authorities to bring about a settlement.

There is practically no evidence at all of traditional occupation of the land by either party. Reference is made to a ruined village, but each claims it as the dwelling-place of his ancestors. One Awatime hunter, named Maruo, states that he was hunting by the permission of the Honutas near the River Dometsi fifty-five years ago.

Coming down to more recent times, evidence is given by the Chief of Honuta and by the Linguist of Haingba of a dispute between the Haingbas and the Honutas regarding their divisional boundary. According to the Woames, the dispute was between themselves and the Haingbas. Whichever story is true, Dr. Grüner, the then German Commissioner at Misahohe, visited the land in dispute in 1914 and fixed certain boundary marks. It is clear from the evidence that Dr. Grüner was not concerned with the boundary between the Woames and Honutas, both of whom border on Haingba land. He cut a boundary running from an ant hill (Ahanokpokdoe-Ko) situated near International Boundary Pillar No. 36 in a roughly south-easterly direction to a point on the River Adetugbe where he made a pile of stones which is referred to as Epedodo. This line, in my opinion, marks the south-western limits of Haingba land. I do not find that Dr. Grüner was shown, or fixed, any boundary between the Honutas and the Woames, since at that time there was no dispute between them.

When the dispute between the Woames and the Honutas broke out, there appear to have been two Woame natives, Note Tse Bleku and Tsogbe Kolagbe, who had actually planted cacao trees between the River Adetugbe and the River Dometsi and even a little way beyond it. These were the two farms which were shown to the District Commissioner and the French Commandant when the land was visited by them, and these two persons appear to have been allowed to make use of these cacao farms already planted by them. I believe that this arrangement was made between about 1924 and 1926.

Since this time, the clearing of the forest and the planting of young cacao trees in this area seems to have been continued by both the Woames and the Honutas with frequent disputes and even resultant violence. I have actually been shown young cacao trees which both a Woame and a Honuta man claim to have planted. I am convinced that the origin of these disputes lies in the fact that neither the Woames nor the Honutas have any idea where their boundaries really are, since they have never been fixed nor agreed upon. As soon as cacao was introduced and it was seen that there was land suitable for its cultivation on these hills, there ensued a scramble for land, each party trying to stake as large a claim as possible. It is impossible, therefore, in the lack of a definite boundary, to decide exactly which piece of land belongs to whom, and hence which party has committed a trespass by entering thereon. The Woames have encroached from the east, the Honutas from the west. It remains, in order to obviate disputes and actions of this nature in the future, to draw between these two peoples as just a boundary as I am able.

Two natives of Woames, who have given evidence before me and to whom I have already referred, Note Tse Bleku and Tsogbe Kolagbe, have satisfied me that their farms have already been occupied by them for a considerable period, say the last seventeen years. Each also has a village of a more or less permanent nature established on the land. I have attempted therefore in fixing this boundary as far as possible to include in the territory adjudged to belong to the Woames the well-established cacao farms in their possession.

As regards more recent cultivation, it has been impossible, as I have already stated, to ascertain the ownership even of individual cacao seedlings, but the fact that it was along the boundary that I am about to describe that disputes arose and trespass was alleged by both parties to have been committed leads me to think that this division of land is an equitable one and allots to each party so much land as he can fairly claim a title to by use and occupation.

I have caused a plan to be made of the land of this boundary. This plan will be attached to this judgment and marked—Exhibit A.

The boundary between the land of the Woames and of the Honutas shall be as follows :

Beginning from the point where the stream known to the Woames as Avegatogoe and to the Honutas as Tremakui crosses the International Frontier (which point is situated between International Boundary Pillars 34/10 and 34/11, and is distant approximately 150 feet from the former), the boundary follows upstream the stream Avegatogoe or Tremakui for a distance of approximately 710 feet measured along the stream to point I (shown on the plan—Exhibit A).

From this point the boundary runs in a straight line for a distance of approximately 2,745 feet on an approximately true bearing of 306° to point II, which is marked at present by a dead tree.

Thence in a straight line for a distance of approximately 180 feet on an approximate true bearing of 40° to point III, which is marked by an Odum tree close to the source of the River Dometsi.

Thence in a straight line for a distance of approximately 475 feet on an approximate true bearing of 66° to point IV, which is situated on a path from Honuta to the Woame village, Motetsekofe.

Thence in a straight line for a distance of approximately 565 feet on an approximate true bearing of 63° to point V, which is situated on the above-mentioned path.

Thence in a straight line on an approximate true bearing of 65° until it meets the south-western boundary of Haingba Todzi land.

As I have stated previously, neither party has in my opinion substantiated his claim to those portions of this land on which he alleges trespass was committed by the other party. Neither party has therefore made good his claim to damages, since, unless he can show that he is the rightful owner of those portions of land, he cannot succeed.

Each party is ordered to pay his own costs in the suit. Each party has deposited into the Court the sum of five pounds : these amounts will be used to defray the cost of preparing the plan of the land and of the boundary, and of hiring labourers to cut and mark the boundary. The expenses so incurred will be paid by each party in equal shares.

Honuta.

(Signed) J. GUTCH,
Asst. District Commissioner.
July 31st, 1933.

After I had delivered the above judgment, Chief Akoto of Woame remarked that he considered that damages should have been awarded him and that for that reason he was unwilling to accompany me to the land in dispute, so that I might point out to him the points mentioned in the above judgment. I then visited the land in dispute accompanied amongst others by Gottlieb Afako, Nutsukpo and Michael Akpokli, all of Honuta, who were deputed by the Divisional Chief Ayisa IV of Honuta, and I pointed out to them and in their presence marked with piles of stones the boundaries fixed by me in my judgment.

(Signed) J. GUTCH,
Asst. D.C.

Honuta, July 31st, 1933.

Certified true copy :
(Signed) T. M. KORANTEMİ,
Registrar, Asst. D.C.'s Court, Ho.

LITIGE FONCIER WOAMÉ-HONUTA

WOAME-HONUTA LAND DISPUTE.

On trouvera ci-dessous le croquis mentionné par moi et marqué : pièce « A » dans le jugement rendu par moi le 31 juillet 1933 à Honuta dans l'affaire du Chef Akoto contre le Chef de division Ayisa IV, et du Chef de division Ayisa IV contre le Chef Akoto.

This is the plan referred to by me and marked Exhibit "A" in the judgment delivered by me on 31st July, 1933, at Honuta, in the case of Chief Akoto vs: Div: Chief Ayisa IV and of Div: Chief Ayisa IV vs: Chief Akoto.

Le Commissaire de district adjoint :
(Signé) J. GUTCH.

(Signed) J. GUTCH,
Asst. D.C.

31.7.33.

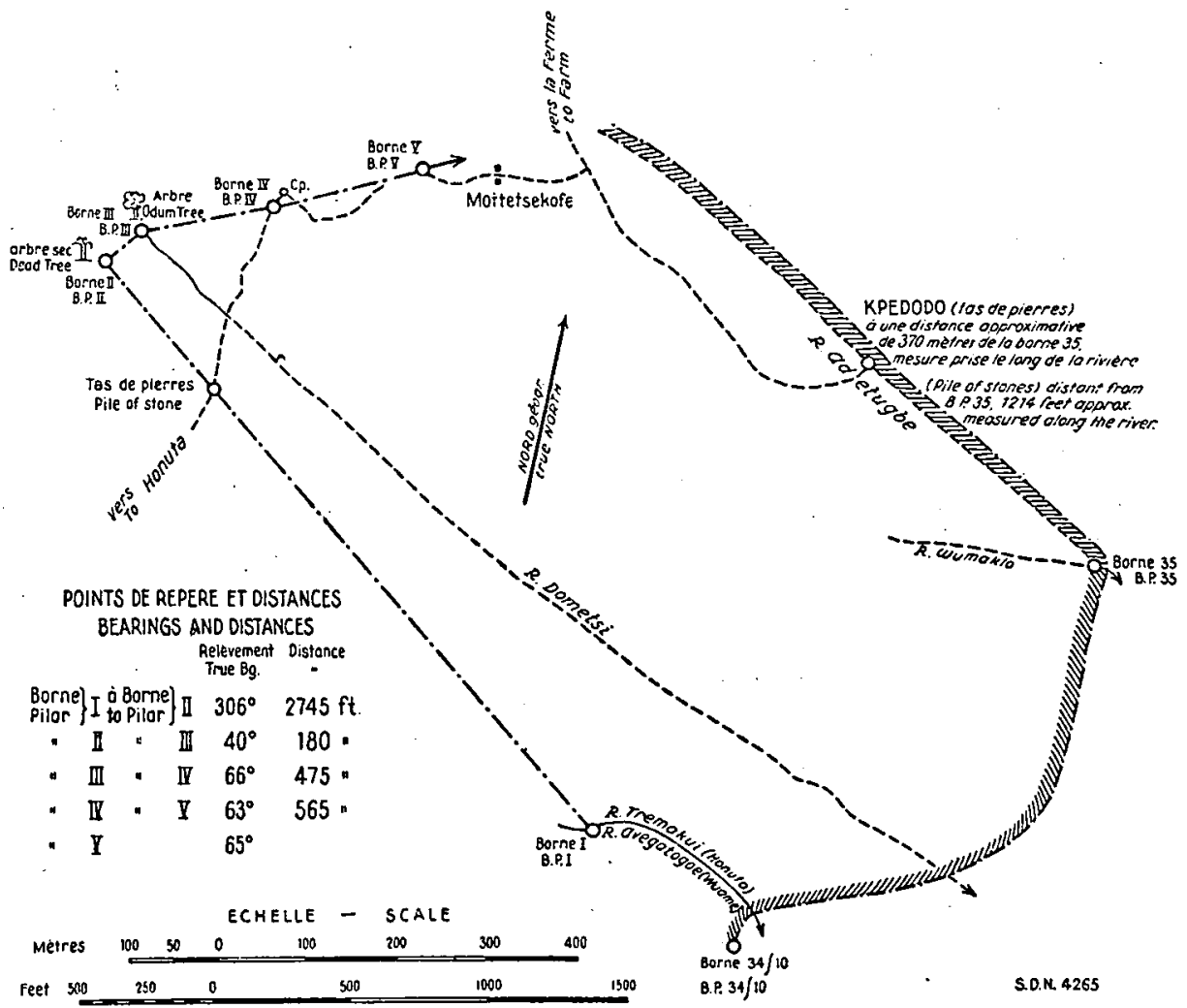
31.VII.33.

Copie certifiée conforme :

Certified true copy.

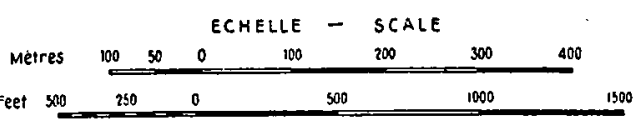
Le Greffier adjoint du Tribunal du Commissaire de district Honuta :
(Signé) T. M. KORANTEMİ.

(Signed) T. M. KORANTEMİ,
Registrar, Asst. D.C.'s
Court, Ho.



POINTS DE REPERE ET DISTANCES
BEARINGS AND DISTANCES

	Relèvement True Bg.	Distance
Borne I à Borne II	306°	2745 ft.
" II " III	40°	180 "
" III " IV	66°	475 "
" IV " Y	63°	565 "
" Y	65°	



Frontière internationale (approximative) International Boundary (approx. only)
 Frontière Woame-Honuta fixée par le présent jugement Woame-Honuta Boundary as fixed by present judgement
 Position des bornes B.P.I B.P.II etc. Position for pillars
 Rivières : dont le cours a été relevé Rivers: surveyed
 " dont le cours n'a pas été relevé " unsurveyed

S.D.N. 4265

(d) REPORT BY M. PALACIOS.

The petition is dated April 4th, 1933, and refers to a former petition on the same subject dated July 3rd, 1928.¹ The mandatory Power's observations, which cite a judgment pronounced on this case on July 31st, 1933, are dated February 22nd, 1934.

In the petition, the Chief and inhabitants of Woame, division of Kluto, in Togoland under French mandate, complain of the actions of the Chief and inhabitants of Honuta in Togoland under British mandate, who, they assert, commit all kinds of outrages against them and prevent them from exploiting the land they claim to have possessed from time immemorial, although the delimitation of the international frontier has placed the said lands and their traditional possessors under different Governments. They adduce several proofs in support of their title, and attach a plan to their petition. They declare themselves satisfied with the decision which was taken by the League of Nations and which, in reply to their first petition, was communicated to them on September 28th, 1929, believing that they would continue to be able, as they were told would be the case, to work their lands in peace, although the latter were situated on the British side of the frontier. They again ask, in view of the fact that the inhabitants of Honuta take no notice of the said decision, that the League of Nations should forbid the Chief of Honuta in writing to occupy the lands in question and to prevent the people of Woame from cultivating them and gathering their produce.

In its observations, the mandatory Power also recalls that the antecedents of this case were stated in a similar previous petition, that it pointed out at the time that any rights which the petitioners might have in respect of the land in question were safeguarded when the boundary between the two mandated territories in the vicinity was demarcated, and that it was further stated that efforts would be made to settle the tribal boundary between the contending parties.² The two Governments of the mandated territories agreed that the best way to deal with the matter would be for the Chief of Woame to take action in the British courts, but he at first showed no inclination to do so. It was no doubt for this reason that the dispute remained dormant until April 1933, when the Chief of Woame took out a summons against the Chief of Honuta in the Court of the District Commissioner, Ho, for £50 damages for trespass. The mandatory Power attaches to its observations the text of the District Commissioner's judgment, together with a plan indicating the tribal boundary between Woame and Honuta defined in the judgment. The Chief of Woame repudiated the judgment and was informed subsequently, through the French authorities, that an appeal lay to the Provincial Commissioner's Court; but, although special facilities which would lessen the expense of such an appeal were offered to him, he has not availed himself of his proper remedy at law.

* * *

The text of the judgment shows the complex character of these questions, which are always accompanied by great animosity between the parties. The Divisional Chief of Honuta set up a counter-claim against the Chief of Woame, also for trespass on the same land.

The point in dispute was therefore the title to the land in question. From the statements of the witnesses and the evidence adduced, this title appears to be obscure, and in any case the question was confused by the absence of a delimitation of the frontier between the tribes, a task which the judge performed after a careful study. But the judge having considered that there was no reason to grant Chief Akoto of Woame, the claimant, the damages for which he was asking, the latter refused to accompany the judge when he personally marked out the boundaries; he therefore only marked them in the presence of three representatives of the Chief of Honuta. The judge, who is Assistant District Commissioner of Honuta, attaches to the text of the judgment a plan of the delimitation, which shows that a considerable part of the land situated within the frontier of Togoland under British mandate has been assigned to the people of Woame.

It is impossible for us, on the basis of the facts at our disposal, to judge the reasons for which the Chief of Woame did not accept this judgment. The Commission has received no further information from him since the judgment was delivered over a year ago, and the mandatory Government of Togoland under French mandate has also supplied no precise particulars on this subject.

The impression derived both from the statements of the petitioners and from those of the witnesses who appeared before the judge is that the lands claimed seem to be very clearly indicated and that they have been cultivated by the petitioners for many years. The first petition even indicated the number of trees situated thereon, and contained a list of the owners by name. Moreover, in the draft agreement, a proposal seems to have been made to the people of Woame to sell their rights to the people of Honuta and, although the price offered was very low, this proves that ownership, or at any rate titles of possession, existed.

Nevertheless, the question seems in my opinion to be well on the way to solution. The judgment delivered by the District Commissioner's Court displays a high sense of duty and

¹ See Minutes of the Fifteenth Session of the Commission, pages 257 and 258.

² See Minutes of the Fifteenth Session of the Commission, pages 258-259.

great competence. If we add to this the fact that the mandatory Power recalls in its observations the clause of the Protocol signed on March 6th, 1929, under which "it is understood that, in respect to land on either side of the frontier, the rights, whether individual, tribal or family, hitherto enjoyed in respect thereto by persons whom the delimitation of the frontier will separate from these lands, shall continue to be enjoyed undiminished,"¹ there is no reason to doubt that the dispute will be settled in a just and fair manner. Nor must it be forgotten that the same mandatory Power stated on June 28th, 1929, in its observations on the first petition: "Thus, the inhabitants of Woame will continue to enjoy the possession of their farms, even though these lie on the British side of the frontier, and their fears lest they should be deprived of their property are groundless".

Thus, as rapporteur, confining myself to recalling these arguments, I consider that the Commission should simply publish the petition and the observations of the mandatory Power, including the judgment of the British Court, in conjunction with the present report, without any other special remarks for or by the Council of the League of Nations.

I therefore propose the adoption of the following conclusion :

"The Commission, having examined the petition dated April 4th, 1933, from the Chief and inhabitants of Woame, Togoland under French mandate, and the mandatory Power's observations thereon, does not consider that any special recommendation to the Council is called for in this connection."

C.P.M.1578(I).

ANNEX 19.

SOUTH WEST AFRICA.

PETITIONS, DATED MARCH 29TH, AND APRIL 5TH, 1933, FROM CERTAIN MEMBERS
OF THE REHOBOTH COMMUNITY.

REPORT BY M^LL^E. DANNEVIG.

These petitions, from certain members of the Rehoboth Community, are a sequel to a series of petitions from the same source.

The petitions consist of a letter, dated March 29th, 1933, signed by Jacobus Beukes, with one annex, and a further letter dated April 5th, 1933, signed by Johannes Beukes and fourteen other members of the Rehoboth Community, with three annexes. The petitions reached us in a translation.

The petitioners protest anew against the allegation that the Union Government took over the administration of all the Rehoboths with all their rights and lands from 1915 to 1923, and assert that they took part in the Great War independently and co-operated with the Union Government during those years unaided, and without anybody's mediation. Proclamation No. 28 of 1923, according to them, was "a request" made by the Administration and outvoted by the great majority of the Rehoboth burghers because it encroached upon their rights. If they were to follow the advice, given them by the League of Nations in answer to their last petition, to co-operate with the South West African Administration, if only for one year, what guarantees, they ask, will they have that their old Constitution in force from 1870 and 1872 will be re-established after the trial period?"

The petitioners next protest against the allegation that their political conditions have improved, and that the former minority party, which wanted to co-operate with the Administration, has become the majority, because their former Captain, Nicolas van Wijck, with 133 adherents, has changed sides. They also protest against being reported to the League of Nations as being obstinate because they complain against their unsatisfactory conditions and assert that money is being spent on objects useless to them, such as the construction of motor roads, which are of advantage to Europeans alone.

The petitioners enumerate four cases where sale of land to strangers was, they state, unlawfully recognised by the Administration.

The petition ends with an appeal to the League of Nations, whose task it is "to protect the small ones against the strong", asking "what guarantees did the League of Nations give them by the letter of February 10th, 1933, for the protection of their rights?"

¹ See Minutes of the Fifteenth Session of the Commission, pages 258-259.

² *Note by the Secretariat*: In a letter dated February 10th, 1933, the Secretariat informed the petitioners of the conclusions adopted by the Commission regarding a petition from the Rehoboth burghers dated June 17th, 1932.

The Union Government, in their covering letter of August 19th, 1933, observe that the constitutional points raised by the petitioners have been dealt with exhaustively in the report of the Rehoboth Commission published in 1927 and there is nothing of value to add to what has been said therein. As regards the election of the Advisory Board, it was held in April 1933, and Nicolas Van Wijck—who had previously protested against this election but now agreed to co-operate—was, with one of his adherents, elected.

The so-called majority party declined to participate in the elections, but the former minority party now claims to have the majority.

With regard to sale of land by burghers of the community, the Union Government claim, on what appear to be justifiable grounds, that they have only approved of four transactions, which possessed exceptional features.

In respect to the rest of the petition, the Union Government have no comments to offer.

Having perused former petitions from the same source and the reports of the Mandates Commission to the Council, I can understand that the petitioners consider themselves to have a grievance, inasmuch as, according to their opinion, they took part in the Great War as the allies of the mandatory Power and therefore are not a conquered people. They consequently expected to be granted a certain measure of local self-government, which, perhaps partly through their own fault, they have not received or retained.

Some members of the community have acquiesced, but others have not and have sent in their several petitions to the League of Nations.

Up to last year, the majority of the Rehoboths were unwilling to co-operate with the mandatory Power and to take part in the election of a magistrate who had been placed over them. The annual report for 1933 shows that the burghers have now given up their dissensions, complied with the suggestions of the Administrator and held the election of a magistrate. Nevertheless, the report gives a very dark picture of their present situation, of their loss of cattle and consequent poverty, their unwillingness to work and their general lack of interest in life. There is a possibility that gold may be found in their territory, in which case perhaps a better future may be anticipated for them.

In the conclusions adopted by the Commission at its twenty-third session and approved by the Council on the last petition from the Rehoboths, they were invited to accept the proposal of the Administrator to the effect that, after a year of probation, subsequent to their having shown their willingness to co-operate with the Administration as a united community, he would discuss their rights with them. This year is now over, but the accredited representative could give no information as to whether such a discussion had yet taken place. If that is not the case, I suppose the burghers will still have the opportunity of availing themselves of the Administrator's promise.

As the case stands, I think the Mandates Commission might agree that there is no reason to make any further recommendations to the Council on these petitions. I accordingly propose that the following conclusions be adopted :

“ The Commission, having examined the petition of March 29th, 1933, from Mr. Jacobus Beukes and the petition dated April 5th, 1933, from Johannes Beukes and from fourteen other members of the Rehoboth community, together with the observations of the mandatory Power thereon, considers that those petitions do not call for any recommendation on its part to the Council.”

ANNEX 20.

I.

REPORT TO THE COUNCIL ON THE WORK OF THE SESSION.

The Permanent Mandates Commission met at Geneva from October 29th to November 12th, 1934, for its twenty-sixth session, and held twenty-two meetings, two of which were public—viz., the opening meeting and a meeting held in memory of the late Vice-Chairman, M. Van Rees, who died on October 30th, 1934.

The annual reports were considered in the following order, with the co-operation of the representatives of the mandatory Powers :

Cameroons under British Mandate, 1933.

Accredited Representative :

Mr. W. E. HUNT, C.M.G., C.B.E., Officer of the Staff Grade, Nigeria.

Togoland under British Mandate, 1933.

Accredited Representative :

Mr. H. W. THOMAS, Secretary for Native Affairs, Gold Coast.

South West Africa, 1933.

Accredited Representatives :

Mr. Eric LOUW, Envoy Extraordinary and Minister Plenipotentiary of the Union of South Africa in Paris.

Mr. H. T. ANDREWS, Political Secretary to the High Commissioner for the Union of South Africa in London.

Cameroons under French Mandate, 1933.

Accredited Representative :

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

Islands under Japanese Mandate, 1933.

Accredited Representative :

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

Togoland under French Mandate, 1933.

Accredited Representative :

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

Western Samoa, 1933-34.

Accredited Representative :

Mr. Charles KNOWLES, C.B.E., of the Office of the High Commissioner for New Zealand in London.

Ruanda-Urundi, 1933.

Accredited Representative :

M. HALEWYCK DE HEUSCH, Director-General in the Belgian Colonial Ministry.

The Commission also gave a hearing to M. Robert DE CAIX, representative of the mandatory Power for Syria and the Lebanon, on the occasion of the examination of certain petitions concerning that territory.

A. OBSERVATIONS ON THE ADMINISTRATION OF CERTAIN TERRITORIES UNDER MANDATE.

The following observations, which the Commission has the honour to submit to the Council, were adopted after consideration of the situation in each territory in the presence of the accredited representatives of the mandatory Power concerned. In order to appreciate the full significance of these observations, reference should be made, as usual, to the Minutes of the meetings of the Commission at which the questions concerning the different territories were discussed.¹

TERRITORIES UNDER "B" MANDATE.

OBSERVATIONS COMMON TO THE CAMEROONS UNDER BRITISH MANDATE, THE CAMEROONS UNDER FRENCH MANDATE, TOGOLAND UNDER BRITISH MANDATE, TOGOLAND UNDER FRENCH MANDATE AND RUANDA-URUNDI.

Condition of Women.

The Commission notes with satisfaction that the Administrations of the territories under B mandate whose reports have been examined at the present session are devoting special attention to the important problem of the condition of women (pages 11-13, 21-22, 36, 81-82, 105, 110, 167, 171).

¹ The page numbers following each observation are those of the Minutes of the session.

Cameroons and Togoland under British Mandate.

I. OBSERVATIONS COMMON TO BOTH TERRITORIES.

1. Liquor Traffic.

The Commission regrets the prevalence of illicit distilling in the territories and hopes that the steps taken will be successful in checking this evil (pages 11, 18, 27, 38-39, 163).

2. Cinematograph.

The Commission hopes that the mandatory Power will continue to exercise supervision over cinematographic films (page 163).

Cameroons under British Mandate.

1. Frontiers.

While appreciating the reasons given by the accredited representative for the delay in the delimitation of the eastern frontier of the territory, the Commission would point out that its delimitation is provided for in Article 1 of the mandate and Article 2 of the Franco-British Declaration annexed thereto (pages 13, 163).

2. General Administration.

The Commission appreciates the necessity for drastic economies in view of the economic situation, but regrets that it has been found necessary to reduce the European staff of the administrative services in the southern province from an average of 14 present in 1932 to 11 in 1933 (pages 13, 163).

3. Welfare of the Natives: Condition of Women.

The Commission, being again concerned with the situation of women in the territory, expresses the hope that the observations and recommendations made by the religious missions with regard to the condition of women will receive the careful consideration of the mandatory Power (pages 11-13, 21-22, 163).

4. Public Health.

The Commission hopes that the mandatory Power will insist on the provision of adequate medical care for labourers in the private estates in the southern province, without having recourse to the Government medical service, which should have its time fully occupied in the discharge of its official duties in the care of the native population (pages 22-23, 163).

Togoland under British Mandate.

General Administration.

The Commission has heard with great interest of the scheme of reorganisation of the small independent native divisions in the southern area and the voluntary grouping of forty-eight small units into three or four States (pages 31, 32, 163).

2. Education.

The Commission again expresses the hope that the Administration may find it possible to extend its educational activities to the northern section of the territory (pages 38, 163).

3. Public Health.

The Commission notes the steps taken with the co-operation or on the initiative of the natives to check the spread of sleeping-sickness (page 163).

Cameroons and Togoland under French Mandate.

OBSERVATIONS COMMON TO BOTH TERRITORIES.

1. Economic Equality.

The Commission was informed that a decree dated December 13th, 1932, had rendered applicable to the colonies, protectorates and mandated territories under the Colonial Department the provisions of the single article of the Law of May 16th, 1930, which reserves

for French aircraft, subject to special and temporary exceptions, the commercial transport of passengers and goods between two points in French territory and between France and the French colonies.

The accredited representative of the mandatory Power promised to furnish the Commission with precise information as to the effect of the provisions of the above-mentioned decree on the Cameroons and Togoland under French mandate. In these circumstances, the Commission reserves the right to examine later the problems which may be raised by the provisions of the Decree of December 13th, 1932 (pages 72, 106, 130-132, 167).

2. *Public Finance.*

The Commission would be glad if, in future, the mandatory Power would supplement the detailed information contained in the chapter on public finance by a brief general commentary in order to facilitate the examination of this subject (pages 74-75, 106-107).

With reference to the recommendation it has had occasion to make previously, the Commission hopes that the subsidies granted by the territories to institutions in the home country will be limited to those from which the territory receive a specific return (pages 75-76, 108, 167).

Cameroons under French Mandate.

1. *Frontiers.*

While appreciating the reasons given by the accredited representative for the delay in the delimitation of the western frontier of the territory, the Commission would point out that its delimitation is provided for in Article 1 of the mandate and Article 2 of the Franco-British Declaration annexed thereto (pages 67-68, 167).

2. *Economic Equality.*

The Commission took note of the provisions contained in Article 7 of the law promulgated on January 20th, 1934, authorising the Governments of certain colonies and the Commissariat of the Republic in the Cameroons to contract loans guaranteed by the French State and intended to be devoted in part to public works. This law provides that working equipment and material purchased outside the territory must be of French origin and transported under the French flag. The Commission examined this text in the light of Article 6 of the mandate for the Cameroons, and in the light of the exchanges of views which have taken place on similar subjects connected with economic equality on many occasions, the last being during its twenty-second session. It would refer to these exchanges of views, and expresses the hope that the mandatory Power will make use of the derogation clause in the law in question whenever it would be to the advantage of the territory to do so (pages 68-70, 132-134, 166-167).

3. *General Administration.*

The Commission has noted with satisfaction the measures taken to encourage officials to learn the native languages (pages 78, 167).

Togoland under French Mandate.

GENERAL OBSERVATION.

The Commission was informed by the accredited representative of the mandatory Power of the critical situation of the finances of Togoland under French mandate. In the last few years, the Administration has made severe cuts in the budget. In addition, it has endeavoured to maintain the tax-paying capacity of the territory by intensifying production. It is nevertheless proving impossible to balance the budget, while retaining the present administrative machinery.

The mandatory Power has informed the Commission that it proposes to instruct, provisionally, the high officials of the neighbouring French colony of Dahomey, and possibly even its Governor, to exercise the functions of Commissioner of the Republic and of chiefs of the principal services of Togoland. The official combining the posts of Governor of Dahomey and Commissioner of Togoland would be under the direct authority, as regards this latter function, of the Colonial Ministry in Paris. The proposed reform would involve an economy of some 3 or 4 million French francs¹ for the territory under mandate. In notifying the Commission of the foregoing, the accredited representative of the mandatory Power emphasised the fact that the French Government was most anxious to safeguard the individuality and budgetary autonomy of Togoland.

¹ *Note by the Secretariat:* The text originally adopted by the Commission erroneously indicated a figure of 7 to 8 million French francs, whereas the figure actually given by the accredited representative of the mandatory Power was 3 to 4 millions.

The Commission is grateful to the French Government for having communicated its intentions to it, and for the care which that Government proposes to take to ensure that this administrative reform, which is as yet only projected, will be in conformity with the principles of the mandate, and, in particular, that its application will not involve any infringement of the individuality of the territory and of its financial autonomy (pages 103-105, 108-109, 167).

Ruanda-Urundi.

SPECIAL OBSERVATIONS.

1. Form of the Annual Report.

The Commission expresses the hope that, in future, the annual report will be drafted in the order in which it is examined, and will contain references to the pages in the Minutes on which the questions put by members of the Commission are to be found (pages 137, 168).

2. General Administration.

The Commission has noted with satisfaction the measures taken to encourage officials to learn the native languages (pages 138, 168).

3. Public Finance.

The Commission noted with particular interest the statement in which the accredited representative amplified the chapter in the annual report dealing with financial policy and outlined its anticipated results (pages 134-137, 142-144, 168).

4. Customs Union between Ruanda-Urundi and the Belgian Congo.

The Commission is grateful to the mandatory Power for the detailed information furnished on the subject of the Customs policy and its effects on the public finances and trade of the territory (pages 144, 168).

5. Public Health.

The Commission has noted the measures taken to strengthen the medical campaign against endemic diseases. It would be glad to find in the next annual report information as to the effects of these measures (pages 151, 168).

TERRITORIES UNDER "C" MANDATE.

Islands under Japanese Mandate.

SPECIAL OBSERVATIONS.

1. Form of Annual Report.

The Commission expresses the hope that, in future, the annual report will be drafted in the order in which it is examined, and will contain references to the pages in the Minutes on which the questions put by members of the Commission are to be found (pages 89, 95, 167).

2. International Conventions.

The Commission noted the accredited representative's promise that the next report would contain a list of the international Conventions made applicable to the territory under mandate (pages 89, 167).

3. Equipment of the Ports of Certain Islands.

The Commission noted the accredited representative's statement that the sums spent on the equipment of the ports in certain islands under mandate was for purely civil and commercial purposes.

Nevertheless, it appeared to the Commission that the amount of this expenditure was somewhat disproportionate to the volume of commercial activity. The Commission would be glad to find further particulars on this subject in the next report (pages 93-94, 96, 167).

4. Economic System.

The Commission noted that the volume of the total exports from the territory under mandate was more than twice that of the total imports.

It trusts that appropriate measures will be taken to enable the natives to share in the prosperity of the territory (pages 94-95, 97, 167).

Western Samoa.

SPECIAL OBSERVATIONS.

I. *General Administration.*

The Commission learned with regret that further domestic difficulties had arisen in Samoa during the year under review, necessitating the arrest of numerous native chiefs, and the imposition of severe sentences on some of them. It desires to draw special attention to the report of its deliberations in the Minutes.

It will be glad to learn how far the Administration has been able to secure the co-operation of the native Fono in its capacity of advisory body (pages 120, 120-123, 168).

2. *Public Health.*

The Commission learned that the matter of infant mortality was engaging the earnest attention of the Administration. It hopes that the Administration will find effective means to reduce the high infant mortality rate (pages 127, 168).

South West Africa.

I. *Status of the Territory.*

It has been brought to the Commission's notice that the Legislative Assembly of South West Africa has adopted a motion aiming at the constitution of the territory into "a fifth province of the Union, subject to the provisions of the mandate".

On being questioned as to the attitude of the Union Government towards this proposal, the importance of which is obvious, the accredited representative replied that, on the occasion of the examination of the next report, he would supply the information requested, which relates to an event that occurred after the close of the 1933 administrative period.

The Commission, in its turn, reserved its opinion as to the compatibility of the course proposed by the Legislative Assembly with the mandates system until it should have been informed in due course of the point of view adopted by the mandatory Government in this connection and been acquainted with all the factors of the problem (pages 46-52, 62-64, 163-166, 167).

2. *Public Finance.*

Greatly concerned by the serious financial situation, the Commission hopes that it may be possible for the mandatory Power to assist the territory by grants-in-aid, without increasing the public debt.

It noted the statement of the accredited representative that the ultimate responsibility for expenditure in the territory rests with the mandatory Power, and that any deficit in the budget of the territory must be met by the latter (pages 42, 44-45, 54, 167).

3. *Education.*

The Commission hopes that it may be found possible to devote a larger proportion of the education budget to native education (pages 54-55, 58-60, 167).

4. *Public Health.*

The Commission expresses the hope that the mandatory Power will endeavour to develop the medical service among the natives, which, in certain parts of the territory, is now left entirely to the missions.

It would be glad to find in the next report fuller information about the steps taken in order to combat tuberculosis, which appears to be spreading among the natives (pages 60, 167).

5. *Population.*

The Commission noted that the native population within the police zone now appears to be stationary or decreasing. It would be glad to have fuller information on this subject in the next report (pages 61, 167).

B. OBSERVATIONS ON PETITIONS.¹

At its twenty-sixth session, the Commission considered the petitions mentioned below, together with the mandatory Powers' observations thereon. Each of these petitions was reported on in writing by a member of the Commission. After discussion, the Commission adopted the conclusions set forth below. The texts of the reports submitted to the Commission are attached to the Minutes.²

¹ The page numbers following each title are those of the Minutes of the session.

² The Commission recommends that copies of those petitions and the mandatory Powers' observations thereon which it has not thought necessary to annex to its Minutes, and which consequently are not transmitted to the Council, should be deposited in the League of Nations Library and thus placed at the disposal of persons wishing to consult them.

Palestine.

- (a) *Petition, dated February 28th, 1934, from the " Association syrienne arabe ", Paris* (document C.P.M.1501) (pages 170-171, 178-179).

Observations of the Government of the United Kingdom, dated September 6th, 1934 (document C.P.M.1556).

Report (see Minutes, Annex 5).

CONCLUSIONS.

" The Commission,

" Having examined the petition of February 28th, 1934, from the ' Association syrienne arabe ', of Paris, and the mandatory Power's observations thereon :

" Considers that the Council's attention should be drawn to the state of mind revealed by this petition, and decides to take no other action in the matter."

- (b) *Petition, dated April 30th, 1934, from Mr. A. Weinshal, President of the " Central Committee of the Union of Zionists-Revisionists in Palestine ", Haifa* (document C.P.M.1550) (pages 169, 179-180).

Observations of the Government of the United Kingdom, dated June 14th, 1934 (document C.P.M.1550).

Report (see Minutes, Annex 6).

CONCLUSIONS.

" The Commission,

" Having examined a petition, dated April 30th, 1934, from Mr. A. Weinshal, President of the ' Central Committee of the Union of Zionists-Revisionists in Palestine ', together with the observations thereon by the mandatory Power :

" Considers that this petition does not fulfil the conditions of admissibility, since it raises claims which are incompatible with the mandate for Palestine."

- (c) *Petition, undated, from the " General Council of Women Workers in Palestine "* (document C.P.M.1522) (pages 169, 180-181).

Observations of the Government of the United Kingdom, dated June 1st, 1934 (document C.P.M.1522).

Report (see Minutes, Annex 7).

CONCLUSIONS.

" The Commission,

" Having examined the petition, undated, of the ' General Council of Women Workers in Palestine ', and the mandatory Power's observations thereon :

" Does not consider that any action should be taken on this petition."

- (d) *Petition, undated, from the " Brit Kibbutz Galuiot " (Union of Returning Exiles) in Palestine* (document C.P.M.1551) (pages 169, 181-182).

Observations of the Government of the United Kingdom, dated June 22nd, 1934 (document C.P.M.1551).

Report (see Minutes, Annex 8).

CONCLUSIONS.

" The Commission,

" Having examined the undated petition from the ' Brit Kibbutz Galuiot ' (' Union of Returning Exiles ') in Palestine, and the mandatory Power's observations thereon :

" Considers that, in the present circumstances, no special recommendation need be made to the Council with regard to the petition."

- (e) *Petition, dated June 7th, 1934, from the " Consistoire central des Israélites en Bulgarie ", Sofia* (document C.P.M.1554) (pages 169, 182-183).

Observations of the Government of the United Kingdom, dated October 11th, 1934 (document C.P.M.1565).

Report (see Minutes, Annex 9).

CONCLUSIONS.

“ The Commission,

“ Having examined the petition, dated June 7th, 1934, from the ‘ Consistoire central des Israélites en Bulgarie ’, and the mandatory Power’s note thereon :

“ Considers that the Council need not be asked to make any recommendation in connection with this petition.”

Syria and the Lebanon.

- (a) *Petition, dated September 1st, 1933, from Dr. A. Keyali, Aleppo* (document C.P.M.1521) (pages 161-162, 171, 183-184).¹

Observations of the French Government, dated October 25th, 1934 (document C.P.M. 1571).

Report (see Minutes, Annex 10).

CONCLUSIONS.

“ The Commission,

“ Having examined Dr. Keyali’s petition, dated September 1st, 1933, having taken cognisance of the mandatory Power’s written observations thereon, and having received additional particulars regarding the various points touched upon in the petition from the accredited representative of the mandatory Power :

“ Considers that no special recommendations need be made to the Council in connection with this petition.”

- (b) *Petition, dated June 1933, from M. Nassir, M. Amdi Ez Zeini and other Inhabitants of Tripoli el Mina* (document C.P.M.1524) (pages 153, 168, 184).

Observations of the French Government, dated May 31st, 1934 (document C.P.M.1524).
Report (see Minutes, Annex 11).

CONCLUSIONS.

“ The Commission considers that no action need be taken on the petition from Messrs. Nassir, Amdi Ez Zeini and other inhabitants of Tripoli el Mina, transmitted by the French Government on May 31st, 1934, with its observations.”

- (c) *Petitions (seventeen in number), dated November and December 1933, from Inhabitants of Beirut, Tripoli and Saïda* (Annex 12 (a), document C.P.M.1527) (pages 154-157, 168, 185, 191).

Observations of the French Government, dated May 31st, 1934 (Annex 12 (b), document C.P.M.1527).

Report (see Minutes, Annex 12 (c)).

CONCLUSIONS.

“ The Commission,

“ Having carefully examined, in the light of the written and oral statements of the mandatory Power, the seventeen petitions, dated November and December 1933, from inhabitants of Beirut, Tripoli and Saïda ;

“ Noting that the petitioners have not established the existence of any fact such as might constitute a violation of the mandate ;

“ Noting, further, that they will find in the observations of the mandatory Power and in the Minutes of the Commission replies to their complaints, to which the Commission considers it has nothing to add :

“ Decides to take no action on these petitions.”

- (d) *Petition, dated May 6th, 1934, from M. Avuallah El Djabri, “ Président de la Ligue syrienne des Droits de l’Homme ”, Geneva* (document C.P.M.1552) (pages 157-159, 168, 191).

Observations of the French Government, dated September 27th, 1934 (document C.P.M. 1560).

Report (see Minutes, Annex 13).

CONCLUSIONS.

“ The Commission,

“ Having taken cognisance of the petition of M. Avuallah El Djabri, who signs as President of the ‘ Ligue syrienne des Droits de l’Homme ’, at Geneva :

“ Considers that no action whatever should be taken thereon.”

¹ See also Minutes of the Twenty-fifth Session of the Commission, pages 63, 93, 120-121.

- (e) *Petitions, five in number, consisting of Four Telegrams from Inhabitants of Latakia, Homs, Damascus and Hama, and of a Letter, dated June 27th, 1934, from M. Abdel Kader Sarmini, Aleppo* (document C.P.M.1555) (pages 159, 168, 192).

Observations of the French Government, dated August 24th, 1934 (document C.P.M. 1555).
Report (see Minutes, Annex 14).

CONCLUSIONS.

“ The Commission,
“ Having examined the five petitions regarding the incidents at Aleppo forwarded on August 24th, 1934, by the French Government, together with the latter's observations :
“ Decides not to propose that the Council take any special action in the matter.”

- (f) *Petition, dated May 7th, 1934, from M. Sami Slim* (document C.P.M.1525) (pages 168, 193).
Observations of the French Government, dated May 29th, 1934 (document C.P.M.1525).
Report (see Minutes, Annex 15).

CONCLUSIONS.

“ The Commission,
“ Being responsible for ensuring the observance of the terms of the mandates, and being thus debarred from considering petitions the authors of which attack those terms :
“ Decides not to make any detailed examination of M. Sami Slim's petition, nor to draw the Council's attention to it.”

- (g) *Petition, dated May 20th, 1934, from M. Georges Akl, Advocate, Beirut* (document C.P.M. 1562) (pages 169, 193).

Observations of the French Government, dated October 4th, 1934 (document C.P.M. 1562).
Report (see Minutes, Annex 16).

CONCLUSIONS.

“ The Commission,
“ Having considered the petition, dated May 20th, 1934, from M. Georges Akl, and the observations of the French Government accompanying it :
“ Is of opinion that there is no action to be taken with regard to the said petition.”

- (h) *Petitions from Mr. Gebran Antoine Abou Samah, Beirut* (document C.P.M.1566) (pages 168, 194).

Observations of the French Government, dated October 15th, 1934 (document C.P.M. 1566).
Report (see Minutes, Annex 17).

CONCLUSIONS.

“ The Commission,
“ Having examined the petitions from Mr. Gebran Antoine Abou Samah, together with the observations of the French Government ;
“ Considering that the petitioner objects to the decisions regularly rendered by the competent courts of the mandated territory :
“ Is of opinion that the petition should be rejected as non-receivable.”

Togoland under British Mandate.

- Petition, dated April 4th, 1933, from the Chief and Inhabitants of Woamé* (Annex 18 (a), document C.P.M.1386) (pages 39, 117-118, 169, 195-201).

Observations of the Government of the United Kingdom, dated February 22nd, 1934 (Annex 18 (b), document C.P.M.1494).
Report (see Minutes, Annex 18 (c)).

CONCLUSIONS.

“ The Commission,
“ Having examined the petition, dated April 4th, 1933, from the chief and inhabitants of Woamé, Togoland under French mandate, and the mandatory Power's observations thereon :
“ Does not consider that any special recommendation to the Council is called for in this connection.”

South West Africa.

Petitions, dated March 29th and April 5th, 1933, from Certain Members of the Rehoboth Community (document C.P.M.1436) (pages 57, 62, 169, 201-202).

Observations of the Government of the Union of South Africa, dated August 19th, 1933 (document C.P.M.1436).

Report (see Minutes, Annex 19).

CONCLUSIONS.

“ The Commission,

“ Having examined the petition of March 29th, 1933, from Mr. Jacobus Beukes, and the petition dated April 5th, 1933, from Mr. Johannes Beukes and from fourteen other members of the Rehoboth community, together with the observations of the mandatory Power thereon :

“ Considers that those petitions do not call for any recommendation on its part to the Council.”

II.

COMMENTS OF THE ACCREDITED REPRESENTATIVES SUBMITTED
IN ACCORDANCE WITH SECTION (e) OF THE CONSTITUTION OF
THE PERMANENT MANDATES COMMISSION.

A. SOUTH WEST AFRICA.

LETTER FROM THE ACCREDITED REPRESENTATIVE, DATED NOVEMBER 23RD, 1934.

I have the honour to acknowledge receipt of your letter of November 21st, enclosing for my information and comment an advance copy of the observations of the Permanent Mandates Commission on the recent examination of the 1933 report of the South West Africa Administration.

I have the following comments to make on these observations :

1. *Section No. 1 of the Commission's Observations (Status of Territory), Second Paragraph.*

I do not recollect having undertaken to “ supply the information requested . . . on the occasion of the examination of the next report . . . ”. The last part of the paragraph in question should read as follows :

“ . . . The accredited representative replied that he was not prepared to discuss his Government's policy in regard to an event which occurred after the close of the 1933 administration period, as this was a matter which fell to be discussed on the occasion of the examination of the 1934 report.”

2. *Section 2, Second Paragraph, of the Commission's Observations (Public Finance).*

In this paragraph, it is stated that the Commission “ noted the statement of the accredited representative that the ultimate responsibility for expenditure in the territory rests with the mandatory Power . . . ”

Reference to the Minutes of the examination will show that the statement in question was not an expression of my personal opinion, but a quotation from a statement made in the Union Parliament by the Acting Minister of Finance (Hon. Mr. Patrick Duncan).

(Signed) Eric H. Louw.

B.

The accredited representatives for Cameroons and Togoland under French Mandate, Togoland under British Mandate, Ruanda-Urundi, the Islands under Japanese Mandate and Western Samoa have stated that they have no comments to make on the observations contained in the report of the Permanent Mandates Commission.

* * *

At the time the present document was sent to press, the Secretariat had not yet received the reply from the Accredited Representative for the Cameroons under British Mandate. Should the latter make any comments on the Commission's observations, they will be distributed to the Council and the Members of the League in the form of an addendum to the present document.

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to the Minutes of the 26th Session of the Permanent Mandates Commission

Abbreviations

Addit. = Additional
Cttee. = Committee
Govt. = Government
Kgd. = Kingdom

P.M.C. = Permanent Mandates
Commission
Resol. = Resolution
Suppl. = Supplementary

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Geneva, November 12th, 1934.

LEAGUE OF NATIONS

PERMANENT MANDATES COMMISSION

TWENTY-SIXTH SESSION OF THE COMMISSION

(Geneva, October 29th - November 12th, 1934)

I.

REPORT TO THE COUNCIL ON THE WORK OF THE SESSION.

The Permanent Mandates Commission met at Geneva from October 29th to November 12th, 1934, for its twenty-sixth session, and held twenty-two meetings, two of which were public—viz., the opening meeting and a meeting held in memory of the late Vice-Chairman, M. Van Rees, who died on October 30th, 1934.

The annual reports were considered in the following order, with the co-operation of the representatives of the mandatory Powers :

Cameroons under British Mandate, 1933.

Accredited Representative :

Mr. W. E. HUNT, C.M.G., C.B.E., Officer of the Staff Grade, Nigeria.

Togoland under British Mandate, 1933.

Accredited Representative :

Mr. H. W. THOMAS, Secretary for Native Affairs, Gold Coast.

South West Africa, 1933.

Accredited Representatives :

Mr. Eric LOUW, Envoy Extraordinary and Minister Plenipotentiary of the Union of South Africa in Paris.

Mr. H. T. ANDREWS, Political Secretary to the High Commissioner for the Union of South Africa in London.

Cameroons under French Mandate, 1933.

Accredited Representative :

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

Islands under Japanese Mandate, 1933.

Accredited Representative :

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

Togoland under French Mandate, 1933.

Accredited Representative :

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

Western Samoa, 1933-34.

Accredited Representative :

Mr. Charles KNOWLES, C.B.E., of the Office of the High Commissioner for New Zealand in London.

Ruanda-Urundi, 1933.

Accredited Representative :

M. HALEWYCK DE HEUSCH, Director-General in the Belgian Colonial Ministry.

The Commission also gave a hearing to M. Robert DE CAIX, representative of the mandatory Power for Syria and the Lebanon, on the occasion of the examination of certain petitions concerning that territory.

A. OBSERVATIONS ON THE ADMINISTRATION OF CERTAIN TERRITORIES UNDER MANDATE.

The following observations, which the Commission has the honour to submit to the Council, were adopted after consideration of the situation in each territory in the presence of the accredited representatives of the mandatory Power concerned. In order to appreciate the full significance of these observations, reference should be made, as usual, to the Minutes of the meetings of the Commission at which the questions concerning the different territories were discussed.¹

TERRITORIES UNDER "B" MANDATE.

OBSERVATIONS COMMON TO THE CAMEROONS UNDER BRITISH MANDATE, THE CAMEROONS UNDER FRENCH MANDATE, TOGOLAND UNDER BRITISH MANDATE, TOGOLAND UNDER FRENCH MANDATE AND RUANDA-URUNDI.

Condition of Women.

The Commission notes with satisfaction that the Administrations of the territories under B mandate whose reports have been examined at the present session are devoting special attention to the important problem of the condition of women (pages 11-13, 21-22, 36, 81-82, 105, 110, 167, 171).

Cameroons and Togoland under British Mandate.

I. OBSERVATIONS COMMON TO BOTH TERRITORIES.

1. *Liquor Traffic.*

The Commission regrets the prevalence of illicit distilling in the territories and hopes that the steps taken will be successful in checking this evil (pages 11, 18, 27, 38-39, 163).

2. *Cinematograph.*

The Commission hopes that the mandatory Power will continue to exercise supervision over cinematographic films (page 163).

Cameroons under British Mandate.

I. *Frontiers.*

While appreciating the reasons given by the accredited representative for the delay in the delimitation of the eastern frontier of the territory, the Commission would point out that its delimitation is provided for in Article 1 of the mandate and Article 2 of the Franco-British Declaration annexed thereto (pages 13, 163).

2. *General Administration.*

The Commission appreciates the necessity for drastic economies in view of the economic situation, but regrets that it has been found necessary to reduce the European staff of the administrative services in the southern province from an average of 14 present in 1932 to 11 in 1933 (pages 13, 163).

¹ The page numbers following each observation are those of the Minutes of the session.

3. *Welfare of the Natives: Condition of Women.*

The Commission, being again concerned with the situation of women in the territory, expresses the hope that the observations and recommendations made by the religious missions with regard to the condition of women will receive the careful consideration of the mandatory Power (pages 11-13, 21-22, 163).

4. *Public Health.*

The Commission hopes that the mandatory Power will insist on the provision of adequate medical care for labourers in the private estates in the southern province, without having recourse to the Government medical service, which should have its time fully occupied in the discharge of its official duties in the care of the native population (pages 22-23, 163).

Togoland under British Mandate.

General Administration.

The Commission has heard with great interest of the scheme of reorganisation of the small independent native divisions in the southern area and the voluntary grouping of forty-eight small units into three or four States (pages 31, 32, 163).

2. *Education.*

The Commission again expresses the hope that the Administration may find it possible to extend its educational activities to the northern section of the territory (pages 38, 163).

3. *Public Health.*

The Commission notes the steps taken with the co-operation or on the initiative of the natives to check the spread of sleeping-sickness (page 163).

Cameroons and Togoland under French Mandate.

OBSERVATIONS COMMON TO BOTH TERRITORIES.

1. *Economic Equality.*

The Commission was informed that a decree dated December 13th, 1932, had rendered applicable to the colonies, protectorates and mandated territories under the Colonial Department the provisions of the single article of the Law of May 16th, 1930, which reserves for French aircraft, subject to special and temporary exceptions, the commercial transport of passengers and goods between two points in French territory and between France and the French colonies.

The accredited representative of the mandatory Power promised to furnish the Commission with precise information as to the effect of the provisions of the above-mentioned decree on the Cameroons and Togoland under French mandate. In these circumstances, the Commission reserves the right to examine later the problems which may be raised by the provisions of the Decree of December 13th, 1932 (pages 72, 106, 130-132, 167).

2. *Public Finance.*

The Commission would be glad if, in future, the mandatory Power would supplement the detailed information contained in the chapter on public finance by a brief general commentary in order to facilitate the examination of this subject (pages 74-75, 106-107).

With reference to the recommendation it has had occasion to make previously, the Commission hopes that the subsidies granted by the territories to institutions in the home country will be limited to those from which the territory receive a specific return (pages 75-76, 108, 167).

Cameroons under French Mandate.

1. *Frontiers.*

While appreciating the reasons given by the accredited representative for the delay in the delimitation of the western frontier of the territory, the Commission would point out that its delimitation is provided for in Article 1 of the mandate and Article 2 of the Franco-British Declaration annexed thereto (pages 67-68, 167).

2. *Economic Equality.*

The Commission took note of the provisions contained in Article 7 of the law promulgated on January 20th, 1934, authorising the Governments of certain colonies and the Commissariat of the Republic in the Cameroons to contract loans guaranteed by the French State and intended to be devoted in part to public works. This law provides that working equipment and material purchased outside the territory must be of French origin and transported under the French flag. The Commission examined this text in the light of Article 6 of the mandate for the Cameroons, and in the light of the exchanges of views which have taken place on similar subjects connected with economic equality on many occasions, the last being during its twenty-second session. It would refer to these exchanges of views, and expresses the hope that the mandatory Power will make use of the derogation clause in the law in question whenever it would be to the advantage of the territory to do so (pages 68-70, 132-134, 166-167).

3. *General Administration.*

The Commission has noted with satisfaction the measures taken to encourage officials to learn the native languages (pages 78, 167).

Togoland under French Mandate.

GENERAL OBSERVATION.

The Commission was informed by the accredited representative of the mandatory Power of the critical situation of the finances of Togoland under French mandate. In the last few years, the Administration has made severe cuts in the budget. In addition, it has endeavoured to maintain the tax-paying capacity of the territory by intensifying production. It is nevertheless proving impossible to balance the budget, while retaining the present administrative machinery.

The mandatory Power has informed the Commission that it proposes to instruct, provisionally, the high officials of the neighbouring French colony of Dahomey, and possibly even its Governor, to exercise the functions of Commissioner of the Republic and of chiefs of the principal services of Togoland. The official combining the posts of Governor of Dahomey and Commissioner of Togoland would be under the direct authority, as regards this latter function, of the Colonial Ministry in Paris. The proposed reform would involve an economy of some 3 or 4 million French francs¹ for the territory under mandate. In notifying the Commission of the foregoing, the accredited representative of the mandatory Power emphasised the fact that the French Government was most anxious to safeguard the individuality and budgetary autonomy of Togoland.

The Commission is grateful to the French Government for having communicated its intentions to it, and for the care which that Government proposes to take to ensure that this administrative reform, which is as yet only projected, will be in conformity with the principles of the mandate, and, in particular, that its application will not involve any infringement of the individuality of the territory and of its financial autonomy (pages 103-105, 108-109, 167).

Ruanda-Urundi.

SPECIAL OBSERVATIONS.

1. *Form of the Annual Report.*

The Commission expresses the hope that, in future, the annual report will be drafted in the order in which it is examined, and will contain references to the pages in the Minutes on which the questions put by members of the Commission are to be found (pages 137, 168).

2. *General Administration.*

The Commission has noted with satisfaction the measures taken to encourage officials to learn the native languages (pages 138, 168).

3. *Public Finance.*

The Commission noted with particular interest the statement in which the accredited representative amplified the chapter in the annual report dealing with financial policy and outlined its anticipated results (pages 134-137, 142-144, 168).

4. *Customs Union between Ruanda-Urundi and the Belgian Congo.*

The Commission is grateful to the mandatory Power for the detailed information furnished on the subject of the Customs policy and its effects on the public finances and trade of the territory (pages 144, 168).

¹ *Note by the Secretariat:* The text originally adopted by the Commission erroneously indicated a figure of 7 to 8 million French francs, whereas the figure actually given by the accredited representative of the mandatory Power was 3 to 4 millions.

5. *Public Health.*

The Commission has noted the measures taken to strengthen the medical campaign against endemic diseases. It would be glad to find in the next annual report information as to the effects of these measures (pages 151, 168).

TERRITORIES UNDER "C" MANDATE.

Islands under Japanese Mandate.

SPECIAL OBSERVATIONS.

1. *Form of Annual Report.*

The Commission expresses the hope that, in future, the annual report will be drafted in the order in which it is examined, and will contain references to the pages in the Minutes on which the questions put by members of the Commission are to be found (pages 89, 95, 167).

2. *International Conventions.*

The Commission noted the accredited representative's promise that the next report would contain a list of the international Conventions made applicable to the territory under mandate (pages 89, 167).

3. *Equipment of the Ports of Certain Islands.*

The Commission noted the accredited representative's statement that the sums spent on the equipment of the ports in certain islands under mandate was for purely civil and commercial purposes.

Nevertheless, it appeared to the Commission that the amount of this expenditure was somewhat disproportionate to the volume of commercial activity. The Commission would be glad to find further particulars on this subject in the next report (pages 93-94, 96, 167).

4. *Economic System.*

The Commission noted that the volume of the total exports from the territory under mandate was more than twice that of the total imports.

It trusts that appropriate measures will be taken to enable the natives to share in the prosperity of the territory (pages 94-95, 97, 167).

Western Samoa.

SPECIAL OBSERVATIONS.

1. *General Administration.*

The Commission learned with regret that further domestic difficulties had arisen in Samoa during the year under review, necessitating the arrest of numerous native chiefs, and the imposition of severe sentences on some of them. It desires to draw special attention to the report of its deliberations in the Minutes.

It will be glad to learn how far the Administration has been able to secure the co-operation of the native Fono in its capacity of advisory body (pages 120, 120-123, 168).

2. *Public Health.*

The Commission learned that the matter of infant mortality was engaging the earnest attention of the Administration. It hopes that the Administration will find effective means to reduce the high infant mortality rate (pages 127, 168).

South West Africa.

1. *Status of the Territory.*

It has been brought to the Commission's notice that the Legislative Assembly of South West Africa has adopted a motion aiming at the constitution of the territory into "a fifth province of the Union, subject to the provisions of the mandate".

On being questioned as to the attitude of the Union Government towards this proposal, the importance of which is obvious, the accredited representative replied that, on the occasion of the examination of the next report, he would supply the information requested, which relates to an event that occurred after the close of the 1933 administrative period.

The Commission, in its turn, reserved its opinion as to the compatibility of the course proposed by the Legislative Assembly with the mandates system until it should have been informed in due course of the point of view adopted by the mandatory Government in this connection and been acquainted with all the factors of the problem (pages 46-52, 62-64, 163-166, 167).

2. *Public Finance.*

Greatly concerned by the serious financial situation, the Commission hopes that it may be possible for the mandatory Power to assist the territory by grants-in-aid, without increasing the public debt.

It noted the statement of the accredited representative that the ultimate responsibility for expenditure in the territory rests with the mandatory Power, and that any deficit in the budget of the territory must be met by the latter (pages 42, 44-45, 54, 167).

3. *Education.*

The Commission hopes that it may be found possible to devote a larger proportion of the education budget to native education (pages 54-55, 58-60, 167).

4. *Public Health.*

The Commission expresses the hope that the mandatory Power will endeavour to develop the medical service among the natives, which, in certain parts of the territory, is now left entirely to the missions.

It would be glad to find in the next report fuller information about the steps taken in order to combat tuberculosis, which appears to be spreading among the natives (pages 60, 167).

5. *Population.*

The Commission noted that the native population within the police zone now appears to be stationary or decreasing. It would be glad to have fuller information on this subject in the next report (pages 61, 167).

B. OBSERVATIONS ON PETITIONS.¹

At its twenty-sixth session, the Commission considered the petitions mentioned below, together with the mandatory Powers' observations thereon. Each of these petitions was reported on in writing by a member of the Commission. After discussion, the Commission adopted the conclusions set forth below. The texts of the reports submitted to the Commission are attached to the Minutes.²

Palestine.

- (a) *Petition, dated February 28th, 1934, from the " Association syrienne arabe ", Paris (document C.P.M.1501) (pages 170-171, 178-179).*

Observations of the Government of the United Kingdom, dated September 6th, 1934 (document C.P.M.1556).

Report (see Minutes, Annex 5).

CONCLUSIONS.

" The Commission,

" Having examined the petition of February 28th, 1934, from the ' Association syrienne arabe ', of Paris, and the mandatory Power's observations thereon :

" Considers that the Council's attention should be drawn to the state of mind revealed by this petition, and decides to take no other action in the matter."

- (b) *Petition, dated April 30th, 1934, from Mr. A. Weinshal, President of the " Central Committee of the Union of Zionists-Revisionists in Palestine ", Haifa (document C.P.M.1550) (pages 169, 179-180).*

Observations of the Government of the United Kingdom, dated June 14th, 1934 (document C.P.M.1550).

Report (see Minutes, Annex 6).

¹ The page numbers following each title are those of the Minutes of the session.

² The Commission recommends that copies of those petitions and the mandatory Powers' observations thereon which it has not thought necessary to annex to its Minutes, and which consequently are not transmitted to the Council, should be deposited in the League of Nations Library and thus placed at the disposal of persons wishing to consult them.

CONCLUSIONS.

“ The Commission,

“ Having examined a petition, dated April 30th, 1934, from Mr. A. Weinshal, President of the ‘ Central Committee of the Union of Zionists-Revisionists in Palestine ’, together with the observations thereon by the mandatory Power :

“ Considers that this petition does not fulfil the conditions of admissibility, since it raises claims which are incompatible with the mandate for Palestine.”

- (c) *Petition, undated, from the “ General Council of Women Workers in Palestine ”* (document C.P.M.1522) (pages 169, 180-181).

Observations of the Government of the United Kingdom, dated June 1st, 1934 (document C.P.M.1522):

Report (see Minutes, Annex 7).

CONCLUSIONS.

“ The Commission,

“ Having examined the petition, undated, of the ‘ General Council of Women Workers in Palestine ’, and the mandatory Power’s observations thereon :

“ Does not consider that any action should be taken on this petition.”

- (d) *Petition, undated, from the “ Brit Kibbutz Galuiot ” (Union of Returning Exiles) in Palestine* (document C.P.M.1551) (pages 169, 181-182).

Observations of the Government of the United Kingdom, dated June 22nd, 1934 (document C.P.M.1551).

Report (see Minutes, Annex 8).

CONCLUSIONS.

“ The Commission,

“ Having examined the undated petition from the ‘ Brit Kibbutz Galuiot ’ (‘ Union of Returning Exiles ’) in Palestine, and the mandatory Power’s observations thereon :

“ Considers that, in the present circumstances, no special recommendation need be made to the Council with regard to the petition.”

- (e) *Petition, dated June 7th, 1934, from the “ Consistoire central des Israélites en Bulgarie ”, Sofia* (document C.P.M.1554) (pages 169, 182-183).

Observations of the Government of the United Kingdom, dated October 11th, 1934 (document C.P.M.1565).

Report (see Minutes, Annex 9).

CONCLUSIONS.

“ The Commission,

“ Having examined the petition, dated June 7th, 1934, from the ‘ Consistoire central des Israélites en Bulgarie ’, and the mandatory Power’s note thereon :

“ Considers that the Council need not be asked to make any recommendation in connection with this petition.”

Syria and the Lebanon.

- (a) *Petition, dated September 1st, 1933, from Dr. A. Keyali, Aleppo* (document C.P.M.1521) (pages 161-162, 171, 183-184).¹

Observations of the French Government, dated October 25th, 1934 (document C.P.M.1571):

Report (see Minutes, Annex 10).

CONCLUSIONS.

“ The Commission,

“ Having examined Dr. Keyali’s petition, dated September 1st, 1933, having taken cognisance of the mandatory Power’s written observations thereon, and having received additional particulars regarding the various points touched upon in the petition from the accredited representative of the mandatory Power :

“ Considers that no special recommendations need be made to the Council in connection with this petition.”

¹ See also Minutes of the Twenty-fifth Session of the Commission, pages 63, 93, 120-121.

- (b) *Petition, dated June 1933, from M. Nassir, M. Amdi Ez Zeini and other Inhabitants of Tripoli el Mina* (document C.P.M.1524) (pages 153, 168, 184).

Observations of the French Government, dated May 31st, 1934 (document C.P.M.1524).
Report (see Minutes, Annex 11).

CONCLUSIONS.

“ The Commission considers that no action need be taken on the petition from Messrs. Nassir, Amdi Ez Zeini and other inhabitants of Tripoli el Mina, transmitted by the French Government on May 31st, 1934, with its observations.”

- (c) *Petitions (seventeen in number), dated November and December 1933, from Inhabitants of Beirut, Tripoli and Saïda* (Annex 12 (a), document C.P.M.1527) (pages 154-157, 168, 185, 191).

Observations of the French Government, dated May 31st, 1934 (Annex 12 (b), document C.P.M.1527).

Report (see Minutes, Annex 12 (c)).

CONCLUSIONS.

“ The Commission,

“ Having carefully examined, in the light of the written and oral statements of the mandatory Power, the seventeen petitions, dated November and December 1933, from inhabitants of Beirut, Tripoli and Saïda ;

“ Noting that the petitioners have not established the existence of any fact such as might constitute a violation of the mandate ;

“ Noting, further, that they will find in the observations of the mandatory Power and in the Minutes of the Commission replies to their complaints, to which the Commission considers it has nothing to add :

“ Decides to take no action on these petitions.”

- (d) *Petition, dated May 6th, 1934, from M. Avuallah El Djabri, “ Président de la Ligue syrienne des Droits de l'Homme ”, Geneva* (document C.P.M.1552) (pages 157-159, 168, 191).

Observations of the French Government, dated September 27th, 1934 (document C.P.M.1560).

Report (see Minutes, Annex 13).

CONCLUSIONS.

“ The Commission,

“ Having taken cognisance of the petition of M. Avuallah El Djabri, who signs as President of the ‘ Ligue syrienne des Droits de l'Homme ’, at Geneva :

“ Considers that no action whatever should be taken thereon.”

- (e) *Petitions, five in number, consisting of Four Telegrams from Inhabitants of Latakia, Homs, Damascus and Hama, and of a Letter, dated June 27th, 1934, from M. Abdel Kader Sarmini, Aleppo* (document C.P.M.1555) (pages 159, 168, 192).

Observations of the French Government, dated August 24th, 1934 (document C.P.M.1555).

Report (see Minutes, Annex 14).

CONCLUSIONS.

“ The Commission,

“ Having examined the five petitions regarding the incidents at Aleppo forwarded on August 24th, 1934, by the French Government, together with the latter's observations :

“ Decides not to propose that the Council take any special action in the matter.”

- (f) *Petition, dated May 7th, 1934, from M. Sami Slim* (document C.P.M.1525) (pages 168, 193).

Observations of the French Government, dated May 29th, 1934 (document C.P.M.1525).
Report (see Minutes, Annex 15).

CONCLUSIONS.

“ The Commission,

“ Being responsible for ensuring the observance of the terms of the mandates, and being thus debarred from considering petitions the authors of which attack those terms :

“ Decides not to make any detailed examination of M. Sami Slim's petition, nor to draw the Council's attention to it.”

- (g) *Petition, dated May 20th, 1934, from M. Georges Akl, Advocate, Beirut* (document C.P.M. 1562) (pages 169, 193).

Observations of the French Government, dated October 4th, 1934 (document C.P.M. 1562).

Report (see Minutes, Annex 16).

CONCLUSIONS.

“ The Commission,

“ Having considered the petition, dated May 20th, 1934, from M. Georges Akl, and the observations of the French Government accompanying it :

“ Is of opinion that there is no action to be taken with regard to the said petition.”

- (h) *Petitions from Mr. Gebran Antoine Abou Samah, Beirut* (document C.P.M.1566) (pages 168, 194).

Observations of the French Government, dated October 15th, 1934 (document C.P.M. 1566).

Report (see Minutes, Annex 17).

CONCLUSIONS.

“ The Commission,

“ Having examined the petitions from Mr. Gebran Antoine Abou Samah, together with the observations of the French Government ;

“ Considering that the petitioner objects to the decisions regularly rendered by the competent courts of the mandated territory :

“ Is of opinion that the petition should be rejected as non-receivable.”

Togoland under British Mandate.

- Petition, dated April 4th, 1933, from the Chief and Inhabitants of Woamé* (Annex 18 (a), document C.P.M.1386) (pages 39, 117-118, 169, 195-201).

Observations of the Government of the United Kingdom, dated February 22nd, 1934 (Annex 18 (b), document C.P.M.1494).

Report (see Minutes, Annex 18 (c)).

CONCLUSIONS.

“ The Commission,

“ Having examined the petition, dated April 4th, 1933, from the chief and inhabitants of Woamé, Togoland under French mandate, and the mandatory Power's observations thereon :

“ Does not consider that any special recommendation to the Council is called for in this connection.”

South West Africa.

- Petitions, dated March 29th and April 5th, 1933, from Certain Members of the Rehoboth Community* (document C.P.M.1436) (pages 57, 62, 169, 201-202).

Observations of the Government of the Union of South Africa, dated August 19th, 1933 (document C.P.M.1436).

Report (see Minutes, Annex 19).

CONCLUSIONS.

“ The Commission,

“ Having examined the petition of March 29th, 1933, from Mr. Jacobus Beukes, and the petition dated April 5th, 1933, from Mr. Johannes Beukes and from fourteen other members of the Rehoboth community, together with the observations of the mandatory Power thereon :

“ Considers that those petitions do not call for any recommendation on its part to the Council.”

II.

COMMENTS OF THE ACCREDITED REPRESENTATIVES SUBMITTED IN ACCORDANCE WITH SECTION (c) OF THE CONSTITUTION OF THE PERMANENT MANDATES COMMISSION.

A. SOUTH WEST AFRICA.

LETTER FROM THE ACCREDITED REPRESENTATIVE, DATED NOVEMBER 23RD, 1934.

I have the honour to acknowledge receipt of your letter of November 21st, enclosing for my information and comment an advance copy of the observations of the Permanent Mandates Commission on the recent examination of the 1933 report of the South West Africa Administration.

I have the following comments to make on these observations :

1. *Section No. 1 of the Commission's Observations (Status of Territory), Second Paragraph.*

I do not recollect having undertaken to " supply the information requested . . . on the occasion of the examination of the next report . . . ". The last part of the paragraph in question should read as follows :

" . . . The accredited representative replied that he was not prepared to discuss his Government's policy in regard to an event which occurred after the close of the 1933 administration period, as this was a matter which fell to be discussed on the occasion of the examination of the 1934 report."

2. *Section 2, Second Paragraph, of the Commission's Observations (Public Finance).*

In this paragraph, it is stated that the Commission " noted the statement of the accredited representative that the ultimate responsibility for expenditure in the territory rests with the mandatory Power"

Reference to the Minutes of the examination will show that the statement in question was not an expression of my personal opinion, but a quotation from a statement made in the Union Parliament by the Acting Minister of Finance (Hon. Mr. Patrick Duncan).

(Signed) Eric H. Louw.

B.

The accredited representatives for Cameroons and Togoland under French Mandate, Togoland under British Mandate, Ruanda-Urundi, the Islands under Japanese Mandate and Western Samoa have stated that they have no comments to make on the observations contained in the report of the Permanent Mandates Commission.

* * *

At the time the present document was sent to press, the Secretariat had not yet received the reply from the Accredited Representative for the Cameroons under British Mandate. Should the latter make any comments on the Commission's observations, they will be distributed to the Council and the Members of the League in the form of an addendum to the present document.