SLAVERY OR "SACRED TRUST"?

BY

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PREFACE BY

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WITH AN APPENDIX

GIVING THE COMPLETE TEXT OF THE MANDATES (WITH THE EXCEPTION OF REPETITION CLAUSES) CONFERRED UPON THE MANDATORY POWER BY THE LEAGUE OF NATIONS

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PREFATORY NOTE

THE title of this book has been deliberately chosen as a challenge to existing Colonial systems, whether under European, Asiatic or Negroid control. This has been done with the object of asserting that even when the estimated three million slaves are set free and "slavery in all its forms" has been completely abolished, civilisation cannot rest upon its oars, but must press on until the Colonising Powers accept and apply to all "subject" races the principles of the Covenant of the League of Nations, enshrined in the Covenant phrase "Sacred Trust." In practice this means service by the strong, and not the exploitation of the weak. It means, also, the right of "backward races" to rise in the civic, industrial and political spheres to the full stature of a free manhood. It means that no "barriers" founded solely upon race, or creed, or colour may be erected against any race which is working out its own salvation.

The Publishers, when inviting the author to prepare this book, stipulated that the principal features affecting "Native Races" to-day should be stated within the compass of 200 pages. These limitations mean that masses of material have necessarily been discarded, but at the same time, this "review" of burning problems in the Colonial Dependencies of the world, the infamous tragedy of Slavery and the worst forms of Exploitation have been put into a compass which makes it possible for all to read—no matter how busy. If the

picture drawn is a dark one, it has its brighter side—brighter than at any period during the last twenty-five years, namely, that the League of Nations has now undertaken the total abolition of "Slavery in all its forms," whilst at the same time summoning the World Powers to pursue the splendid ideal of the "Sacred Trust" as the relationship of the stronger White Races towards the Coloured Races of the world. The struggle for the accomplishment of this ideal will be a stern one, but it is one that demands and will surely receive the help of all those men and women who love justice.

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PREFACE

THE title of Mr. Harris's book states in three words one of the great problems of the coming century. The relations of the "higher" races of mankind to the "lower" or, to speak more precisely, of those people who are "advanced" to those who are "backward" in the age-long struggle for wealth and power, form some of the most obscure as well as the most dark and bloodstained chapters in the history of mankind. But, by this time, serious students of the problem have reached at least some negative conclusions. The "lower races" cannot be simply left to themselves. There is too much money to be made out of them; and if "good white men" leave them alone, "bad white men" will only exploit them the more ruthlessly. They cannot be made real equals of the white man by mere fictions of equality before the law. It is not much satisfaction to the coloured man to have equal suffrage if the white men stand with shot guns at the polling booths to see to it that no "damned nigger" votes. The only practical solution is on the lines laid down in Article 22 of the Covenant. The peoples who cannot "stand by themselves in the strenuous conditions of the modern world" must be protected and trained by those who can; their "well-being and development" must be accepted as "a sacred trust of civilisation."

The alternative is—in some form or other, sometimes disguised and sometimes mitigated—Slavery. If decent people are not prepared, in the territories of British and European Governments, to tolerate Slavery in any form —and by now it seems safe to assume so much—we must make the continuous effort and face the occasional sacrifice that are implied in the acceptance of the Sacred Trust. A good trustee cannot let things drift; much less can he settle down contentedly to making profit out of his trust and setting his wards to work for him.

Most people, until lately, imagined that Slavery was abolished in 1815. Yet it seems that there are still in the World about three million slaves, a vigorous slave trade and many open slave markets.

The Report of the Temporary Commission set up by the League in 1924 led to the Draft Convention on Slavery and the Slave Trade which will be laid before the Governments for signature this autumn and will, if adopted, put into operation for the complete abolition of Slavery a far greater international force than could have been contemplated without the League. At the same time the Sixth Commission of the League Assembly recognised—as they were bound to recognise—that, all round this nucleus of definite Slavery, there was a vast penumbra of servile or quasi-servile labour conditions, in which the men with wealth, knowledge, organisation, machinery and, if necessary, guns at their back have made hard bargains with the men who have none of these things.

Fortunately, though these conditions remain for the most part outside the scope of the Slavery Convention, they are not outside that of the International Labour Organisation. And that body has set itself to consider the whole problem of "coloured" labour and to draw

up, if possible, some charter of elementary rights for even the most helpless of human workers.

The League is thus preparing three lines of advance; the principle of Mandate; the Convention for the abolition of Slavery and the Slave Trade; and the Charter for the protection of Coloured Labour. None of them is yet absolutely secure. The Charter of Coloured Labour is still only a project and may encounter powerful opposition before it is realised. The Slavery Convention is not yet accepted though it will probably be in force by next year. The Principle of Mandate is in actual and beneficent working; but it sets a standard rather higher than the interested parties are generally ready to accept, and its application makes constant calls on the vigilance and courage of the League's Mandate Commission. Still, each year sees some progress and, if the League's present programme is carried out in full, a work of incalculable value will have been achieved for the redemption of the weaker races from suffering and the saving of the stronger races from influences that tend to corrupt their whole nature.

It is not necessary for me to commend any book by Mr. John Harris on Slavery or the condition of aboriginal races. He is recognised in this sphere as being not only one of the most indefatigable reformers but also one of the greatest living authorities on matters of fact. I think also that public opinion in this country will probably support him on the two chief points about which he offers a personal judgment. In the first place we may surely take it that the Principle of Mandate has definitely superseded the old chaotic scramble for tropical colonies. No Power, in future, will be able simply to annex "backward" territories by conquest and administer them just as it pleases, without reference to

the rest of the world. And, in the second place, though the restoration of the particular territories taken from Germany is impracticable, it certainly seems desirable that, as soon as any new territories are ready to be brought under the Mandate System, the efficiency and good organisation which Germany has shewn in so many directions should also be employed in the service of the Sacred Trust.

GILBERT MURRAY.

SLAVERY OR "SACRED TRUST"?

THE SLAVE—200 YEARS AGO

. . . . "We therefore, your most dutiful and loyal subjects, the Assembly of these Your Majesty's Bermuda or Summer Islands in America, do most humbly beseech Your Majesty, that it may be enacted, and be it enacted, &c. That from and after the publication hereof, that if any person or persons whatsoever, within these islands, being owner or possessor of any Negroes, Indians, Mulattoes, or other slaves, shall, in the deserved correction or punishment of his, her, or their slave or slaves, for crimes or offences by them committed, or supposed to be committed, accidentally happen to kill any such slave or slaves that the aforesaid owner or possessor shall not be liable to any imprisonment, arraignment, or prosecution, nor indictment, subject to any penalty or forfeiture whatsoever," . . . .

(Appeal from the Assembly Parliament of Bermuda (1730).)

THE chance discovery of an official document some 150 years old, has in turn disclosed the interesting fact that there exists in the national archives of Great Britain* a complete official survey of slavery in all its revolting phases, as it existed at the height of its commercialised form from about 1750 to 1800. These disclosures are in fact the British *official* description of every known feature of the traffic. Although slavery has existed

* British Museum

from time immemorial as a domestic institution, it is to the white races that the odium principally attaches for having turned slavery into an institution for personal gain, and those wishing to obtain at this day an authentic record of this, the "greatest of all crimes," can nowhere find a picture more terribly complete than the one which is portrayed in the forgotten reports of this prolonged official enquiry.

It is surprising that although numberless books have been written on slavery, based largely upon unofficial testimony, this invaluable official survey has been almost, if not entirely, overlooked, the reason probably being that the enquiry and report merely disclosed the conditions of a trade—incredible enough to us to-day—then regarded merely as a normal and perfectly legitimate enterprise.

The Government publications covering this survey contain schedules of slaves, evidence of merchants engaged in the traffic, planters, and shippers of slaves, missionaries who travelled in the slave ships, laws and regulations governing the treatment and punishment of slaves, provisions for conversion, baptism and the confessional, regulations for leg irons and the use of whips, the hanging of slaves, contracts for shipment of human cargoes, details of the losses of human cargo, deaths on the ships, methods of capture, and permits for the traffic signed by Royal hands. For example, His Royal Highness the King of Spain signed in 1789 a Royal Proclamation for the shipment of slaves to the island of Cuba. The slaves shipped were to be only those of "good breed," and none but good, healthy stock was knowingly to be put aboard the ships; if perchance any were found to be "diseased," or suffering from any "infirmity," those responsible for the shipment must "carry them away" again. In order to encourage Spanish merchants to ship slaves, and not to be slack in carrying out Royal wishes in this matter, there was to be paid four dollars

from the Royal Treasury "to each Spaniard for every slave of good quality brought to the islands (Spanish) in Spanish bottoms."

The hunting ground most favoured by the slave traders seems to have been Portuguese Angola, from whose ports there were shipped some 20,000 slaves every year, the Portuguese Administration having issued the most elaborate regulations covering the traffic, including the stipulation that negroes bought in Angola must be baptised with Christian rites before being shipped, but that if no missionary could be found at the port of shipment, the slaves must be baptised when sold in Brazil. An interesting schedule of prices is attached to the section dealing with the Portuguese traffic:—

Slaves, first quality, purchase price (males)	£15	9	4	to	£22	10	0
,, full-grown women, purchase price	£19	6	10	to	£14	1	3
,, older, second quality ...	£5	12	6	to	£8	8	9
,, sale prices, Brazil ...	£28	2	6	to	£42	3	9

(Reductions were made for loss of teeth, fingers, or other deformity.)

In the evidence tendered to the British Parliamentary Commission, Mr. John Henderson, a slave trader of fourteen years' experience, described the methods adopted. Henderson's slave ships were about 200 tons burden, and upon arriving in West Africa the local trader would bring out the slaves tied with grass ropes, the slaves were promptly secured with iron chains, which were only taken off upon arriving at their destination. The ships, said Henderson, sailed away by night because the "slaves discover such a love for their country that they would almost be distracted if they saw themselves wafted from it." This witness then described how, throughout the passage across the Atlantic the slaves

were made to dance for exercise, the dance consisting of "jumping up and rattling their chains." Any slaves showing sluggishness were stimulated by whips. Thomas Eldred, another slave trader, described to the Parliamentary Committee three journeys for slaves, during which he carried across the Atlantic a total of 500 slaves, of whom about 120 died on the voyage. Eldred admitted that no ventilation was provided for the slaves on his ships, but said he was careful to have them washed once every day with vinegar.

But the most striking and interesting section of the Parliamentary papers is to be found in the laws passed either for controlling the traffic or for the treatment of the slaves. These Slave Laws, Ordinances and Regulations represent calm, if revolting, deliberation; they are in an entirely different category from the atrocity carried out in the heat and anger of the moment. The total number of slaves covered by this mass of legislation on the West Indian and American plantations at this time is a matter of conjecture, although it is stated that whilst the Commission was sitting there were in Jamaica 167,000 slaves, in Barbados 62,000, and that the annual shipment across the Atlantic in British ships alone was during this period at least 38,000 slaves.

The foundation upon which the whole edifice of Slave law rested at this time was that the slaves were *real estate*. On July 11th, 1769, Robert Melvill, "Governor over all your Majesty's Southern Charibee Islands"—prays—"and it is hereby enacted that all negro and other slaves after the date of this act shall and are hereby declared to be Real Estate and not chattels, and shall descend unto Heirs according to custom and manner of Inheritance in Fee Simple." This basic principle of slave law was doubtless responsible for the demand for compensation, a principle recognised in all the British slave legislation, and was, of course, the great stumbling block to complete and early emancipation.

In 1689 in Antigua, and in 1707 in Barbados, the principle of compensation was deeply embedded in legislation. In Antigua the owner of any slave killed in public received as compensation 5,000 lbs. of sugar. In Dominica the law provided that any white person convicted of murdering a slave had to pay the market value of the slave to the owner, but "if the murderer be not worth £60 that sum is to be made up to the owner by the publick." The theory of the "Estate Value" of the slaves was, however, so firmly established, that in every Colony the Provost Marshal was held strictly to personal account for the loss of any slave; in St. Christopher, the penalty on the Provost Marshal for suffering a runaway slave to escape was £20 to the owner, for every 24 hours of absence of the slave, and if the slave should die of neglect, the Provost Marshal had to pay the owner £50. In St. Vincent, the Provost Marshal was under the same penalties, but to counterbalance the liability certain "perquisites" attached to his office—12/- for arresting, and 1/- a mile for conveyance of the runaway, and apparently 1/6 a day for maintenance; if the slave should be left "on the hands" of the Provost Marshal for a period of three months the slave could be sold by public auction, the accumulated fees to be deducted from the sale price, "overplus to be paid to the owner or the Treasurer until the owner appears." The theory seems to have been that slaves as "real estate" were a vested interest, not merely of the slave owner, but of the State; a typical illustration of this is found in the laws of Montserrat, where it was provided:—

"Any white person taking a runaway alive to be paid 500 lb. of sugar, by the owner; if dead, the same sum, by the publick."

"Any slave absenting himself for 3 months, to suffer death as a felon. The owner to receive from the publick 3,500 lb. of sugar."

This theory of "real estate" is further illustrated by penalties imposed upon the "property" for attempting to run away.

"*Barbadoes.*

"Any justice, constable, or captain of a company, may raise and arm 20 men to take runaways alive or dead. For every one they take alive, who has been above six months out, they shall receive 50s. sterling; if he has been above 12 months out, £5 sterling. If he is killed in taking, 50s. sterling."

"An act of the following purport (for runaways) had been often revived, but that, 'after some negroes had suffered death for running away, was repealed, it being expected that others would have taken warning thereby, but, such is their brutish and barbarous nature, that they will not be reclaimed by any fair means.' It is therefore enacted, that any negro, who has been one year in the island, and runs away 30 days, shall suffer death."

"Slaves harbouring runaways, to receive 21 lashes by order of a justice, for the first offence, and the runaway the same punishment; for the second offence 39 lashes; for the third 39 lashes, and shall be branded R on the right cheek;"

"*Antigua.*

"A slave absenting himself 3 months, to suffer death, loss of limb, or whipping, at the discretion of two justices."

"Any slave or free person killing a slave, who has been 1 year in the island, and has run away for 3 months, to receive £3 currency from the publick."

The Parliamentary enquiry also established how complete was the enslavement, and how heavy were the penalties on slaves for absenting themselves or even for growing or selling marketable produce,—the lash, the branding irons, the axe for lopping off limbs, and the rope for hanging, were all brought into terrible activity for "offences" of the most trivial nature.

"St. Christopher.

"Any white or free person, finding a slave out of his owner's plantation, at any time, especially Sundays, &c., without a ticket, &c., may whip him,"

"Nevis.

"Persons trading with slaves to forfeit 500 lb. of sugar; and if on Sunday, 1,000 lb., half to the informer, half to the publick;"

"Jamaica.

"Slave having in his possession from 5 lb. to 20 lb. fresh beef, veal, mutton, or goat, or the flesh of horse, mare, mule, or ass, shall be whipped by order of two justices, not exceeding 39 lashes."

"A slave stealing or killing 'horned cattle, sheep, goat, horse, mare, mule, or ass, with intent to steal the whole carcase of any such horned cattle, sheep, goat, horse, mule, or ass, or any part of the flesh thereof,' shall suffer death, or other punishment as the court shall think fit,"

"Montserrat.

"Owners, once a month, to search their negro houses for clubs, &c., 'and for flesh of any sort that shall be found, the negro in whose house it was taken, unless he or she can make it plainly appear they came by it honestly, shall undergo a whipping, and have one of their ears cut off,'"

"Bermuda.

"Owners not to 'suffer them to raise any stock, poultry, provisions, or other things, or to make any cloth, under the penalty of 5s., half to the informer, half to the parish. Slave to be whipped, at the justice's discretion,'"

"Montserrat.

"Negroes convicted, before the governor and council, of stealing provisions, &c., to the value of 12 pence, to suffer 'such death as they shall think fit to award.' If the theft amount not to 12 pence, such negro only to suffer a severe whipping, and to have both his ears cut off, for the first offence. To suffer death as aforesaid for the second offence."

"Any person may kill a negro stealing his provisions, if not within 40 feet of the path, and that the party hath not expressed any hatred against the slave's owner."

"*Barbadoes.*

"Negroes, stealing or attempting to steal the value of 12d. or above, 'being brutish slaves, deserve not, for the baseness of their condition, to be tried by the legal trial of 12 men of their peers or neighbourhood,' are therefore to be tried by two justices and three freeholders, and, if found guilty, by evidence or violent circumstances, they shall be sentenced to death, and immediately executed,"

The assaulting of a Christian or a white person was provided for by the imposition of capital and other penalties.

"*Barbadoes.*

"A slave offering violence to a Christian, to be severely whipped, for the first offence; for the second, to be severely whipped, his nose slit, and branded in the face, with a hot iron; for the third, such greater punishment, as the governor and council shall think fit,"

"*Antigua.*

"Any sturdy slave striking, or opposing a white person, to be whipped, at the discretion of the justice. If the white person be wounded, the slave's nose to be slit, or any member cut off, or to be executed, as the justices shall order."

The foregoing are but a few of the British laws passed to uphold the "greatest crime" in history, but the report of the Parliamentary Commission made it clear that the license which these harsh laws obviously let loose, turned most of the slave areas into living Hells. Better, a thousand times, to have killed the slave outright, than "wantonly cut out or disable the tongue," "put out the eye," "slit the nose," "cut off the nose," "cut off

the leg," or mutilate in a much more horrible manner fully described during the enquiry. Not merely were the slaves a "property" in the fullest sense, not merely were they worked to the grave, but they could look nowhere for succour or help. The Quakers tried to give some measure of comfort, but—"Negroes hearing Quakers are forfeited, half to the informer, half to the country." At last, even when the body, worn out with toil, emaciated too often by suffering and torture, was ready to return to its poor dust, even there the badge of slavery followed, for:—

"No slave to be buried after sunset, nor in any other than a plain deal board coffin, without covering; nor shall scarfs and favours be worn at any of their funerals. The punishment for transgressing to be 50 lashes, and the scarfs, &c., to be forfeitted,"

The picture drawn for us by the British enquiry with all its authentic details may be said to cover the period of commercialised slavery which followed that of slavery for domestic purposes. This system of commercialised slavery commenced soon after the discovery of America by Columbus in 1492. The followers of Columbus regarded as slaves for profitable purposes all Indians captured by them, and initiated an overseas traffic by shipping 600 of them as a first cargo to Spain, thereby incurring the wrath of Queen Isabella, who ordered their immediate release and restoration to Hispanola. But once begun, the commercial enslavement of the West continued. Admiral "Jack" Hawkins formed a Company in London, for the express purpose of shipping African negro slaves to America, the first venture being that of shipping (1562) 300 negroes in three vessels from Sierra Leone to San Domingo. The second venture was carried out by means of the "Jesus" of Lubeck, loaned to Admiral Hawkins by Queen Elizabeth, and

the spirit of the times is shown by the concluding words of his "order of the day"—"Serve God daily, love one another, preserve your victuals, beware of fire, and keep good company!" This second venture involved a murderous attack upon villages in Cape Verde, and ultimately an "easy capture" of 40 men and 100 women and children; but hardly had the "Jesus" of Lubeck set sail with her pitiable human cargo, than she found herself becalmed, "But the Almighty God who never suffereth His elect to perish sent us a breeze," which carried the ship safely to the mainland of America, where Hawkins sold his slaves and, returning to London, was received by Queen Elizabeth and dined with the Spanish Ambassador.

In the Seventeenth Century came the signing of the infamous Asiento, which gave French and British official recognition to the slave traffic, whilst France drew a revenue of "13 livres" for every negro taken to the French islands or colonies. Then followed the Utrecht negotiations, and:—

". . . . 'Her Britannic Majesty did offer and undertake, such are the words of the treaty, by persons whom she shall appoint, to bring into the West Indies of America belonging to His Catholic Majesty, in the space of thirty years, 144,000 negroes, at the rate of 4,800 in each of the said thirty years; paying, on 4,000 of them, a duty of thirty-three and a third dollars a head. The *asientists* might introduce as many more as they pleased at the less rate of duty of sixteen and two-thirds dollars a head. Exactest care was taken to secure a monopoly. No Frenchman or Spaniard nor any other persons might introduce one negro slave into Spanish America. For the Spanish world in the Gulf of Mexico, on the Atlantic, and along the Pacific, as well as for the English colonies, her Britannic Majesty, by persons of her appointment, was the exclusive slave trader. . . .

"'. . . As great profits were anticipated from the trade, Philip V. of Spain took one quarter of the common stock, agreeing to pay for it by a stock-note; Queen Anne

reserved to herself another quarter (which she subsequently divided between Lady Masham and some of her favourites); and the remaining moiety was to be divided amongst her subjects. The sovereigns of England and Spain became the largest slave merchants ever known in the history of the world.' "*

The total number of slaves shipped to America and the West Indies, mainly, but not exclusively, from Africa, from the date of the discovery of America by Columbus, has been variously estimated, but taking the three and a half centuries during which the recognised trade existed, there is reason to believe that the following figures represent the approximate figure of the imports :—

1500 to 1600	10,000 per annum ...	1,000,000
1600 to 1700	20,000 ,, ,, ...	2,000,000
1700 to 1800	30,000 ,, ,, ...	3,000,000
1800 to 1850, last 50 years,		
	60,000 per annum ...	3,000,000
		9,000,000

The Abbé Raynal, in collaboration with Diderot, also made a survey of imports during this period, and arrived at the same figure—9,000,000.†

The official abolition of the Slave Trade, followed by the abolition of slave-owning, was the main task of the Emancipators from the Nineteenth Century onwards; it was they who created and fostered what ultimately became a world aversion for slave-hunting and slave-owning. They created the spirit which still moves men and women to strive for the freedom of their fellows—a spirit which will never rest until slavery gives place to freedom for men, women and children throughout the world.

* Bancroft, historian of the United States, in " The Slave in History," by William Stevens.

† William Stevens.

THE SLAVE AND THE EMANCIPATORS

THE earlier protests uttered against slavery by the lone voices of Wufstan of Worcester and William the Conqueror were followed in the Commercial period by Queen Isabella, Las Casas and others, but they seemed a far away echo of the human conscience. In the 18th century John Woolman, Granville Sharp and others commenced the task of galvanizing into activity the somnolent consciences of Christian communities.

Granville Sharp secured the turning point in British slave history. Sharp, the son of a clergyman and grandson of an Archbishop, engaged at the time in a clerical capacity in the Ordnance Office, was calling one morning upon his doctor brother in Mincing Lane when he saw approaching him a negro named Jonathan Strong. The negro showed signs of suffering and weakness through the violent beating he had received at the hands of his owner, David Lisle. The brothers Sharp befriended the negro and took him to "Barts." After four months at the hospital the slave recovered his health but whilst walking along the streets of London, he was recognised by his former owner, who had him arrested, as he had in the meantime sold him to a planter. The then Lord Mayor of London ruled that "the lad had not stolen anything, was not guilty of any offence and was therefore at liberty." Thereupon the owner of the slave seized him, but in a flash Granville

Sharp cried: "Sir, I charge you with an assault!" and took the slave home with him. David Lisle then challenged Sharp to a duel, but also brought an action. Sharp was advised that the action could not be defended, but fully alive to the momentous consequences, he threw himself into a study of law as it bore upon the case, with the result that Granville Sharp was upheld and the slave owner, David Lisle, not only lost the case but had to pay treble costs. Sharp, in fact, set free not one, but thousands of slaves, for he had established in the minds of all the fact that "as soon as a negro comes into England he becomes free."

The case was followed almost immediately by the Somerset case—Somerset being a slave from Virginia—which led to the Mansfield judgment, given in 1772, which, in turn, led to the shattering of slavery throughout British Dominions. The Mansfield Judgment reads as follows:—

"The question is, whether the captain has returned a sufficient cause for the detainer of Somerset. The cause returned is, that he had kept him by order of his master, with an intent to send him abroad to Jamaica, there to be sold. So high an act of dominion must derive its force from the law of the country; and if to be justified here must be justified by the laws of England. Slavery has been different in different ages and States. The exercise of the power of a master over his slave must be supported by the laws of particular countries; but no foreigner can in England claim a right over a man; such a claim is not known to the laws of England.

"Immemorial usage preserves a positive law, after the occasion or accident which gave rise to it has been forgotten; and, tracing the subject to natural principles, the claim of slavery never can be supported. The power claimed never was in use here, or acknowledged by the law. Upon the whole, we cannot say the cause returned is sufficient by the law; and therefore the man must be discharged."*

* Life of Granville Sharp, by Prince Hoare.

Fifteen years later (1787) twelve men, including Sharp, Clarkson, Wilberforce and a number of city merchants, formed themselves into the first Anti-Slavery Committee, and with this formation there commenced that organised opposition to Slavery which has done so much to create the best traditions of the British race. During this period Wilberforce was unwearied in Parliament in his attacks on slavery. The House of Commons had, it is true, declared itself against the slave trade, but when Wilberforce brought in his bill in 1804 and again in 1805, he was unable to carry it. But the zeal and persistence of Wilberforce triumphed, and the measure was carried on March 23rd, 1807, by 283 to 16 votes. In 1818 the Anti-Slavery forces in the House of Commons were greatly reinforced by a young man returned for Weymouth—Thomas Fowell Buxton. But it was not until five years later that Buxton began that active share in the work with which his name is connected, namely, the abolition of slavery. In 1823 he moved the resolution in the House of Commons declaring the state of slavery to be repugnant to the traditions of the British Constitution and to the principles of the Christian religion. The resolution, after amendment, was passed, and thus began—though slowly—the abolition of slavery. Seven years later Buxton realised that *gradual* abolition was utterly wild and visionary and that *entire abolition* at the *earliest period* was the only possible policy.

A "red-letter day" in slavery will always be that first day in August, 1834, when slavery was abolished by law in Britain's colonies. We are told that the negroes everywhere gathered in their little chapels, when scarce had the clock sounded twelve than lightning flashed and a loud peal of thunder followed. A moment of profoundest silence passed, then came the burst. They broke forth in prayer; they shouted; they sang "Glory, alleluia"; they clapped their hands, leaped up,

clasped each other, cried, laughed and went to and fro tossing upward their unfettered arms. But high above the whole there was a mighty sound, which ever and anon swelled—it was the utterings in broken negro dialect of gratitude to God.

Though years were yet to pass before the legal facts of abolition were really grasped and put into practice by planters and slaves, yet the day of victory had dawned, and legally both the slave trade and slave owning were abolished throughout the British Empire.

In the United States of America hundreds of thousands of negroes were still slaves, but here too, the anti-slavery forces were "marching on to victory." In 1852 Harriet Beecher Stowe issued "Uncle Tom's Cabin," the power of which can be gauged from the fact that when Lincoln was first introduced to her, he asked "Is this the little woman who made this great war?" In 1859, John Brown, then nearly 60 years of age, came to the dramatic decision to seize Harper's Ferry. Even at this distance of time we can picture those four rugged "conspirators"—Brown, the leader, Douglas, Kegi and Green, as they met on that cold October day in the disused stone quarry. John Brown then for the first time disclosed his bold venture to his intimate friends. Kegi probably knew something of the scheme, but to Douglas and Green it came with all the shock of a daring surprise; Douglas opposed the whole idea with great earnestness, but John Brown, burning with religious zeal, was determined, and with but 22 followers he sallied forth on the dark night of Sunday, October 16th, with the object of capturing the forts and armoury of the powerful Government of America, and with them, the whole town of Harper's Ferry, with its 5,000 inhabitants! The venture was brilliantly successful, for they captured both, but alas! only for a few hours; it was impossible for 23 persons to hold out for long against the State Militia and an infuriated popu-

lation of 5,000, which increased in fury and numbers with every hour that passed. But John Brown and his wounded and dying band still held the fort, and when the final assault took place, ten of Brown's followers had been killed, including his own son; yet Brown still encouraged the remnant to stupendous feats of bravery and endurance, and it was not until Brown was struck on the head with a sword and then bayonetted, that they surrendered. The disaster foreseen by Douglas and others quickly followed; Brown was found guilty of treason and condemned to death. The anti-slavery forces were now the object, not only of ridicule, but contempt, whilst everywhere the slave-owners rejoiced in the position created by the seemingly mad enterprise of John Brown. A failure as disastrous as it was complete had—so thought the slave-owners—overtaken the anti-slavery movement, and slavery now appeared to be more firmly entrenched than ever.

In the early days of December, 1859, the body of John Brown was laid to rest in the little rocky slope at North Elba, and upon the slaves there settled the cold winter of despair. But the year had barely turned when there was a "mighty stirring" throughout the land. John Brown's "soul" was moving North, South, East and West, giving no rest to the living, and soon a cry rose on every hand—a cry of indignation against the hateful system of slavery. John Brown, hated in the South and mistrusted in the North when living, had within three months of his execution become a national hero and martyr, and in 1861 column after column of Boston volunteers were marching Southward to the soul-stirring tune of:—

"John Brown's body lies a-mouldering in the grave,
But his soul goes marching on."

With the death of John Brown, up rose "Abe Lin-

coln," whose name even now it is not very discreet to mention South of the "Dixie line," and a year later, in 1862, came Lincoln's great message of emancipation—"In giving freedom to the slave we assure freedom to the free."

The response in slave quarters was electric; negroes and coloured folk flocked to the banners of the North until they reached the figure of 179,000, of whom nearly 69,000 perished in fighting for the freedom of their race. The war which John Brown had predicted, and which Abraham Lincoln was driven to carry through, was really finished by the victory of the army of the Potomac and the capitulation of Richmond. But Lincoln's great work was almost done; he went South at the request of Grant, and whilst a shout of joy was echoing through the land, the President entered Richmond in thankfulness to God that the end of war was in sight, and that with it 400,000 slaves were free—a week later the wild joy of the North was hushed in silence, and Europe was shocked with the terrible message that Lincoln had fallen a victim to the bullet of an assassin.

With the death of Abraham Lincoln and the official abolition of slavery throughout the United States of North America, the world was lulled into a premature belief that "slavery in all its forms" had been swept from the face of the earth, but there has always been the little handful of people, chiefly in Great Britain, who realised that although slavery had been abolished in the official sense, yet the slave owning spirit was very far from dead. To these men and women is due the imperishable honour of having kept alive the anti-slavery fight until the next great effort, which has culminated in the decision of the League of Nations to attempt the final abolition of slavery.

The official abolition of slavery which commenced in the Nineteenth Century, found its development in the Twentieth Century when the League of Nations com-

mitted itself to the abolition of "slavery in all its forms." The intervening period had witnessed big struggles for the rights and privileges of backward races, foremost amongst these being, in sequence of time, the indentured system of labour, the crime of the Congo involving the untimely disappearance by every form of cruelty and suffering of anything over, but certainly nothing under 5,000,000 of people, the exploitation of rubber in the forests of the Putumayo, under which atrocities occurred which equalled, and in some respects exceeded, the worst barbarities of either the Congo or the old slave traffic. Each of these systems was opposed by a mere handful of dauntless men and women, but both the Congo and Putumayo systems were primarily due to that category of oppression which first robbed the native of his land and produce, and then enslaved him upon it, rather than to the form of chattel slavery.

The outstanding modern figure in the historic gallery of Emancipators is His Highness the Maharaja of Nepal. The momentous step taken by the Maharaja in 1924 was not merely one of the greatest acts of emancipation in history, but it came just at the moment when many members of the League of Nations had received the impression that Great Britain had lost her anti-slavery fervour. This impression had been created by the persistent refusal of the British Foreign Office to disclose disturbing facts known to be in its possession. The repeated refusal of Mr. Ponsonby, the Under-Secretary of State for Foreign Affairs, throughout 1924, to publish these facts, and the deductions made by other Powers, threatened with disaster the whole Anti-Slavery work of the League of Nations. The ringing tones in which slavery was denounced from the mountain slopes of the Himalayas, the majestic and fearless manner in which was declared the right of every man and woman and child to freedom, thrilled the Western world and

galvanised into greater activity than ever the forces working for abolition.

Katmandu can have had few days so memorable as that winter's morning when on November 28th, 1924, the Maharaja summoned together thousands of his people to hear what proved to be one of the longest but one of the greatest speeches ever delivered against slavery. When the Maharaja appeared he was seen to be supported by the King, the Commander-in-Chief and all the leading civil and military officials, whilst in the concourse of the people were to be seen nearly 500 slave owners. The Maharaja's speech extends to nearly 20,000 words and must have taken nearly three hours to deliver. It is impossible to give more than a few extracts from the speech, but the whole of it has been printed and will amply repay the time spent in reading it.*

The Maharaja stated in his speech that there were 51,419 slaves and 15,719 slave owners in his Kingdom; the slave owners he divided into three categories. He put in the first category those who "received slaves as patrimony" and who, whilst detesting "the money that can be got by the sale of human beings, their fellow creatures, in appearance, feelings and sensibilities like themselves" treat them as children. In the second category he put those who keep slaves for labour purposes; these "have the sympathy of the Government to the fullest extent and the Government are prepared to consider any reasonable suggestion they may make to prevent dislocation of business and at the same time to ameliorate the condition of the slaves. May we not expect that such owners also will come forward to help the Government in abolishing the institution?"

The third group received little sympathy from the Maharaja:—

* A free copy can be obtained from the Anti-Slavery Society, Denison House, Vauxhall Bridge Road, S.W.1.

"We come to the last group: those who maintain slaves to carry on their nefarious trade in human beings: who do not scruple to separate the husband from the wife, the mother from the child; who do not scruple to resort to base methods to circumvent the law; who hope to become rich by a trade upon which rests the curse of Heaven, a trade which is overloaded with the leaden tears of parents and children. This aspect of it is the most reprehensible and the most revolting of all. It is so repugnant to the civilised world that they feel disinclined to have friendly intercourse with nations who retain the institution; they oppose recognition of such nations as civilised till an end is put to it. Apart from questions of morality, leaving aside the growing number of desertions amongst slaves to the detriment of the best interests of the country and the Government, this consideration alone is enough to compel any progressive Government to take immediate action to maintain its position in the estimation of other nations in this age of civilisation."

In order to arrest the attention of his people, the Ruler of Nepal gave a number of instances which have been brought to his personal notice:—

"Another case hails from one of the Eastern hill districts. Picture to yourself a happy slave family comprising of the husband, the wife, a six year old daughter, and a baby boy two years suckling at the mother's breast. But their happiness is not to last; the master has sold them. His avarice has blunted all feelings of sympathy in him. The mother with the child at her breast goes one way and the father with the daughter thrown in as a make-weight, goes the other, the two perhaps never to meet again. Think of the parting scene, digest it well in your mind and draw what moral you can."

Another case was that of a mother who had made a personal appeal to the Maharaja:—

"The mother, a slave, had given birth to seven children, and her master, despite her protests and tearful prayers, had already disposed of one daughter and four sons by sale. The woman in her petition through the Niksari Office wrote that the bitter lament of the children at thus being forced to separate from their mother sent a pang through her heart more acute than any she had ever suffered! . . . when to her dismay the hard-hearted master arranged to take away the baby slave that was still suckling at her breast, her endurance broke down completely. She supplicated and prayed—as parents do pray, as you and I pray to the Gods on high when the dearest of our children lies in the clutches of grim death—to her master, the arbiter of her destiny and to her as omnipotent in this crisis as Fell Death himself. But all to no purpose. The adamant heart did not melt: the master completed the transaction."

In this latter case it would appear that the Maharaja, to whom the woman appealed, while unable to interfere with a legalised custom, enabled the mother to liberate by payment the scattered units of her family.

In appealing to his people for support in his decision to abolish slavery, the Maharaja quoted the beneficent effects of abolition amongst the Hottentots of Kat River and of abolition in Mauritius, Zanzibar and the West Indies. The question of domestic slavery, upheld by some, is met in the following manner:—

". . . I should not pass over the point urged by some masters that they can rely on their slaves for watch and ward over their property as they cannot on outsiders, because if the slaves violate the faith by any dishonest action, the defalcators being the personal property of the masters can under the law be got hold of anywhere in Nepal. The hollowness of this argument should be patent to anyone; for, any defalcator, be he a slave or a Bani or even a Darmahadar can be prosecuted in any part of the country under the laws.

The idea of forced honesty in slaves is absurd. Law can never make a people honest or dishonest and it is only secular, religious, and moral education that keeps people in the right path."

Slavery for the purpose of providing labour was vigorously attacked upon economic grounds.

". . . The economic effect of the abolition of slavery cannot be as dark as some of the slave owners would have us believe."

" If you make careful and proper observations and calculations you will find that outturn from Bani (free contract) labour will be at least twice as much as that from slave labour. For feeding and clothing a slave, averaging from figures from some districts, we arrive at about Rs. 4 per head per month. So that while you get double the work from a Bani labourer, you pay him only 50 p.c. more and thus save something over the expense you would have incurred for two slaves."

The Maharaja outlined at the conclusion of his speech his practical proposals for abolition :—

" If you are all agreeable, as I ardently hope you will be, let there be a total abolition of this institution: an institution so abominable in its very nature that it should not be allowed to continue in any country and which, as you all must feel, is contrary to every sentiment that ought to inspire the breast of man. In order that the masters may not be losers and to prevent any possible dislocation in the social economy, the following proposals are placed before you for careful consideration and opinion, with suggestions to ensure practical success and to avoid any difficulty or distress to either masters or slaves. It is proposed that :—

1. On and from a certain date, to be fixed as early as possible in consonance with general opinion, the legal status of slavery do cease and terminate throughout the Kingdom of Nepal.

2. The owners be given the statutory price for every slave held by them according to the register, over whom claim has been fully established.
3. The slaves, freed from the fixed date, are to be apprenticed to their former owners for a period of seven years: that is, the slaves should be bound to labour for their masters, the latter in return providing them with food and clothing as at present."

The Maharaja of Nepal refused to reconsider in any way his decision ultimately to eradicate slavery; the only point for discussion was procedure, and how long the process was to take, and he concluded:—

"So let us stop purchase and sale of slaves and separation of members of the family from each other; let the law providing an opportunity of emancipation for any slave when about to be sold be made more effective and comprehensive by the Government itself taking place of the kith and kin when none comes forward. The Government will be ready to buy any slave or slaves whenever the master is inclined to part with them and to liberate such after purchase."

"Apart from the demands of Religion, Justice and Humanity—no mean considerations in themselves—recollect that the best and vital interests of society, the good name of the country, the weal and woe of fifty-one thousand of your fellow-beings held in slavery—slavery of body and soul—rest in your hands; so that the opinion that you will give, will be one uninfluenced by any selfish consideration, will be one which might with propriety come from the scions of the great and mighty ancestry which is the pride of the country. Gentlemen, what I have said I have said from a sense of public duty. I have no hostility to the owners of the slaves; compensation to the owners, emancipation to the slaves, these are my desires; this is just the consummation on

which all my hopes are planted and to which I earnestly beg you all to give your most vigorous help."

" With earnest prayers to God that He may give us all wisdom to select the proper course, courage to pursue it, ability to perform our allotted part in it and turn the heart of all to feel for and incline us to help those held in vile bondage, let me bring this long discourse to a close thanking you for the patient hearing you have given to it and big with hope that with God overhead and heart within we shall be able to achieve success in the good cause in which we are all engaged."

In the three groups of Emancipators—European, American and Indian, there are substantial reasons for regarding the Maharaja of Nepal, if not as the last of a long line of individual emancipators, certainly amongst the greatest of those who have left the history of the world richer because of their noble fight for the right of all to enjoy freedom and happiness.

THE SLAVE TO-DAY—3,000,000

"I will say practically every (but think every) Abyssinian on the frontier has a slave or slaves, but in cases of ill-treatment they have a safe harbour on this side, if they have the pluck to try and are successful in reaching the border."*

Captain Cochrane to Officer-in-Charge, Meru.

"I consider that a firmer policy in regard to slavery has long been overdue in Sierra Leone; I feel confident that the measures herein recommended will, when explained, be accepted as just and reasonable by the chiefs, and it is certain that they will, in the course of time, greatly increase the prosperity of Sierra Leone and the happiness of its peoples."†

Sir Ransford Slater, Governor of Sierra Leone. (1926)

ALTHOUGH it is nearly 100 years since commercialised slavery was officially abolished, slave-raiding, slave-trading and slave-owning still flourish. A responsible authority, after living for five years in one African territory, has declared that there are at least 2,000,000 slaves in the political area in which he has lived. But there are other huge areas of the world's surface where almost every form of slavery still exists, whilst there are remote corners of the world in which the darkest deeds of slavery are practised. Then there is a third category—namely, a whole series of systems which approximate to slave-owning.

* Cmd. 2553 (1925).
† Sessional Paper No. 5, 1926.

The League of Nations has now decided to take up the task of securing the abolition of "slavery in all its forms." The title of the League to do this cannot be questioned, for it is written large in the Covenant of the League. Article 22 provides for the abolition of the Slave Trade in mandated areas; Article 23 pledges all member States to secure just treatment for native inhabitants of territories under their control, and finally, Article 24 makes the League the Custodian of all International Bureaux already established by Treaty. (This of course includes the Brussels Slavery Bureau.)

The first step taken by the League of Nations was in 1922 when Sir Arthur Steel-Maitland moved and carried in the Assembly the recommendation that slavery should be put upon the Assembly Agenda of 1923. When this resolution came forward in that year, Lord Irwin (then Mr. Edward Wood) gave it vigorous support on behalf of Great Britain, and as a result, the Slavery Commission of eight persons was appointed by the League and given wide terms of reference. During 1924 very little was done beyond carrying on the work of enquiry. It was at this juncture that the remarkable and unexpected action taken by the Maharaja of Nepal greatly stimulated the interest in abolition amongst the governments and members of the League of Nations.

In July, 1925, the Temporary Slavery Commission of the League of Nations presented its Report* to the Council of the League. The Report, though shorn of all the evidence upon which it was based, possessed peculiar authority by reason of the fact that most of the eight Commissioners appointed were men of long Colonial experience. The Report disclosed not merely an alarming continuance of slave-raiding, slave-trading and slave-owning, but a whole series of borderline systems which were barely, if at all, distinguishable from slavery. These included systems of Debt bondage,

* A.19.1925.VI.

Pawning of persons, Domestic Slavery and Forced labour. The Report when published came as a shock to many State members of the League of Nations, and even by States with Colonial possessions it was regarded as a grave indictment of the treatment of backward races.

The Commission reported that slave-trading, slave-raiding, or "similar acts" were prevalent to a greater or lesser degree in the following nineteen political areas: Abyssinia, Algeria, China, Egypt, Eritrea, "Far East," Hedjaz, Kufra, Liberia, Morocco, South Morocco, Rio de Oro, East Sahara, West Sahara, British Somaliland, French Somaliland, Italian Somaliland, Sudan, South Tripoli.

But two disclosures were of an exceptionally disturbing nature. In chapter three the Commissioners state:—

(1) "The slave trade is practised openly in several Mohammedan States in Asia and in particular in the Arabian Peninsula, especially the Hedjaz. It is known that the Hashimite Government received dues on slaves sold in the markets, which is equivalent to an official recognition of the legality of this trade." . . . . . "there can be no doubt that negroes from the African continent are imported and sold as slaves in several districts of Arabia."

(2) "The Temporary Slavery Commission is informed on authority which it regards as entirely trustworthy that many of the slaves of foreign origin in the Hedjaz are either young girls from the Far East who come as pilgrims or are smuggled for sale; or are persons coming from various countries accompanying their parents or masters in the pilgrimage to Mecca. . . . but there appears to be no doubt that they are sold as slaves."

This second disclosure reveals a fact hitherto entirely unknown, namely, that not only is there a slave traffic from Africa, but from the "Far East"—whatever that may mean!

In view of the absence of evidence upon the details

of slave-trading in the Report of the League of Nations Commission, it is necessary to draw from other sources those facts which alone can give a correct picture of the traffic.

The statement has been made that between June, 1922, and March, 1923, the French and English patrolling vessels signalled two dhows which had crossed the Red Sea and discharged cargoes of slaves on the Arabian Coast in the neighbourhood of Midi.*

In 1924, the year during which the British Government exhibited such unwillingness to publish information, it was stated that three vessels of the British Navy were operating in the Persian Gulf in that year in order to check traffic in slaves. Information was refused, however, as to the stopping or capture of slave-carrying dhows.

In March, 1923, the Paris Correspondent of the "African World" informed the Editor that within "the last four months" no fewer than 300 Malagasy had been carried away from Madagascar in Arab dhows to the Mozambique mainland, there to be "sold as slaves to work in various Portuguese mines."†

The far flung nature of the slave traffic which still obtains is evidenced by the despatch of Mr. D. C. Worcester, stating that "Filipino slaves have been shipped to China."‡

The slave traffic from Abyssinia, the Sudan, and other parts of Africa is known to involve not merely certain deliberate mutilations, but also, upon occasion, the loss of life to the slave gangs. In 1923 the Italian Government reported to the League of Nations that traders "recently" took a party of 150 slaves by an

* "L'Afrique française," March 1923, pp. 112-113.

† "African World," 3:3:1923: article by Paris correspondent. The latter part of this statement is obviously open to suspicion.

‡ "Slavery and Peonage in the Philippine Islands," by Dean C. Worcester. Published by the Government of the Philippine Islands, 1913, p. 81.

indirect route to avoid payment of a tax of 30 thalers per slave imposed by the Chief of the Aussa Province of Abyssinia. This party was attacked at the instigation of Dejiach Jaio, Chief of the Aussa, by men belonging to the Aussa; thirty slaves are reported to have been killed and mutilated, whilst the women were handed over to Dejiach Jaio. The attack took place between the Adalo and the Issa Somalis, and the Italian Government considered that the case proved that the trade still exists in the direction of the coast between Rahvita and Obok.*

The markets in Arabia are to a considerable extent dependent for their supplies on African sources. The principal centres towards which the trade is directed are in the neighbourhood of Jeddah, as will have been observed from references given above. The definite statement has been made that several sales took place during 1922 at *Rueys*, and that the King of the Hedjaz levied a tax of 10 per cent on the proceeds.†

But even more striking and up-to-date evidence has been found in the White Book recently issued by the British Government.‡ Captain Cochrane, the British Officer in charge at Moyale, states:—

"As a result of living on the frontier of Southern Abyssinia for some years, and of making one journey into the Abyssinian hinterland, my experience leads me to endorse the veracity of the recently published newspaper articles, with the exception of the statement that 'within the last six months there have been several raids in Kenya Colony.'"

Commenting upon the instances of slavery in Abyssinia, Captain Cochrane says:—

* A.18.1923.VI.
† "L'Afrique française," March 1923, pp. 112-13.
‡ Cmd. 2553 (1925).

"I will say practically every (but think every) Abyssinian on the frontier has a slave or slaves, but in cases of ill-treatment they have a safe harbour on this side, if they have the pluck to try and are successful in reaching the border."

And further referring to certain published articles, says:—

"I notice the correspondents do not state that a large number of slaves are actually purchased from their parents. This is a common practice in Southern Abyssinia, and I have known many instances. A child of 8 is bought for from 40 dollars to 60 dollars. These become the property of the buyer, who may again resell at a profit."

The British Government has included in this White Book an interesting letter which had been addressed by Captain Cochrane to an Abyssinian Chief named Ato Gabru. In this letter Captain Cochrane stated that he was returning certain animals and sheep, and in the exceptional circumstances was handing over to the care of Ato Gabru certain Abyssinian refugees, and in doing so he says:—

"The fact of you being at Gaddaduma alone allows me to hand these people over, and I will hand them over to you and to no one else.

"Although I do not give credence to half these people tell me, I am convinced that ill-treatment is alone responsible for them coming to our side. They cry bitterly about the treatment that has been meted out to them, and they are terrified at the idea of being handed over.

"You, I know, will treat these wretched people humanely, but when they pass out of your hands, I charge you to assure yourself that their humane treatment is guaranteed for the future.

"As you are aware, my Government would never hand over refugees (who had fled to us on account of ill-treatment) if it thought it was sending them *back to the hell from which they escaped.*"*

* Italics mine.—J.H.H.

The utter inability of the Abyssinians to put down slavery may be gathered from an extract from Mr. Claud Russell's letter to Lord Curzon. He says, in speaking of Captain Cochrane's action in handing over these unfortunate people:—

"Captain Cochrane himself would appear to have misgivings on the subject. I fear, however, that the assurances given him by Ato Gabru are worthless. I am distressed to think of the treatment to which these unfortunate people have doubtless been subjected on falling again into the power of their old oppressors. Your Lordship will note that some women of the tribe abandoned their families and fled back into British territory rather than face what they knew must be their fate."†

What is this "Hell" in Abyssinia? What are the newspaper articles which Captain Cochrane confirms from his experience? How are the slaves treated who the British White Book affirms are held "by every Abyssinian on the frontier," and who, another writer of long experience tells us, number not less than 2,000,000? These three questions are best answered by extracts from the newspaper articles themselves:—

"Few people (the writers say)* can realise all that slavery means. A slave, once secured, is a valuable asset who must be cared for and fed—as long as he is able-bodied—as carefully as a horse or a cow; and his actual physical existence need not be intolerable. But when we look at the slave-raiding and slave-trading which precede slave-owning, and at all the horrors which these processes involve, the impossible cruelty of the whole system becomes apparent."

"One of the writers of these articles has seen, with his own eyes, a convoy of ten thousand slaves marching towards the great slave market of Jimma; and in the course of a single day's march along the trail he has counted the dead

† White Book No. Cmd. 2553, 1925.

* Major Henry Darley, R.F.A., and Dr. N. A. Dyce Sharp, F.R.G.S., "Westminster Gazette," January, 1922.

and dying bodies of more than fifty captives who have dropped by the roadside. For on such journeys there is no commissariat department, and those who carry no supplies can hope only for a merciful spear, since the alternative is death by thirst or by the teeth and talons of wild beasts."

"Slave-raiding and slave-trading have increased in Abyssinia by leaps and bounds during recent years, and to-day it is possible for any visitor to witness in Adis Ababa the worst forms of slavery that have ever cursed the Dark Continent—slavery open, cruel, and fiendish, unfettered by European interference and hardly discountenanced by the Foreign Offices of the European Powers." . . . "Gangs of slaves, marching in misery, the men chained together in rows, and the women and children dragging themselves along beside the main body, can be seen by any traveller in Southern Abyssinia to-day."

But Abyssinia is not alone in recognising a "property right" in persons. Away on the North-East Frontier of Assam, we are told:—

"Slavery was very common all over the valleys and hills, there being as many slaves as there were free men, women, and children."*

Further East again comes China, where slave-owning and slave-trading appear greatly to have increased within recent years. During a Debate in the House of Lords,† the Archbishop of Canterbury said:—

"The revelations about China and the degree and character of Chinese slavery were to me startling in the highest degree. I had occasion to talk over the matter with an eminent Chinaman who is in this country. I drew a very dark picture of what China appeared to be. It appeared so dark to me that I hardly liked to put it to him as being true, but he said it was not nearly dark enough. I spoke of Western China, where slavery is rife, but said that it was impossible to buy slaves at this moment in the great cities in the East. He said: 'Oh, yes, it is. I could

* "The Times," 4th March, 1925.
† May 13th, 1925.

buy them in half an hour. There is not the slightest difficulty in buying girls; I could buy them anywhere.' In Hong Kong the position is different, but I am told that in Shanghai, even with its European zones of influence, slavery is still rife."

The most recent information upon Chinese conditions is to be found in the Report of the Child Labour Commission appointed by the Executive Council of the Foreign Settlements of Shanghai. The Report refers particularly to the *purchase* and sale of young girls for employment as domestic servants, a practice which, though stated to be contrary to Chinese law, is in fact general throughout the country. This is a position which seems analogous to that of British Hong Kong, where the practice of purchase has been very thinly disguised as so-called adoption.

Whilst it is difficult to say which of the various systems of slavery—called by other names—Forced Labour, Indentured Labour, Pawning or Peonage—gives rise to the greatest amount of human suffering, Peonage has one distinctive feature, namely, that the objective is to keep the labourer in bondage for life, and, if possible, his children after him. The Slavery Commission of the League of Nations makes this point in Chapter V of its Report,* in which the Commissioners say:—

"There is reliable information that many pathetic forms of debtor pledging exist in some countries in America, where they constitute abuses of a system called "peonage." Under this system the debtor agrees to work for the creditor until the labour supplied is considered equivalent to the value of the land allotted to him or of any advances made to him. It often happens that the creditor so arranges that his debtors get more and more into debt, with the result that, what was in the beginning only an apparently equit-

* A.19.1925.VI.

able contract, is transformed finally into enslavement for life."

Peonage appears to have meant, originally, a simple form of land tenure by which the squatter obtained a secure occupancy title to the land he cultivated, but the process of time has witnessed the transformation of a land peonage into a system of commercial slavery. Mr. Dean C. Worcester, in "Slavery and Peonage in the Philippine Islands," defines peonage as "the condition of a debtor held by his creditor in a form of qualified servitude to work out a debt." Professor Ross, whose authority and competence are widely recognised, says:—

"From the Rio Grande down the west coast to Cape Horn, free agricultural labor, as we know it, does not exist. In general, the laborers on the estates are at various stages of mitigation of the once universal slavery into which the native populations were crushed by the iron heel of the conquistador."†

A more recent statement upon peonage or debt bondage, which reinforces that of Professor Ross, is as follows:—

"It is true that he (the peon) is paid for this labor, but only a miserable pittance, with the obligation in most cases to sell his produce to the landlord and to buy his provisions from him. These are furnished at such prices that he is unable to make a living and is constantly in debt to his overlord. This debt hanging over him reduces him to practical slavery. His debt to the landlord can in some countries be transferred to another in case of the sale of the property, so that there is no practical way out. The peon is tied to the land. In one country a property is reckoned

† "South of Panama": quoted in "Social Movements in South America," a report prepared for the Congress on Christian Work in South America, held at Montevideo, March 29—April 8, 1925.

not as so many acres but at so many " brazos," i.e., hands. In selling the property the peons pass to the new owner."‡

But could anything be at once more authoritative and more unblushingly brutal than the following description of a peon estate in a certain territory, taken from a passage in " Tropical Agriculture," the Journal of the Imperial College of Tropical Agriculture, Trinidad:—

" A sufficient number of labourers for routine work live on settlements on the estate; but at picking time larger numbers are required, and the agents enlist them in the villages of the interior by means of advances. A labourer gets up to 50 c. a day but they are nearly all kept in debt for control purposes."*

In the Report of Mr. Dean C. Worcester upon " Slavery and Peonage in the Philippine Islands " there is a translation of a peonage agreement, which demonstrates the method adopted by the owners for " spreading " the investment, namely, that by placing the debt on the family, the owner, in the event of the original debtor dying, is made secure, because the burden is then passed on to the children. This illuminating document reads:—

" I, Maximina Capistrano, widow and of advanced age, native of this pueblo of Angat, having Cedula No. 240121, declare before those present, D. Pedro Otayco and D. Antonio Mendoza, likewise residents of this pueblo, that I owe Dna. Filomena Vergel de Dios, also of this pueblo, the sum of forty pesos that I spent for my children: and as I have no means of paying said debt, I have agreed to hire to the said Vergel that one of my children, named Florentina, for which service she (Vergel) will allow four pesos the first year, beginning this date, and for the second year there is to be an increase of half a peso. The third year she will allow five pesos, and the fourth year six pesos, and thus until the debt is cancelled. But if perchance the girl

‡ " Social Movements in South America."
* " Tropical Agriculture," August, 1924.

should be unable to do the work, or should run away or die, then I may pay in money what remains of the debt; or, if I should not have the necessary money, then I will dispose of the services of another child of mine, or otherwise of my own. But, if God should take my life, then she (Vergel) or anyone authorised by her, may at once levy upon my effects, and should there be none, then others of my children will be obliged to serve her or pay the money conjointly, as for them the money was spent."

In the "*Boston Evening Transcript*"† Katherine Mayo described how under peonage the debt is made a perpetual one, and illustrates it by quoting the case of a man who commenced with a debt of 90 pesos, but paid off, in nine years, the sum of 1,400 pesos, and yet he still owed in 1923 a total of 1,600 pesos on the original debt!

If it is difficult to distinguish slave-owning from peonage, it is equally difficult to see the slightest variation between peon-hunting and slave-hunting. In the Report presented to the American Congress upon Christian Work in South America, held at Montevideo in 1925, we are told that certain tribes (Chunchos) living in the remoter parts of Ecuador, Peru and Bolivia are stated to be addicted to the slave trade.

"Large bands of dissolute savages roam through these great forests, killing the protectors of the families and then carrying the women off to sell to white people who own large plantations in these interior regions. This slave-trading is encouraged by the whites, who offer large rewards to the savages and urge them to bring the women and children to them, making as a pretext the desire of saving them from death, to which they have been condemned by witchcraft."

The League of Nations Assembly, in order that there should be no doubt as to its opinion that debt bondage is but another name for slavery, accepted and passed Lord Cecil's statement that:—

† December 8th, 1923.

"I should perhaps add that the term 'similar conditions' at the end of sub-paragraph (b) is intended to include all forms of 'debt-slavery' . . . . ."

The position, then, to-day, of slave-raiding, slave-trading and slave-owning, in the sense that somebody possesses the body of the slave as a saleable property, is that this "greatest of crimes" obtains in at least nineteen political areas of the world. That taking 2,000,000 as the number of slaves in Abyssinia alone, there cannot be in the whole of the areas affected many less than 3,000,000 men, women and children whose persons are saleable at a profit to somebody.

The cry of these slaves has yet to be heard in the warm-hearted centres of civilisation; the horrors of this abominable traffic, the massed degradation, misery, oppression and cruel treatment of the 3,000,000 men, women and children still awaits the strong arm of the Deliverer. If in Abyssinia there is no Maharaja of Nepal strong enough to deliver these helpless millions, then surely there must be somewhere amongst the Nations, a Government or Governments courageous enough to insist upon a cessation of this one great crime.

The sum total of human degradation and suffering caused by the enslavement of 3,000,000 of people defies the imagination. It may be true that the actual atrocities are fewer than hitherto, but the word used by the British Official at Moyale is the only one which fits the general condition of slavery—"Hell"—it is that indeed, from whatever standpoint the crime of slavery is judged.

To civilisation comes the call to leave nothing undone, to leave nothing unattempted, in order to secure in this generation the total abolition of "Slavery in all its forms."

FORCED LABOUR

"Here, therefore, is the explanation of British views which M. de A. . . . seeks. The answer to his question, what we mean by slavery? is that we reluctantly admit the necessity of compulsory labour in certain cases, and that we do not stigmatize as slavery such labour when, under all possible safeguards against the occurrence of abuses, it is employed for recognised and indispensable purposes of public utility. On the other hand, we regard the system, when employed for private profit, as wholly unjustifiable and as synonymous with slavery."

(The late Lord Cromer, in the "Spectator.")

FORCED labour, conscript labour, "*prestation,*" *corvée, chibaru,* are all of them names given to systems of labour imposed for a variety of purposes in the Dependency territories of the colonising Powers. Great Britain has Forced Labour Ordinances operating in no less than twelve Dependencies,* but it is a point of fixed principle with the British Colonial authorities, never knowingly to tolerate any form of forced labour for private interests. As the Parliamentary Commission to East Africa says:—

"we should like to make it clear, at once, that under no circumstances could the British Administration tolerate in any form the principle of compulsory native labour for private profit, be the employer native or non-native."

The fundamental question is—"By what right does

* House of Commons, Feb. 22nd, 1923.

any colonising Power exact forced labour at all?" The claim to impose compulsion in order to obtain labour for administrative purposes derives its title from the indigenous custom of calling out labour at times of disaster, or for primitive works of public good, such as native paths, bridges across streams, etc. There is, however, great need to circumscribe modern demands based on this root title. Under native custom the Chief would never call out labourers to an extent, or for a place, which would interfere with the domestic requirements of the tribe, nor would the labour be called out for long periods, or in circumstances which would separate the worker from his family. The demand as applied to-day in the case of railways or bridges of modern construction, frequently takes the labourers hundreds of miles from their homes, for extended periods, separates them from their families, and gravely interferes with the domestic and economic life of the community.

The incidence of this burden often falls with crushing weight upon the domestic slave class. The Government sends its demand to the Chief, for a certain number of labourers. This form of labour being uncongenial in all circumstances, at all times, and in all places, the Chief naturally finds no responsive echo in the hearts of the free men of his tribe, and thus he is driven to calling out the domestic slaves. It will be readily seen that these constant demands, falling, as they do, upon a small and ever decreasing section of the community, become in many places a burden well-nigh insupportable.

The conditions under which forced labour may be exacted vary considerably under the different Governments. So far as the Mandated areas are concerned, two fundamental safeguards must be observed: First, that forced labour may be exacted only for works of general and genuine public utility; and secondly, that

it must be "adequately remunerated." These principles are applied, moreover, in all the best-governed territories of the colonising Powers. It is all very well for central Governments to frame broad principles,—the real difficulty is that an entirely different body of men is left to interpret and put those principles into practice locally! Too often works of general utility are taken to cover every form of labour undertaken by an Administration,—Transport, Communication, Buildings, Railways, Sanitation, "Emergencies," Destruction of Pests, Carriers and Porters, Telegraph and Telephone Works, and so on *ad infinitum*. The question now arises as to whether or not the time has arrived to fix a period for the total abolition of all forms of forced labour for public works, excepting only those required for purposes of actual or threatened disaster,—Epidemics, Earthquakes, Fires or Floods?

In British Colonies it was the irritating proposals of the Kenya Colonists which roused public opinion to study more closely all the aspects of conscript native labour. Those who wish to understand the Kenya mentality from all its curious angles cannot do better than to spend fourpence upon—and then read, the White Book;* it is an extraordinary mirror of local public opinion upon forced labour.

In 1920, upon the threadbare plea of seeking the moral advancement of the natives, the Kenya colonists launched their unique scheme for "uplifting" the lazy nigger,—in Kenya Colony the evidence of laziness appears to be governed by the number of registered and "thumb-printed" natives who are working for wages *for white men*; nothing else seems to count!

"Get ye to your labour for ye are idle, ye are idle," might well be written across the despatches covering the proposals submitted to Lord Milner for his approval.

* Cmd. 873.

The Governor himself said that his underlying principle was the theory :—

"that it is in the interests of the natives themselves for the young men to become wage-earners and not to remain idle in their Reserves for a large part of the year,"

and he continued :—

"the native authorities are therefore to exercise all lawful and proper influence to induce able-bodied male natives to go into the labour field, and it is their duty to advise and encourage all unemployed young men under their jurisdiction to seek work on plantations."

"To the plantations" was indeed a novel slogan for a British Governor to give to his officials to adopt during their judicial and administrative visits to the Native Reserves. Never before in British Colonial history had British officials been crudely instructed to abandon their real mission of government, and become mere recruiting agents for private interests, and seldom indeed, in history had British official authority and machinery been prostituted to a purpose so sordid.

Nothing was left to chance, in the effort to force labour on "to the plantations." Here are the instructions :—

"(1) Government officials in charge of native areas must exercise every possible lawful influence to induce able-bodied male natives to go into the labour field. Where farms are situated in the vicinity of a native area, women and children should be encouraged to go out for such labour as they can perform.

"(2) Native Chiefs and Elders must at all times render all possible lawful assistance on the foregoing lines. They should be repeatedly reminded that it is part of their duty to advise and encourage all unemployed young men in the areas under their jurisdiction to go out and work on plantations."

A good deal of discussion—even stern criticism—has been directed against what is called "the Bishops' Memorandum." In the first place, it was not a Bishops' Memorandum at all, it was issued in the name of the Christian Missionary Societies of Kenya, and signed by the Bishops of Mombasa and Uganda, and by Dr. Arthur as representing the non-Anglican community. Admittedly, the strong line would have been to say: "We will not touch this unclean and cursed thing," and then with the heroism of a St. Paul, or in later times, of Knibb, or later still, Tucker of Uganda, to have fought the proposals tooth and nail, in season and out of season. But this was not done, the memorandum could have been construed as a mild protest had it not been for one fatal blunder, namely, that it gave reluctant toleration to compulsory labour for private profit, which is in fact, slavery.

The memorandum addressed to the Governor opened by accepting the popular cry that "Labour must be forthcoming if the country is to be developed as it should." Then the memorialists, in a few paragraphs which, in point of fact, "cancelled out" each other, emphasised the inevitable dangers of compulsion, the difficulties of the settlers, of the administration, and so forth, and again if the matter had been left there, the public could have taken choice as to whether the local Missionary Societies were for or against the proposals; but the closing passages of the memorandum were so heavily in favour of the Government-settlers' scheme of forced labour, that Lord Milner was able to reserve the "Bishops' Memorandum" for his final and most weighty argument in the House of Lords, in support of the proposals.

The essence of this particular scheme proposed by Sir Edward Northey was that 60 days' compulsory labour could be demanded from all those natives who had not been fully employed for three months during

the previous twelve months. But, like so many measures of this kind, *Nemesis* waits, silently but inexorably, in the background. If it had been possible to draft the Ordinance in actual and precise words covering the real motive, it would have read that 60 days' compulsory labour could be demanded from all those natives who had not worked for three months out of the previous twelve months *for white employers,* but this would have been too much for public opinion, therefore the phrase "white employers" was omitted. This Ordinance was submitted to an eminent Counsel, and his opinion, which was in turn conveyed to the British Government, was that the "exemption" as drafted, applied in fact to natives who had worked for themselves or their families *in the Reserves* for a period of three months. Under this exemption, every native in Kenya would have been free from the obligation of the Ordinance. This opinion knocked the bottom out of the scheme, and, together with indignation expressed both in the House of Lords and in the House of Commons, led to its defeat.

But Kenya will never willingly give up the fight for forced labour, because the topsy turvy nature of its economic policy demands that white ownership of land, and native wage labour should be adopted, to the exclusion of native production. The latest attempt to secure forced labour is set forth in yet another White Book.*

In September, 1921, Mr. Churchill laid it down that, apart from porters for urgent Government services, permission to exact forced labour could only be given for specified purposes, and that even work carried on for Government by private contractors could not be done by compulsory labour, except by the express sanction of the Colonial Secretary in London. The first "specified" request was in January, 1925, for

* Cmd. 2464, 1925.

4,000 labourers for the construction of the Uasin Gishu railway. Mr. Amery hesitated for some time before giving his consent, but ultimately agreed to do so, at the same time expressing his "strong objection in principle" to the proposal to pay less than the market rate of wages, and went so far as to say:—

"I do not see how a lower rate than the ordinary market rate can possibly be defended, or how it can be maintained that the loss of 2s. a month was not a hardship."

Not merely is it a hardship to pay the lower rate, but it must lead to future and greater demands for compulsory labour if it can be obtained, as in this case, at a cheaper rate!

It is clearly incompatible with the principle of Trusteeship to continue to force labour of a kind, and in circumstances which, prior to the advent of European Government, would certainly have cost any Native Ruler both his Throne and his head. Trusteeship demands the abolition of all forms of forced labour except for "emergencies," as quickly as possible. The first reform to attempt is the immediate and total abolition of all forms of forced labour for private profit; the second, that all legislation for forced labour should be of a temporary character; the third, that no *forced* labour should be allowed, which would separate the man from his family; and finally, that pending the total abolition of forced labour, full market rates of pay must be accorded to all labourers. Until these reforms have been secured, compulsory labour is certain to be tainted with slavery.

"CONTRACT LABOUR"

THE legal abolition of Slavery led automatically to the "apprenticeship" system, which very quickly gathered to itself the odium that it was, if anything, worse than slavery—and then the "apprenticeship" system was abolished. The abolition of the "apprenticeship" system led in turn to the Indentured Labour system, out of which grew "contract labour," which, in certain territories, is frequently difficult to distinguish from indentured labour. The two most extensive systems of contract labour which give data for comparison are (a) the Contract Labour for the Mines of South Africa, and (b) The Contract Labour for Sugar, Rum, and Cocoa Plantations in Portuguese Africa.

The Portuguese situation is admittedly "an old story." But it has now an entirely new feature, namely, a growing feeling that the patience of the nations is becoming exhausted, and that unless Portugal gives tangible evidence of a real ability to secure reforms, an irresistible demand will grow up for some international action. The Portuguese themselves are fully alive to this sentiment, and, what is more important, they are realising that the British guarantee for the integrity of the Portuguese Colonies will not be continued if that guarantee is to be used, in practice, to bolster up a state of affairs barely distinguishable from slavery.

The peculiar responsibility of Great Britain for the integrity of the Portuguese Colonies is realised only by the few. The "alliance" upon which it rests was

founded in 1373; the guarantee under this alliance was renewed by Charles the First in 1642, and by Cromwell in 1654. Seven years later, in 1661, came another Treaty, by the "secret" article of which Great Britain undertook "to defend and protect all conquests or Colonies belonging to the Crown of Portugal against all his enemies, as well future as present." The obligation under this Treaty is still in force, but, as the late Lord Cromer said in 1912:—

"In spite of the long-standing friendship between the two countries, in spite of historical associations which are endeared to all Englishmen, and in spite of the apparently unequivocal nature of treaty engagements, it would, I feel assured, be quite impossible, should the African possessions of Portugal be seriously menaced, for British arms to be employed in order to retain them under the uncontrolled possession of Portugal, so long as slavery is permitted."

It is true that the Portuguese Colonies are no longer faced with a military menace, but it is equally true that if the British guarantee were withdrawn, such a diplomatic and economic menace to the Portuguese Colonies would be created, that these miserably governed Colonies would not be worth a month's purchase.

The long line of testimony upon the existence of slavery in the Portuguese Colonies is an unbroken one since the days of Livingstone. Missionaries, Merchants, Government Officials, travellers drawn from every nation, *including Portuguese*, all tell but one story. The story is one of fraudulent practice and corruption, of cruelty, oppression and wrong-doing, the story of the commercial enslavement of a whole people, numbering some millions.

The nature of the traffic in Portuguese territory is shown from the evidence of Mr. William Cadbury in the Standard-Cadbury libel action, during which Mr. Cadbury said that, included in the assets of a plantation offered to his firm, were "two hundred black

labourers, £3,555." Whether, in order to escape the odium of slave-trading, these people are called "Contract" labourers, or indentured labourers, the fact remains that their sale price was £18 per head! In 1909 Lord Grey, then Sir Edward Grey, saw the Portuguese Foreign Minister at the British Foreign Office, and "explained" to him that the information he (Lord Grey) had received "from private sources placed beyond doubt the fact that it had been the custom for natives to be captured in the interior by people who were really slave dealers";* that was calling "a spade a spade," anyhow.

There is every reason to fear that not merely are the conditions of the Portuguese Colonies as bad to-day as they were in 1909, but that, although changed in form, they are becoming steadily worse. The private letters of missionaries depict the most revolting state of affairs, whilst it is known that the official archives of other Governments are filled with evidence of misgovernment.

There is probably very little to choose between any of the Portuguese Colonies, so far as administration goes. The islands of S. Thome and Principé, in the Gulf of Guinea, cover an area of only 300 square miles, and produce a good grade of cocoa. Angola, with its coast line of 1,000 miles, a population of 4,000,000, and an area of 485,000 square miles, is more than twice the size of France, but produces little besides sugar, coffee and cotton. Mozambique is nearly 300,000 square miles in extent, or nearly six times the size of England, but peopled by only 3,000,000 natives.

The latest indictment of Portuguese Colonies is that of Professor Ross,—this time, an American! Usually it has been those dreadful British,—Messrs. Cadbury, because they wanted to acquire control of the Cocoa plantations, or H. W. Nevinson, because he wanted a sugar concession! Can anyone imagine Nevinson

* Cd. 6322 (1912).

either running or wanting to run a concession? Again, can anyone imagine Messrs. Cadbury wishing to acquire control of the Cocoa plantations, when they can get all the cocoa they want from British territories? What ulterior motive will be attributed to Professor Ross has yet to be discovered. Professor Edward Alsworth Ross is Professor of Sociology in Wisconsin University; his trustworthiness cannot be impugned, because this is vouched for by a group of eminent Americans, including the following well-known names: George Foster Peabody, Raymond Fosdick, Joseph Chamberlain, H. N. MacCracken, Hamilton Holt, James Shotwell, and Henry Goddard Leach.

Professor Ross was accompanied in his investigation by Dr. R. Melville Cramer, and their report was presented to the League of Nations in June, 1925. This report gives the latest published information upon the conditions in the Portuguese Colonies, the most damning feature about the report being that there is nothing very new in it! The flogging, the sale of natives, the bribery and corruption, the denial of so-called wages to the labourers—these are all the same old story, a story confirmed by an abundance of available material. Here is the story of one group of contracted labourers:—

"In the evening we visited the camp of the laborers on an estate, and questioned fifty or sixty men and boys. One had worked for nine months on a plantation under government authority. After three months he received a *pano* (a sheet of $3\frac{3}{4}$ yards of unbleached muslin); after six months more he received his tax receipt for the year. Another man had worked on a plantation for a year and received nothing but a *pano* and his tax receipt. At that time the ordinary wage was a *pano* a month."

Professor Ross, in several parts of his report, depicts the methods by which the contracted labourers are secured:—

"Five weeks before, two hundred natives arrived from N. . . . headed by a white, escorted by three soldiers. They had been sold by the officials at N. . . . to a coffee planter who had paid 27,000 escudos ($675) for them. They were quite thin and eleven died on the three days' march. If they dropped on the march no one was allowed to stop and cover them with earth. 'Why waste time on these worms?' Of the two hundred, thirty were sick at the county seat and four died."

There is a good deal in Professor Ross's report which shows that the unhappy natives are still being shipped away to the land from which "none ever returns." He says, in one place:—

"We meet here the chief of five villages including this one, with a total population of about 2,500. Six years ago a hundred of them were taken away to San Thomé and none ever came back."

And again:—

"The village chief declared that eight years ago the officials took from his people eighty-four persons and forty-four from the people of the adjacent chiefs. Nothing has been heard from them nor of them. He supposes that they are at San Thomé. After three years the two chiefs were called by the local authorities and told to be patient. 'We will send for these men and have them brought back.' But none have ever come back."

Bribery and corruption have always occupied a large part of any report upon Portuguese labour conditions. The evidence of Professor Ross is again no exception to the rule:—

"The school teacher stated that he had complained to the secretary of the administration of the blackmailing of the villagers by the policemen. That official promptly flared up

and said, 'Get out of here! It's none of your business what the authorities do.' Although these policemen are under no supervision in their dealings with the villagers, the authorities will hearken to no complaints against them. Thanks to this, the *cipaio* sometimes makes money faster than a successful trader. He is given an order to comb out so many men from the district, but it is within his discretion how many shall be required of a particular village. So under threat of being tied up, the villagers compete in bribing him not to hit them too hard."

In one part of his report Professor Ross gives a single picture of the method of harrying the miserable natives, which—as a description of modern slavery, is pretty hard to beat:—

"Four years ago a large number who were tax delinquents were sent to San Thomé and have never returned. Since then the forced labor of these people amounts to six months a year. Their wives have to work on the roads, but are not recruited for the plantations. The men are carried off as far as one hundred miles to work on the road, for which they get their food and their tax receipts. When they work on the road near their home they have to furnish their own food. On the plantations some die from being made to work after having been weakened by flogging."

The present condition of Portuguese border territories provides eloquent testimony upon the misery and oppression of the interior. Migrations of the natives are constantly taking place, in order that they may escape from the tyranny to which they are subjected. The British Colonial Minister has placed this on record, in the following words:—

"Natives of Portuguese East Africa have been migrating into the Nyasaland Protectorate in considerable numbers for many years. At the census taken in Nyasaland, in 1921, the number of Anguru, a tribe inhabiting Portuguese East Africa, was computed at 108,204, and it was supposed that

there were many more immigrant Anguru who had been adopted into other tribes in the Protectorate. There is also some migration of natives from Portuguese East Africa into the Tanganyika territory, and on a small scale into Northern Rhodesia, but statistics are not available."*

It is some cause for satisfaction that at least 100,000 have managed to escape from their oppressors in Portuguese East Africa—but, could testimony be at once more eloquent and more authoritative?

With every fresh exposure of the abuses committed in Portuguese territories, the public is inundated with literature from interested Portuguese, which covers the same ground. In the first place, civilisation is invited to behold and wonder at the extraordinary generosity of the Portuguese Colonial laws; secondly, letters of protest are manufactured and supplied by some mush-room society, and signed by all sorts of people, including "educated native subjects"; and thirdly, nationals other than Portuguese are persuaded to issue manifestos stating how incomparably the Portuguese govern their Colonies,—that is the line usually adopted. With regard to the first, nobody has ever questioned the "humanity" of Portuguese Colonial law,—it is most fearfully and wonderfully constructed, and, *if carried out*, would produce a Colonial millenium. The second line of defence is equally futile and equally absurd; for example, the latest effusion was signed by a number of "natives" who knew nothing of the facts, and for the most part had never been anywhere near the Colonies in Africa. The third line of defence is of a different order, because those who sign these manifestos know what they are doing; they know, too, the state of affairs in the Portuguese Colonies, and they know their own relationship to that state of affairs; but they forget the

* House of Commons, 23rd November, 1925.

possibility that other people, and even other Governments, know these things, too, and further, that some day "information," the nature of which is known, may be disclosed, and if disclosed, will certainly prove very embarrassing to those who sign these certificates of health for the Portuguese Administration.

It should not be forgotten, moreover, that there is a place called Scotland Yard, which is held responsible for arresting any British, white or coloured subject known to have engaged in acts of slavery in foreign territory, as though the act or acts were in fact committed in the County of Middlesex! There is none but the friendliest of feeling in Great Britain for the Portuguese people, and no other desire with regard to the Portuguese Colonies than to see them happy and prosperous under Portuguese control, but this can never be, whilst a form of slavery prevails.

The Mines of South Africa present the most interesting contrast in the employment of coloured contract labour. The natives come very largely from the same African zones as the Portuguese, but those employed by the Portuguese are upon the relatively healthy open-air pursuit of agriculture, whilst those employed in the mines are thousands of feet below the surface, where they run all the risks due to humidity, and all the dangers attendant upon blasting and mining the very foundations of Mother Earth. It would be expected that upon two main tests of contract labour, namely, health and the voluntary flow of workers, the natural occupation of agriculture in Portuguese Africa would be far more attractive than mining. The complete and regularly issued figures upon vital statistics of the British Mines constitute the most striking condemnation of Portuguese agriculture, because the meagre statistics which have been available give such an alarming death rate on the plantations, that the Portuguese refrain from issuing them in any completeness, or with any frequency.

In the South African Union territories the native male population is about 2,382,000.* Of these the miners total (ages between 18 and 45) 235,134. The total number of natives drawn from all quarters and employed in gold-mining is approximately 200,000, of whom 87,000 are from the East Coast, 65,000 from Cape Colony, 18,000 from Basutoland, and 15,000 from the Transvaal. The total number of white men employed in the actual task of winning gold does not exceed 10,000.

The European worker is compelled by circumstances to work continuously, and lives in the locality of his work, but the native mine workers come from districts remote from their employment, which means that they need only work intermittently; at harvest time, for example, many return home for rest, recuperation, and the delights of family and kraal life. It is true that most of the East Coast natives take a contract for the round twelve months, but the Cape and other natives average ten months. Thus it will be seen that twelve months is the normal contract period for mining work.

The first test of contentment with service is shown by the progressive fall in the death rate. In 1903-5 there was quite naturally a considerable outcry against the alarming death rate on the mines, which then stood at 80.93 per 1,000. The mineowners, to their credit, recognised the justice of the criticisms being made, and resolutely set themselves to improve conditions, with results which it will be agreed are little short of amazing:—

	Average number of natives employed.		Death rate per 1,000 per annum. *Disease.*	*Accident.*	Total.
1903	62,056	...	77.71	3.22	80.93
1905	88,617	...	46.92	4.19	51.11
1910	177,795	...	30.85	4.87	35.72
1915	180,735	...	16.38	3.49	19.87
1925	193,290	...	8.30	2.75	11.05

* 1921 Census.

The second test of contentment is shown by voluntary flow of labour. In former years practically the entire native labour force for the South African mines was recruited; this involved in turn a large staff of recruiters. During the last fifteen years the number of recruiters has steadily decreased, whilst at the same time the flow of unrecruited labour has steadily increased. To-day, out of a total of just over 200,000 native mine-workers, some 35,000 are engaged locally by the mines, 77,000 are entirely non-recruited, and a total of less than 67,000 represents the recruited section of the workers. The contrast, in this respect, with the Portuguese competing industry of agriculture, is most striking, for no one, not even the Portuguese themselves—will deny the statement that there is practically no voluntary flow of native labour to the Portuguese plantations.

Apart from South Africa, all but two or three systems of contract labour as hitherto known are pervaded with the taint of slavery—the labourers are secured by force or fraud, or by both; the contracts either do not exist at all, or are drawn up in terms incapable of comprehension by the workers, whilst every device is adopted to maintain "control" over the labourers. There is nothing essentially wrong in contract labour. The application of the spirit of trusteeship would make labour attractive where to-day it is repellent, would inspire administration not merely with a desire, but a resolute determination to see that "a square deal" is given to the labourer. A "square deal" means in turn: A contract so simple that the labourers can understand and remember its terms; a contract for a relatively short period of, say, six months below—and twelve months above surface; a contract which is "civil" in every respect, never with criminal penalties; and above all, a sympathetic judiciary, staffed by justices, available to every labourer, for the free interpretation of contracts, and before whom renewals of contracts

could alone be made between employers and their labourers. Until these things are secured, existing systems of contracts are open to the charge of slavery, whilst the loyal acceptance of the principle of trusteeship would give contentment to the workers, and a free flow of labour to the centres of employment.

THE SERVITUDE OF COLOUR

"THERE shall not be in the eye of the Law any distinction or disqualification whatever founded on mere distinction of colour, origin, language or creed, but the protection of the Law in letter and in substance shall be extended impartially to all alike."*

"And it is further our will that so far as may be our subjects of whatever race or creed be freely and impartially admitted to office in our service the duties of which they may be qualified by their education, ability and integrity duly to discharge."†

"In their prosperity shall be our Strength, in their Contentment our Security, in their Gratitude our best Reward. And may the God of all Power grant to those in authority under us strength to carry out these our wishes for the good of our people."†

No racial test so vital to World Peace has yet occurred like the menace of the "Colour Bar" which to-day finds its storm centre in South Africa. The arresting sentence in the speech of General Smuts in February, 1926, is a warning to the British Empire—"... the Colour Bill gratuitously produced here is a firebrand flung into a haystack." It is not only a struggle of a million or two whites against 6,000,000 natives of South Africa nor even against the 120,000,000 Africans, it is a struggle involving ultimately something over 500,000,000 Asiatics and African people

* Proclamation of Queen Victoria annexing Natal 1843.

† Proclamation of Queen Victoria to the Princes, Chiefs and people of India, November, 1858.

and at the same time the very foundation of Britain's overseas Empire due to this demand for White Domination as expressed by a mere handful of resolute but reactionary white men in South Africa.

The demand now made is that for all time persons with any colour in their blood shall be relegated by legislation to the position of helots, that colour shall be made the "bar sinister" against employment in the professions, in civil service and in industry, and that no matter what the attainments, no matter how men or women of colour may excel in science, industry or statecraft, they shall be debarred by the law of the land from entering all the higher services, which are now formally proclaimed to be the prerogative of the immigrant Whites no matter how inefficient their qualifications—Could a more indefensible form of servitude, could a graver issue be imagined?

The peril to the British Commonwealth leaps to the eye. The British Empire consists of a known and estimated population of 450,000,000 of whom no less than 385 millions are coloured, thus making Great Britain, so far as numbers are concerned, a coloured Empire. This population is distributed as follows:—*

	Whites.	*Coloured.*
Europe	47,742,000	
Asia	160,000	331,906,000
Africa	1,721,000	48,970,000
America	8,919,000	2,244,000
Oceania (i.e., Australia, New Zealand, Pacific Islands, etc.)	6,742,000	1,149,000
	65,284,000	384,269,000

The monumental folly of erecting barriers within

* Sir John Higgins.

the Empire against coloured people *solely* because of their colour must be patent to anyone prepared to reflect for a few moments upon these figures. The struggle in South Africa began nearly a century ago with the colonization of South Africa by Dutch settlers; this struggle was ultimately focussed in the *Grondwet* of the Transvaal by the formal declaration:—

"There is no equality in Church or State between White or Black."

As against this declaration of policy must be set those words of Queen Victoria quoted at the head of this chapter, the first paragraph being taken from the proclamation at the time when Natal was annexed, and the second and third being extracts from Queen Victoria's Proclamation to the people of India in 1858. In more recent times Mr. Winston Churchill, at the Conference of Premiers, was equally explicit:—†

"I think," said Mr. Churchill, "there is only one ideal that the British Empire can set before itself in this regard, and that is that there should be no barrier of race, colour, or creed which should prevent any man by merit from reaching any station if he is fitted for it."

The population in the four Provinces of the Union of South Africa was, according to the latest census:—

Whites, 1,522,924. *Coloured* (including Asiatics), 5,299,889.

But the issues now raised cannot be immediately confined to the Union territories, for Bechuanaland, Swaziland, Southern Rhodesia are all on the fringe, and when the cauldron does "boil over," as it must do, all these territories will be at once involved.

The rudiments of Colour Bar legislation in South Africa were formed in the time of President Kruger, but in 1896-1898 owing to pressure from Cape Colony the regulations were somewhat relaxed. In 1903, however, they were stiffened up again, and yet again in

† June 20th, 1921.

1905-1906, shutting out coloured overseers, "bosses," and surface foremen, etc. Then in 1911 to 1913 came regulation after regulation, until, as the "Cape Times" said at the time: "Owing to the wide scope and general character of the Regulations affecting coloured persons made since the Union, it is practically impossible to give an exhaustive list of the occupations affected, the general tendency being to make it impossible for coloured persons to hold any position of responsibility." In the same issue of the "Cape Times" a general list was given of the 17 articles designed to exclude coloured labour from any other than the unskilled trades. Under these articles no native or coloured person could become a banksman, manager, signaller, overseer, surface foreman, foreman of shifts, or machine minder.

On July 7th, 1918, came the extraordinary ultimatum from the White Trade Unions, when they required the dismissal within 30 days of all coloured drill sharpeners, failing which the white miners would refuse to co-operate with coloured workers.* But the Colour Bar in South Africa operates far beyond the industrial sphere; "The Hospital"† stated that the South African Trained Nurses Association had erected the Colour Bar against fully trained and certificated coloured nurses. The Editor went on to state that the decision to exclude was unanimous. But an even more glaring illustration of the operation of the Colour Bar was in connection with the murder of natives in the Autumn of 1922 by a man named Stassen. In the most brutal manner Stassen had ridden up to a group of natives in the suburbs of Johannesburg and without the slightest provocation on their part, shot two of them dead. For this cold-blooded and brutal murder of two men, Stassen was tried and condemned to death. Immediately the white trade unions made a great outcry, arguing that no white

* "Coloured" workers are half-castes.
† Dated June, 1921.

labourer should be sentenced to death for murdering a black one. General Smuts refused, however, to extend clemency to Stassen.

In 1923 came the historic decision in the Supreme Court of South Africa arising from the decision of the Johannesburg Magistrate in which he declared to be *ultra vires* the regulation in the Transvaal Mining Law. The case came before the Supreme Court during October and November of that year, upon an application of the Attorney General,* and extracts from the judgment below show how complete was the victory gained by the native and coloured people of South Africa.

"The enabling Act No. 12 of 1911 (upon which the Colour Bar regulations reposed) does not in any of its sections discriminate between white and coloured persons, or between one race and another. . . ."

"Such restrictions of the right of the citizen to so employ skilled and competent coloured persons or of such persons to be so employed, could never have been contemplated by the Legislature and are unreasonable and even capricious and arbitrary. . . ."

"Such a by-law is bad and invalid. . . ."

"In all the circumstances of this case, therefore, I have come to the conclusion, that regulation 179 is *ultra vires* the provisions of the enabling Act No. 12 of 1911."

But it soon became clear that the Trade Unions would refuse to acquiesce in the decision of the Supreme Court, and upon the fall of the Smuts Government the "Secessionist"-Trade Union Coalition came into power and a demand was at once made by the White Trade Unions for the passing of a Colour Bar Bill, giving legal force to all that the Supreme Court had declared to be *ultra vires*.

In obedience to this demand of the Trade Union wing,

* Rex v. Hildick-Smith—South African Law Reports.

General Hertzog introduced, in February, 1925, the Colour Bar Bill. General Smuts promptly challenged the principle of the measure and declared that the Bill was a most contentious measure, transcending the walls of Parliament, and that the fight against it would assume dimensions not contemplated by the Government. But the Bill was finally passed through the Assembly by a small majority, only to be thrown out by the Senate by a majority of four votes. In February, 1926, the Bill was again introduced into the Assembly, and passed its second reading by 68 votes to 46. The final step was taken in the following May, when resort was made to a joint sitting of both Houses of Parliament, according to Clause 63 of the South Africa Act. At the time of this historic sitting, the Nationalist and Labour Parties in the Assembly numbered 81 and the South African Party 53. The Senate numbers 32 Senators. The total number voting was 150 out of a total membership of 166, of whom 83 voted for the Colour Bar Bill and 67 against, thus giving a majority of 16 in favour of a measure which makes South Africa, in Abraham Lincoln's words, "Half slave—half free."

What does this Bill provide? It purports to amend the "Mines and Works Act of 1911" upon the plea that it was necessary to enable certain Colour Bar regulations to be made valid which, when admitted under that Act, were declared by the Court to be *ultra vires*. Coupled with the 1911 Act, it empowered the Government to prohibit the employment of any person or persons not furnished with a "certificate of competency" in the schedule of trades, which, stated in general terms, meant any class of job in or about the mines, works or machinery, which the Minister of Mines might deem it expedient to specify. The words "mine" and "works" were defined with extreme comprehensiveness, including, for example, brick works, lime kilns, etc., and generally all places where machinery

is erected or used, except harbours, dams and reservoirs outside the mining areas. The Supreme Court having held that colour could not be met by issuing an order of "competency" for employments, the new Bill boldly enacted that certificates of competency should not be granted to natives of African or of Asiatic descent; "natives" to include persons of unmixed blood, and Asiatics to mean Indians but not Malays.

General Hertzog, finding himself upon a very slippery slope, has now gone much farther by embarking upon a far-reaching policy of segregation, which may be divided into a category of five main divisions:—

In the first place, natives of Cape Colony are to be deprived of the franchise; secondly, as a "concession" the natives of the Union are to be allowed to elect seven representatives in the Union House of Assembly, that is, two for each of the Provinces of the Cape, the Transvaal and Natal, and one in the Orange Free State. But these members so chosen must be Europeans appointed in addition to the present Assembly, but precluded from voting upon the question of representation of natives. The third main feature is that the coloured people of the Cape are to be exempted from the proposed disfranchisement. Fourthly, there are to be established Native Councils for the discussion of native legislation. The fifth main feature is the segregation of industries—or the Colour Bar Bill.

The question at once arises whether General Hertzog can disfranchise any section of British subjects in South Africa. The South Africa Act of 1909 allowed the different Provinces to retain their own franchise laws, subject to fresh legislation of the Union Parliament. In Cape Colony racial equality was given in 1853, subject to a property and educational test. The educational test is little more than being able to write name, address and occupation.

In so far as Cape Colony is concerned, the South

Africa Act makes special provision for safeguarding the franchise. But under this provision it is possible to change the franchise law, providing the majority of two-thirds of both Houses of Parliament sitting together can be secured in support of the measure. It is therefore clear that subject to the necessary majority General Hertzog has the power to disfranchise. What is the position to-day? In Natal the vote is of course only now given to Europeans but there is the small number of native and Indian voters who were registered prior to the passing of the legislation limiting the franchise to Europeans. In 1923 there were still 762 non-European voters in Natal. In Cape Colony with its coloured population of over two millions, the native voters are comparatively a small number. In 1903 there were 8,117 native voters. In 1909 the number of native and coloured voters together was 21,021 and in 1923 they had increased to 41,086.

General Hertzog sliding always down the slope of racial segregation has not merely challenged the African race but also the people of India, and thereby in effect the whole Asiatic population; as Lord Reading said in his speech when opening the 1926 Assembly: "There has been a continuous progress in the legislation of South Africa prejudicial to the position of the Indians." General Smuts has emphasised this feature in the debates in South Africa. "We shall gather," said Smuts, "on our heads the hatred of the whole of Asia. We shall feel the weight of that hatred in the years to come. The Bill will be taken as an outrage not only by Black Africa but by Yellow Asia. We, a handful of whites, are ring-fencing ourselves first with an inner ring of black hatred and beyond that with a ring of hatred of the whole of Asia. While only a few Asiatics are directly affected by this Bill the inclusion of their name will win us the hatred of hundreds of millions of Asiatics from the north of Asia to the south."

From time immemorial British Indians have colonised South Africa, and judged by any ordinary standard of equity they have just as much right to emigrate to South Africa as "Peruvians" or as the White races. They have moreover in certain respects equal rights of domicile, for between 1842 and 1870 the planters of Natal brought into Africa for their own advantage 6,448 British Indians. The abuses which arose from this earlier traffic led to vigorous protest by Fowell Buxton and Lord Brougham and it was not until 1860 that *legalised* emigration was put into operation. In 1875 Lord Salisbury, then Secretary of State for India, issued his despatch in which were laid down the conditions under which emigration would in future be permitted. The Colonies accepted these conditions, one of the most important of which reads as follows:—

"NO WHIT INFERIOR"

"Above all things we must confidently expect, as an indispensable condition of the proposed arrangements that the Colonial laws and their administration will be such that Indian settlers who have completed the terms of service to which they agreed as the return for the expense of bringing them to the Colonies will be in all respects free men, with privileges in no whit inferior to those of any other class of Her Majesty's subjects resident in the Colonies."

In 1909 there were in Natal alone at least 115,000 British Indians, the majority of whom were most certainly entitled to claim a position "no whit inferior to those of any other class of Her Majesty's subjects resident in the Colonies."

The policy adopted by South Africa towards British Indians is in direct conflict with the "indispensable condition" laid down by Lord Salisbury. It is admittedly designed to inflict a stigma upon British

Indians and to place them in a position of civic inferiority.

The racial "die" is thus cast in South Africa. The Labour-Nationalist Government has for the first time in the history of mankind, made colour, and colour alone, a legislative disability. This Government now proposes to take the next step down the pathway of dishonour by making a flagrant breach of the letter and spirit of the South African Act of Conciliation by taking the franchise from the 1,000,000 or so natives in Cape Colony, thus disfranchising every native in South Africa. General Hertzog has at the same time bluntly proclaimed that the general policy by which he is guided is that of resisting "to the utmost" every attempt to oust the white man "from his dominant position."

It has long been accepted that one of the worst effects of slavery or of oppression of the weak is the degradation of all those who take any part in inflicting the iniquity. South Africa will be no exception to this inexorable law. This danger was probably in his mind when Mr. Patrick Duncan, speaking at Pretoria, said:—

"It" (the colour bar policy) "is a question not only of fairness or justice to the natives, but also of life or death for ourselves."

The natives of South Africa have met this challenge by setting forth their protest in a carefully and moderately drafted "Bill of Rights." This includes five general principles of native policy, the justice of which is surely incapable of challenge:—

"1. That the African inhabitants of the Union have, as human beings, the indisputable right to a place of abode in this land of their fathers."

"2. That all Africans have, as sons of this soil, God-given rights to unrestricted ownership of land in this, the land of their birth."

"3. That the Africans, as well as their coloured brethren, have, as British subjects, the inalienable right to the enjoyment of those British principles of the liberty of the subject and the equality of all classes in the eyes of the law that have made Great Britain one of the greatest world Powers."

"4. That Africans have, as subjects of His Majesty King George V., legal and moral right to claim the application or extension of Cecil Rhodes' famous formula of 'Equal rights for every man south of the Zambesi,' as well as the democratic principles of equality of treatment and equality of citizenship in the land, irrespective of race, class, creed or origin."

"5. That peoples of African descent have, as an integral and inseparable element in the population of the great Dominion of South Africa, and as undisputed contributors to the growth and development of the country, a constitutional right to a fair share in the management and direction of the affairs of this land of their permanent abode, and to direct representation by members of their own race in all legislative bodies of the land. Otherwise, there can be no taxation without representation."

From henceforth South Africa will be the "cockpit" of the racial conflict: folly and dishonour have become the hall-mark of the Labour-Nationalist administration. The historians of the future will remark upon the curious coincidence that although South Africa produced the first Prime Minister in history to brand as serfs and helots all men of colour solely because of the colour of their skin, yet to its everlasting honour the same country produced at the same period of history, the man who conceived the lofty principle of treating backward races and their welfare as the "Sacred Trust" of civilisation. When the servitudes of colour have disappeared from the family of nations and are only remembered by mankind as a blot on the escutcheon of General Hertzog, the principles of the "Sacred Trust" will be recognised as one of the main pillars in the new World order erected by General Smuts,

THE LAND AND RAW MATERIAL

THE simple African or Polynesian producers know very little of land laws and custom; they know nothing of European systems, but they all have a very acute understanding of the relationship of land to the production of raw material, hence the African saying, "Take my land and you take my life." The conception of land holding is with most backward people a bread and butter conception, namely, that land, water and sun represent an intricate piece of machinery designed by the Almighty for the single purpose of giving sustenance for the people of his Creation. It follows therefore that the sale of the "ownership" of a piece of land is about as iniquitous a transaction as the sale of a portion of the sun or the river. "We have power to dispose of the land; we cannot sell the land; no chief can sell the land," said a Lagos (Nigeria) Chief in evidence before the Supreme Court. The right of "disposal" which vests in the Chief is that as Paramount it is part of his duty to allot suitable lands to members of the Community; the disposal is not that of the ownership, but of the beneficial occupancy. In the event of the occupier leaving the land or being guilty of a tribal offence involving a surrender of his "beneficial lease," then the land reverts to the tribe.

The abuses arising from the alienation of lands from native races have been, in the main, due to a desire to exploit (a) the existing virgin wealth of the surface or (b) subsurface minerals. It is true that grave

abuses have arisen from developing lands with the object of producing *new* wealth, but to nothing like the terrible extent due to the hustling desire to extract *existing* riches. It was the available gold and stones which led to the martyrdom of the Inca Indians; it was the raw rubber of the virgin forests of Africa which led to the enslavement of the natives in French and Belgian Congo. It was the scintillating gleam of gold in the rock strewn ground of Matabeleland that forced Sir Starr Jameson's hand and compelled him to invade the Matabele from Fort Victoria. The effect of this impact upon backward peoples has always been acutely violent, coupled with bloodshed and cruelty upon an atrocious scale.

The other form of exploitation, namely, the alienation of land from native tribal ownership, for the purpose of land development pure and simple either for speculation or plantation, involves a servitude reposing too often upon fraudulent and oppressive practices; for, if the land is taken from the native, he has nothing to sell but his labour, and if the administration is in league with private interests, that labour is forthcoming upon conditions eminently suited to the Employer. The plantations of the late German Colonies were largely staffed by labourers compelled to work on land which had previously been their own. The same condition of affairs seems to be in existence to-day on the Portuguese plantations of the mainland of Africa and the islands of the sea.

The cardinal feature, the magnetic pole, so to speak, round which every other consideration revolves, is that the raw material of the tropical and subtropical regions can be produced only by hands that are black or brown —the legitimate, and indeed the only really profitable sphere for hands that are white is that of instruction and not production.

Within the British Empire there are two bold systems

of land tenure for the native inhabitants; one in a *Dependency*—Nigeria, and the other in a *Dominion*—South Africa. The Nigerian system has three main features:—

(a) The whole of the land, whether occupied or unoccupied, is native land (the people's land).
(b) The Governor, in his capacity of paramount trustee, holds and administers the lands for the use, need, and common benefit of the people.
(c) The Governor, as paramount trustee, can only lease or alienate the lands of the people within the circumference of native law and custom.

This is not nationalisation, because nationalisation implies State control, not only of the land, but what is grown on the land.

In Nigeria the "occupier" is entitled to the full benefit of his private enterprise—he may own the trees he plants, he may sell or mortgage his crops, and whilst he performs his civic duties and cultivates his land within definite cycles of time, none may dispossess him. The one thing the occupier cannot do is to speculate with the land he holds.

It is true that in many colonies right of conquest has led to confiscation of ownership. But Sir Percy Girouard in his memorandum on the land question in Nigeria says:—

". . . . Conquest by a civilised government does not confer the right to confiscate private property. . . ."

Sir Frederick Lugard is equally emphatic upon the question in his book, "The Dual Mandate":—

"When," says Lugard, "a European Power succeeds to the domination hitherto wielded by a native conquering race, the control of the land, in so far as it was exercised by the latter, passes, if publicly claimed, to

the new suzerain, and should be exercised in accordance with native law and custom. If the dominion was not vested in a conquering race, the controlling Power should interfere still less with customary law. Private and communal rights must be respected."*

Within recent years the British Colonial Office has modelled Dependency land policy upon the following three main lines. First, that only in very exceptional cases and even then only for specified purposes is the alienation of ownership tolerated; secondly, that alienation of leasehold title can only be for "beneficial" occupation of surface rights; thirdly, that all subsurface values are retained by the State: this threefold procedure has been adopted partly in order to prevent speculation in land, and thereby keep land policy in conformity with native law and custom, but the policy has also had in view the provision of a stable and increasing revenue for government purposes.

The second big land policy is that of the Dominion of South Africa. The four Provinces of the Union of South Africa comprised within the South Africa Act of 1909 cover an area of 473,100 square miles, and are occupied by 1,500,000 white people, 750,000 coloured people and 4,000,000 natives. The white races require the land mainly for the production of exportable mineral and agricultural wealth. To the natives, the search for mineral wealth constitutes no attraction; they require the land solely for the purpose of sustenance. The governing principle in the land policy of recent years has been that of a land segregation. The first definite step was taken in 1913-14, when General Botha introduced segregation under the land Bill. This bill was followed by the appointment of the Beaumont Commission which reported in March, 1916, upon the allotment of the land areas. The principal feature of the Beaumont report was that the recommendation of

* Page 300

the land provisionally placed at the disposal of the natives should be nearly doubled, or an increase of 20,000,000 acres. At the same time this only gave to the 4,000,000 natives in the Union of South Africa the maximum of 40,000,000 acres, whilst it placed at the disposal of the 1,500,000 whites the other 260,000,000 acres. Under the Beaumont Commission the following would be the ultimate occupation by the natives:—

(a) Cape Colony, 8½ acres per native.
(b) Transvaal, 11¼ acres per native.
(c) Natal, 10 acres per native.
(d) Orange Free State, 1½ acres per native.

The disproportion of the allotment between the whites and the natives of South Africa is not merely in the division of the land, but in the quality of it, for whilst the major part of the 260,000,000 acres allotted to the 1,500,000 whites is good land, a great deal of the 40,000,000 allotted to the natives is declared to be of poor quality, and much of it is without water, and therefore unfit for grazing purposes. Other areas again are malarial, and in yet other respects unfit for human habitation.

In 1917 the next step was taken, namely, the passing of the Native Affairs Administration Act, which automatically repealed the 1913 Land Act whilst maintaining intact the main purpose of that measure. The 1917 Act was an improvement in one respect on the Land Act of 1913 in that it provided for the elasticity of the boundaries in the native areas, but the most important feature of this legislation was the creation of the Commission for native affairs.

The feature which probably most impresses the student of psychology is the extraordinary patience which the natives show under the infliction of an obvious injustice. It is noteworthy that the Native

National Congress did not oppose the principles of the 1913 Act so long as they were "fairly and practically carried out." By this they meant conditions covered by three words—*Sufficiency, Suitability, Security.* Under these conditions they were prepared to accept the land settlement of the Botha Act. But of these three conditions only one can be said to have been obtained, namely, *Security.* The Botha Act was passed upon the hypothesis that the land allotted under the measure to the natives would be inalienable.

From that summer day in 1486 when Bartholomew Diaz rounded the Cape and landed at Algoa Bay, until the rise of the Botha Government, namely, for over four centuries, the native tribes of Africa south of the Limpopo river have never been certain that the lands they occupied would be regarded as their inalienable possession; every reason, every excuse, every species of chicanery and fraud has been practised in order to dispossess these people of the lands they had every right to regard as their own. Security of tenure in the occupation of lands is a measure of priceless value to the African native. The ratio of allotment as proposed under the Botha scheme cannot be defended, because when suitability or unsuitability is taken into consideration the allotment would probably mean not 260 million acres to 40 million acres but in its relation to this, something like 250 acres per white as against 5 acres per native.

The land policy of South Africa finds no parallel in native policy in any other country in the world. As the years pass it is seen to inflict ever increasing hardship upon the native peoples, but it fits into the policy of industrial and administrative segregation which owes its inception to the attitude of the early Dutch towards the native people of South Africa, and its later and more vigorous support by the immigrant white industrial forces.

There is a third form of British land policy, which partakes in some measure of that established in South Africa, namely, the provision of Native Reserves. This policy is more generally applied, and is found in the Rhodesias, Nyasaland, and in Kenya. In Southern Rhodesia the number of natives who owned land did not, at the time of the Privy Council hearing of the Rhodesian Land Case,* exceed ten, and it is about the same to-day. The 1,000,000 natives of Southern Rhodesia are living in (a) Reserves, (b) "unalienated" land, (c) on private farms. Whilst the numbers vary from time to time in any of the areas, the normal population of the Reserves is approximately 400,000. The whole area of Southern Rhodesia is 144,000 square miles, of which 34,000 square miles are set aside as Native Reserves. These reserved areas are by an Order in Council vested in the High Commissioner, and cannot be alienated except for certain public purposes, and then only in exchange for other suitable land. In Southern Rhodesia, however, a native may purchase and sell or hold *any* land upon equal terms with the white immigrants,—a right which, like so many "native rights," is, in practice, a dead letter. But no alienation of land from a native is valid unless the agreement is made in the presence of a Magistrate and countersigned by him as being understood by the native.

In Northern Rhodesia the same policy is at present adopted, but the land outside the native reserves has not yet been widely taken up by the white immigrants. Northern Rhodesia covers an area of 290,000 square miles, and up to the present the total alienation to immigrants is as follows: 6,400,040 acres held provisionally by the North Charterland Exploration Company, 2,540,000 acres held in freehold title by the British South Africa Company, and approximately 3,000,000

* Cmd. 1573.

acres either alienated or in process of allotment to persons other than natives of Northern Rhodesia. The East African Commission has recommended that a system of leaseholds similar to those contained in the Tanganyika Land Ordinance should be adopted in Northern Rhodesia for future immigrants. The situation in the mandated territory of Tanganyika cannot be summed up better than in the following extract from the Report of the East African Commission:—

"The land problems in Tanganyika are not so difficult as they are in Uganda, Kenya and Nyasaland. On the coast, Arab tenure, governed by Mahommedan law and custom, is fairly general. In the districts settled by the Germans, freehold titles were granted to non-natives, and in these areas lands were set aside by them as native reserves, *i.e.*, land in which natives, either collectively or individually, may be regarded as having 'acquired an interest' before the enactment of the Ordinance of 1923 which defined all land other than those lands in which a previous interest had been acquired as 'public land.' Vast areas have neither occupier nor claimant. In regard to further alienations of public land, only 99 years' lease can be granted, and only 5,000 acres to any concessionaire except with the express approval of the Secretary of State."*

Kenya Colony is the storm centre of controversy because its land policy differs radically from that of other British Crown territories. The fundamental basis of this policy was never stated more truthfully or more brutally than when in an unguarded moment Lord Delamere said:—

"If the policy was to be continued that every native was to be a landholder of a sufficient area on which to establish

* Cmd. 2387.

himself, then the question of obtaining a satisfactory labour supply would never be settled."†

In all its shameful nakedness the policy of Kenya envisaged by Lord Delamere is that the native is not wanted as a wealth producer for Kenya, but as a hired labourer to gather wealth for the immigrant white, and that the shortest and surest route to that objective is by way of dispossessing the native of his land. The total area of land in Kenya Colony is 245,060 square miles, divided as follows:—

		Square miles.
(a)	Native Reserves in Colony	46,837
(b)	Forest Reserves in Colony	2,980
(c)	Land surveyed into farms	11,859
(d)	Area of Protectorate	2,200
(e)	Coast Province Extra Protectorate ...	13,980
(f)	Jubaland	36,740
(g)	Northern Frontier Province	92,180
(h)	Turkana	7,920
(i)	Remaining area	30,364
	Total	245,060

The initial question which the impartial student asks is—" How did the native peoples of Kenya lose their title to the land?" The suggestion made by Dr. Norman Leys that the natives have lost title through expropriation is not disproved by abusing the Author of " Kenya." The natives have not sold their lands, they have not lost them by conquest, and they have not forfeited title through insurrection and rebellion. The blunt truth is that the natives have lost their title to large areas of their best lands in very much the same way that Naboth lost his vineyard. Those who have secured

† Native Labour Commission, 1913, page 109.

the vineyard have made fortunes by peddling out the portions of this most excellent vineyard until the original inhabitants have been left in occupation of lands much of which is pretty useless to anybody but mosquitoes and tse-tse.

The methods adopted to obtain control of native lands are of the most varied and shameful kind. Volumes would be needed to tell this sordid story, but the worst part could never be told, because these works of secrecy were done in dark corners of the world; but the essence of the story is much the same, whether in the forests of the Amazon, on the banks of the Congo, or in the fertile valleys of East Africa. The wholesale expropriation of the natives of Southern Rhodesia by Sir Starr Jameson is peculiar in that the facts are now known and published.* The account of conversations between De Wael† and Cecil Rhodes might be called the modern version of Naboth's vineyard,—for sheer ruffianism and shameless spoliation of the natives, the story told in these memoirs would be hard to beat, even in fiction. But volumes of books could never be more eloquent or deadly in their power of indictment, than the document whose authenticity is now admitted, as being signed by Sir Starr Jameson, and handed to his "volunteers" when they were meditating their murderous raid into what was then Matabeleland.

"VICTORIA AGREEMENT."

Victoria,
August, 1893.

Captain Allan Wilson,
Victoria.

Sir,

The following are the conditions of Service for the members of the Victoria Force for Matabeleland:—

* "Chartered Millions," Allen & Unwin.
† "Memoirs of De Wael."

1. That each member shall have protection on all claims in Mashonaland until six months after the date of cessation of hostilities.

2. That each member will be entitled to mark out a farm of 3,000 (three thousand) morgen in any part of Matabeleland. No occupation is required, but a quit-rent will be charged on each farm of ten shillings per annum.

3. That no marking out of farms and claims will be allowed, or held valid, until such time as the Administrator and the Commanders of the different columns consider the country sufficiently peaceful, and a week's clear notification will be given to that effect.

4. That members be allowed four (4) clear months wherein to mark out and register their farms, and that no such marking out or registration will be valid after that time, with the exception of the rights belonging to members of the force killed, invalided, or dying on service.

5. The Government* retain the right at any time to purchase farms from the members at the rate of £3 (three pounds) sterling per morgen, and compensation for all improvements. This does not include the purchase of claims already pegged out on farms.

6. That any member of the Victoria Force is entitled to 15 (fifteen) claims on reef, and 5 (five) alluvial claims. The Protections' works to be: 30 (thirty) feet shaft within six months, or 60 (sixty) feet shaft within twelve months on reef claims. Alluvial claims are to be subject to existing laws in Mashonaland.

7. The "Loot" shall be divided: one-half to the B.S.A. Company, and the remainder to officers and men in equal shares.

8. Each man to be mounted, equipped and rationed (when practicable).

9. For the protection of the members of the Pioneer Force, no marking out of claims will be allowed, on the part of fresh arrivals, until four months have elapsed from the time specified in Clause 4.

* Chartered Company "Government."

10. From the date on which the Force crosses the border, the rights of any member of the Force dying, invalided, or killed on Service shall be protected and secured to his estate.

I have, etc.,

(Signed) L. S. JAMESON.
For the B.S.A. Co.

Further Conditions.

11. That in the event of payable gold being discovered upon any farm, no mining or milling for a profit or flotation can take place until the farmers' rights are satisfied according to Clause 5, viz., of the rate of three pounds per morgen.

(Signed) *L. S. Jameson,*
For the B.S.A. Co.

No survey required by Company—the Title Deeds issued without survey. Everyone can have survey at his option, but it is a matter between the occupier and the surveyor.

CLAUSE IV. After the expiration of 4 months stipulated members can peg for a further 12 months on any vacant land not reserved by B.S.A. Co.

Certainly Company will provide all facilities for registration.

That document treated the native lands as being confiscated property months before even the raid took place, whilst in true filibustering language it designated as "loot" the cattle of the people. It is perhaps necessary to add that both the "land" and the "loot" numbering thousands of cattle, were taken according to this infamous agreement, the text of which was kept a profound secret from the British Government, until its somewhat startling publication in 1918.

The only excuse which can be advanced by those who have appropriated native lands is that they did not at all realise what they were doing in nature's garden. They at no time seem to have been aware that native customary land law was not only a very beautiful but

a wonderfully delicate thing. We know now that whilst there were those who had robbed the natives with their eyes open, there were others party to land alienation who did so in their innocence. How otherwise is it possible to account for the action even of the Missionaries? In South Rhodesia the Missionaries possess 406,200 acres of land.* It is common knowledge that most of this represents "grants." In Kenya Colony there is no more disinterested and loyal friend of the natives than Archdeacon Owen, and in one of his published letters, appealing for justice for the native, he says:—†

"After nearly 22 years in Uganda and Kenya I can look back on many situations in which I believed at the time I was acting justly, but now know that I was mistaken, and mistaken in my own interests. For one thing, I cheerfully took over for the Church land already owned for long generations by Africans, and that too without any compensation."

Broadly speaking, native people everywhere know little or nothing of individual land ownership, but they are peculiarly sensitive to any attempt to tamper with tribal ownership. The Chiefs are almost everywhere the Trustees, whilst in certain territories several Chieftains are chosen as a kind of Trustee Board. Another interesting principle which prevails in many territories is that governing the alienation of land. It is not "How much are you worth?"; it is not "What will you pay?" but "What is your character?"—"Can you be trusted—Will you make good use of the land in the general interest of the community?" In short, if a man is likely to prove a good citizen, he is entitled to land in secure title without payment, in such quantity as may be necessary for the fulfilment of the conditions of loyal citizenship.

* C.S.R.3-1926.

† "East African Standard," page 33, Feb. 13th, 1926.

THE COLOURED PRODUCER

STAND for five minutes, any day, at the bottom of Water Street, Liverpool, or on the kerbstone of Commercial Road, East London, and watch the giant lorries as they roll by, weighted with tons of oil kernels and fibres, rubber and rice, cocoa and coffee, cotton and spices. Watch other great lorries, as they rumble or jolt over the cobblestones, with huge timbers cut down by horny black and brown hands in the dark forests of Central America and tropical Africa, and then rolled for many a mile and many a day, towards the great rivers which in turn float them to the ocean-going liners. Thus a vision is presented of a never ceasing stream of raw produce from the tropics, flowing out from forest, plantation and river, winding its way through scores of devious but profitable commercial channels to the humming factories of civilisation, and calling forth in exchange a constant return flow of manufactured articles. That return flow of cotton goods and cutlery, pots and pans, axes and hammers, blankets and beads, polished mirrors and potted meats, spells employment for the industrial millions of civilisation.

To-day a silent but determined struggle is being fought out in many tropical and sub-tropical countries, for the right to produce the sylvan produce of this never ceasing and always expanding flow of raw material. One school of thought, of which the 2,000 settlers of Kenya are the chief protagonists, holds to the view that the method of production should always and everywhere be the system of huge scientifically con-

trolled plantations staffed by white overseers and coloured labourers,—a system involving heavy overhead charges which attach to any attempt to run tropical industry by white men,—high salaries, European houses and equipment, frequent sea passages, invaliding charges, and so forth. But this system also means the alienation of land from the Natives, machinery for recruiting and "controlling" the gangs of Native workers, with all its notorious concomitants.

The opposing school upholds what the Kenya settlers call the "West African heresy," which in turn reposes upon the principle of "Trusteeship." This competing system is founded upon the theory that the indigenous man, who alone can work *on* the soil, is the best producer, that by educating and assisting this indigenous worker to produce the surface raw material (not minerals), civilisation will obtain this raw material in volume, quality, and at a price which will give a maximum of prosperity to everybody concerned. But this system, to be successful, requires that native customary law with regard to land shall be respected, namely, secure title to adequate land for all native producers.

The practical man asks "Is it possible for the coloured man to produce in quantity and quality the raw material which civilisation requires?" The best answer to this question is a simple statement of plain fact, but it also happens that these plain facts of production in the tropics read better, and ring truer, than any romance. Take for the first, the story of that fever-stricken British Colony of 1886—the Gold Coast. Forty years ago that Colony—about the size of Great Britain, had an appalling death and invalid rate; its territories had been devastated by internecine war, and its treasury was bankrupt. Then about this year of 1886, somebody suggested that cocoa might be grown, and a single native was persuaded to plant a few cocoa beans. In 1891, a simple West African negro might

have been seen wending his way to a merchant's office, with a bag neatly poised on his head. That bag, weighing only 80 lbs., contained the first harvest of cocoa known to British West African history, and for it the native received £4 in golden sovereigns! Twenty years having passed, the natives of the Gold Coast, holding their own lands in security of title, have spread their little plantations far and wide throughout the country, and the £4 of 1891 had in 1902 become £100,000, and the weight of cocoa beans had grown from 80 lbs. to 90,000,000 lbs. Another twenty-two years passed, and that year witnessed an expansion beyond the most optimistic conception, for in 1925 the initial £4 sterling had become £7,133,221, and the 80 lbs. bag of beans capable of being carried on the woolly pate of a native has now reached such volume that it requires something like 20 ocean-going liners to transport the 500,000,000 lbs. weight of cocoa, or more than 50 per cent. of the total world consumption. The whole of this gigantic volume of cocoa is grown, cured and dried by the natives themselves; not a single acre of the cocoa plantations is owned or managed by white men. The white merchant occupies his proper and most lucrative position as the "channel" through whom the cocoa passes to the factories of the world, and back through whom the manufactured articles of the world pass to the natives of the Gold Coast. The Government of the country, like all governments, takes toll by way of taxation, but in return gives to the native growers a group of skilled Inspectors and Advisers upon the care of the plantations, and the marketing of the produce. Those who may have been led to believe the absurd theory of the inherent indolence of the coloured races might ponder not merely the foregoing figures but also the situation in the Gold Coast Colony in the year 1918-19. The Director of Agriculture in that year wrote:—

"In view of the present magnitude and actual and potential value of the industry to the native owners and to the Colony and of the risks attendant on the wholesale extension of plantations persisted in by the natives in past years, I would suggest that an Order should be issued prohibiting further planting (except vacancies in plantations) for a certain number of years."

"The fear has been expressed that the production of cocoa is already approaching the world's requirements, so even if dangers were not apparent, a continued extension of output might cause a serious lowering in the value of the commodity to an extent that it would be no longer profitable to produce and it is worthy of serious consideration whether restriction is not necessary from this point of view alone. The present seems an opportune time for the introduction of such legislation."

Prohibit—curb the energy of the native producer by enactments inflicting a penalty on greater output. That, in plain language, was the recommendation. Whether the step was a wise one or not is outside the purpose of the argument, but what this authoritative recommendation did in fact bring about, was to knock the bottom out of the "lazy nigger" theory. It is, however, interesting to note that the Committee appointed to consider the proposal said that in their opinion "Government legislation to restrict the cultivation of cocoa is eminently undesirable."*

Thus Cocoa—what of Rubber?

The world requires 500,000 tons of rubber for its industries, worth to-day, in its raw state, £100,000,000, and worth, by the time it has passed through the industrial machinery of the factories of America and Europe, something over £500,000,000. The major part of this rubber is produced to-day by plantations run by contract native labour under white overseers. The

* XVIII-1918-1919. Gold Coast. Report of Committee on Cocoa Industry.

labour conditions of these plantations vary widely; very few of them, even of the best, would pass muster if the main principles which apply to the hours, wages and housing clauses of European industrial legislation were applied; large numbers of these plantations are festering sores, not merely politically, but physically, whilst nobody would deny that a substantial percentage are conducted under conditions which differ little, if at all, from the old slave plantations of the West Indies or the Southern States of America. In this last category, disease is rampant, there are no moral standards, whilst corruption, oppression and brutality are indicated by appalling sickness and death rates.

Can the native of tropical territories produce all or even a large proportion of this volume of rubber? The answer is that to-day he carries out almost every local process under white supervision, and that he is absorbing knowledge of the white man's methods with a rapidity which promises to give the coloured producer a dominant position in several tropical territories, the most interesting being that of the Dutch East Indies. It is common knowledge that the British-owned Companies of the Dutch East Indies entered into the general scheme for the restriction of the output of rubber, but it is not so well known that this in turn led to a remarkable development of native activity, in fact Mr. Bluett* goes so far as to say that restriction has "been nullified by the increased production and export" of native-grown rubber. In 1917, out of a total export of 45,713 tons of rubber, 3,500 tons only was native-grown, whereas, in 1923, during the restriction period, out of a total export of 139,746 tons, no less than 53,000 tons were grown and exported by natives, or 39.9 per cent of the export, as against 7.7 in pre-restriction days.† In the

* Mr. H. A. N. Bluett, British Commercial Agent, Batavia, Java (1924).

† *The Rubber Quarterly* states that the total for 1925/6 has increased to 121,000 tons, or nearly 25% of the world's supply.

earlier years of Dutch occupation, native rubber meant a raw latex obtained from the rubber vines and trees of the virgin forest, but now Mr. Bluett says:—

"During the past seven years rubber planting by natives has spread to all parts of the Dutch East Indian Archipelago, and is proving a most remunerative occupation;"

"The present official estimate is that there are between 90 and 100 million rubber trees owned by the native population, of which it is doubtful if 20 per cent have yet been tapped."

Mr. Bluett then goes on to say that the natives are showing greater care in production and marketing, and that:—

"The quality of native rubber is improving; almost every homestead is now provided with hand rollers, while great care is being taken in manufacture, which, though still crude, is based upon the practice adopted by estates."

Thus is it shown that the coloured worker can produce rubber under a system of peasant proprietorship, in volume and quality which may, before long, come into real competition with the European plantation systems. What is happening in Java is happening in Ceylon, and is beginning to take root in Africa and the islands of the Antipodes. Mr. Bluett incorporates in his interesting report an illustration of what this means to the native grower:—

"the native rubber industry and those whose gardens have been producing for a considerable time are already wealthy. It is, in fact, no uncommon occurrence to see natives who a few years ago had not a rag to their back now driving from village to village in Ford cars."

Thus Cocoa and Rubber—what of Sugar?

The coloured worker knows nothing of Beet sugar—that was Napoleon's invention—but he knows all about

cane sugar, for it was primarily the demand for that commodity which led to the enslavement of millions of negroes. The world consumes to-day about £200,000,000 worth of cane sugar per annum, every stick of which must be grown by the coloured worker. The growing of cane sugar has passed through two stages, and is now entering upon the third. It was grown first by slave labour, secondly by indentured labour, which, on many plantations, was but one remove from slave labour, and it is now beginning to be grown under a system of peasant proprietorship. The West Indies have been confronted from time immemorial with the difficulty of finding sufficient coloured labour to cultivate the land for the white plantation proprietors; slavery was tried and failed, then shiploads of indentured labourers were brought from India under disgraceful conditions, during the 100 years which followed the abolition of slavery. At long last the new policy has been adopted of giving the land to the people, upon terms which permit of peasant proprietorship. The results have been remarkable, and the best illustration of this system is found in a Government White Paper.* This paper tells the interesting story of the Waterloo Estates; Mr. Carlee, the Manager of the Estates, based the system upon: "The psychological fact that a man will do for himself what he hates to do for others."

When Mr. Carlee arrived on the Estates, the most experienced Planters told him that the production was not open to any great increase, owing to the scarcity of agricultural labour. With the adoption, however, of the peasant proprietorship system, whereby the worker sells the major part of the produce he grows, instead of the labour he can give, the output of sugar leapt from 3,500 tons to 9,500 tons, and the "Barracks" were filled with families clamouring for the right to produce

* Trinidad and Tobago. Council Paper No. 36 of 1918.

cane on the Waterloo Estates. Mr. Carlee concludes his interesting report with:—

"We are yet unable to foretell the limits to which the cane-farming industry can be developed in this district, as there seem at present as many people willing to take in lands as there were four years ago."

when the new system commenced.

Thus Cocoa, Rubber and Sugar—what of Gold?

In 1885 South Africa first began producing gold in some quantity, and shipped £6,000 worth of gold; to-day the 200,000 coloured and 15,000 white workers of South Africa produce £40,000,000 per annum, and Great Britain produces, from all British sources, £56,000,000 out of a total world supply of £80,000,000. Since 1885, South Africa, with Rhodesia, has produced nearly £1,000,000,000 of gold. The 180,000 native workers dig, delve and blast the ore some 5,000 feet below the surface, and the deeper they go, the lower is the gold assay. This in turn leads to the oft-repeated native prophecy: "Joburg will again become a desert."

But the native prophecy is not alone in its gloomy picture, for periodically reports and opinions of an equally pessimistic nature are issued by responsible persons; yet these are hardly published than a new area is discovered, or an old mine is opened up. The last serious "shock" of this kind was the issue of the Low Grades Mines Report of 1920. The problem which confronted the gold-mining Commissioners in 1920 was in many respects similar to that submitted to Sir Herbert Samuel's Commission on British coal mining; there was an expiring subsidy ("premium"), the certainty of the post-war value of gold dropping from about 100 shillings to 85 shillings per ounce, decreasing production per man, coupled with a substantial increase in costs of labour and materials. The

suggested solutions were (a) State subsidy, (b) Nationalisation, (c) longer working hours for all workers. In the end, none of these solutions was adopted, and although it was anticipated that the consequences would be disastrous, the industry, owing to the splendid energy of the mine-owners, entered upon a new lease of life, and established a record, not only in production, but in dividends. From the standpoint of the workers it is interesting to note that when production fell, the decrease in efficiency was substantially greater amongst the white workers than amongst the natives, for whilst the native workers dropped 12 per cent., the whites dropped 14 per cent. in the underground production. The real issue on gold-mining, namely, the right of all, regardless of race or colour, to produce gold, may yet have momentous consequences for the white and coloured races, but this is a subject which is dealt with in another chapter. Gold, being a sub-surface product, must, in contrast to vegetable produce, remain the task of native labour under white supervision, thus, the possibility of purely native production cannot be visualised.

Thus Cocoa, Rubber, Sugar, Gold—what of Cotton?

We are witnessing to-day the beginning of a great cotton war. America is at the moment the almost universal provider, but it is recognised that the situation must undergo a radical change; American consumption is bound within measurable time to overtake production; the menace of the boll weevil, and the shortage of coloured labour will prevent any substantial increase in output; hence it comes about that the manufacturers of all cotton-consuming countries are seeking new sources of supply. Great Britain, with her 60,000,000 spindles in Lancashire, and her vast overseas trade dependent on the export of manufactured cotton, is admittedly in the most dangerous position, hence the slogan: "British cotton from British countries."

The United States of America produce from 12,000,000 to 14,000,000 bales of raw cotton from 40,000,000 acres of land, and this, with the help of less than 10,000,000 of coloured people and 6,000,000 whites (in the cotton zones). Great Britain produces to-day about 1,000,000 bales of cotton suited to Lancashire factories, from all British territories, but she must obtain at least 4,000,000 bales, and therefore is dependent to-day, to the tune of 3,000,000 bales, upon America. The initial question arises, whether or not Great Britain has control of territories and peoples capable of producing the raw staple in suitable quantity and quality for her factories, and secondly, under what labour system should this be produced.

In certain areas in India it is possible to improve the staple to suit English factories, but apart from India, Africa is the main hope of Great Britain. In South and East Africa alone, the total area of potential cotton-producing States is 2,145,040 square miles as against 735,430 square miles comprising the cotton States of America. But population is a more vital factor than the land, and in this respect Great Britain has the advantage of 21,200,000 as against 16,000,000 in the American areas, with the further advantage to Great Britain that over 90 per cent of her 21,200,000 are coloured, and therefore suitable labourers, whereas only about 70 per cent of the American population in the cotton areas is coloured. In addition to these areas and these populations there are the British West African territories, whose areas potentially suited to cotton exceed 250,000 square miles, inhabited by a virile population of 20,000,000. The extent to which Great Britain can count on West Africa as a producer of cotton is of course governed by the demand of the vegetable oil, cocoa and other industries. Thus Great Britain can become independent of all external sources of raw cotton, but only if she will adopt the system of peasant pro-

prietorship, which obtains in Uganda and Tanganyika.

Uganda and the Mandated area of Tanganyika have outstripped every other British Dependency by producing together the record crop of raw cotton, worth over £4,000,000, the major part of which is produced entirely by the peasant proprietor.

It was only in November, 1875, that Henry Stanley's eloquent missionary appeal was published in the "Daily Telegraph," pointing out that he had persuaded Mtesa to observe the Christian Sabbath, publish the Ten Commandments, the Lord's Prayer, and the Christian's Golden Rule, and to agree to invite England and America to send Missionaries to the Baganda. Henry Stanley, it will be remembered, drafted the appeal which passed through stages more romantic than any missionary appeal of history.

Linant de Bellefonds, one of General Gordon's officers, journeying North to Khartoum, being entrusted with the appeal by Henry Stanley, tucked it away in his jack-boot for safety. Several weeks later de Bellefonds was murdered by the Bari Tribe, and when his body was discovered the appeal to Christian England and America to evangelise Uganda was found hidden in one of the boots. The appeal was sent on to General Gordon, at Khartoum, and by him forwarded to, and published by the "Daily Telegraph." In the following April the first party of Missionaries were on their way to Uganda.

Those early years were full of strife and contention, strife, alas! between Missionaries and their adherents, but the foundations of the best type of British Administration were truly laid by Lugard, Johnston and others. Uganda has become a wealthy country to-day, owing to the fact that its economic conditions are, like those of the Gold Coast in the West, based on peasant proprietorship. The natives of the Gold Coast have risen to their present degree of affluence upon the production

of cocoa, and it would seem that the people of Uganda bid fair to reach a point of even greater affluence upon cotton production, for the simple reason that the world is over-supplied with cocoa, whereas the demand for raw cotton is not only a clamant but a growing one.

Twenty years ago the export of Uganda cotton was practically non-existent. Ten years later the Protectorate was still only producing cotton worth £351,146, from 118,778 acres. Other British Dependencies and Dominions produce larger quantities, but for the greater part their cotton is unsuited to Lancashire mills. The Uganda variety is not only excellent in every way, but of a high standard, with a staple of 1-1/8 inches to 1-3/16 inches; it compares well with the best American cotton, and is marketed from Uganda in a good and clean condition. The progress made cannot be told better than in figures:—

	Acreage under cultivation.	*Value of Export.*
1913/1914 ...	118,778 ...	£351,146
1923 ...	418,600 ...	£2,026,820
1925 ...	565,000 ...	£4,000,000

The dangers which arise from the sudden acquisition of wealth are obvious; happily, however, the African, whether East or West, usually makes the higher education of his children the first charge on increased wealth.

There are, then, but two methods of sustaining this flow of raw material; first, that of native production, under which both the native people and the immigrant white men grow rich, and the second, the plantation system, under which the natives over large areas remain with but few of the necessities of life, and are purchasers of only a limited quantity of manufactured articles from the industrial countries of the world, and, finally, live in a condition of serfdom.

The system of native production has its weaknesses;

the primitive producer is frequently ignorant of the dangers which arise from plant diseases, over-harvesting, under-curing and drying, and bad marketing,—but here is the legitimate sphere of the Administration. The Government of the Dependency should, as in the Gold Coast and Tanganyika, cover the country with an efficient and adequate staff of advisers and inspectors, whose duty it should be to watch the native farms and plantations, to instruct the native farmers in the most modern methods of fighting disease, and in preparing the raw material for the markets of the world. It is this method which has given such an impetus to the production of cocoa in the Gold Coast, and cotton in Uganda. These have been the first fruits of the application of "Trusteeship" rather than the pursuit of exploitation.

A THREEFOLD "MAGNA CHARTA"

THE interests of "Native Races" or "backward Races" having been entrusted in so large a measure to the League of Nations, "How," it may be asked, "does the League propose to meet its obligations?" First in order, because it is now getting fully into its stride, comes the Mandatory system for the establishment of the principles of the "Sacred Trust" throughout Mandated areas. Secondly, the provision of a new Anti-Slavery Convention, and the evolution of machinery for putting into operation the agreed international commitments for the total abolition of "slavery in all its forms." Thirdly, the proposal, now only in its initial stages, for International Labour Conventions covering certain forms of coloured labour, to be adopted by the Conference of the International Labour Organisation.

These instruments will form together a *Magna Charta* for millions of backward people, conferred upon them by the League of Nations, not merely as their protection against exploitation, but as the formal declaration by the Sovereign States of over fifty nations, that Trusteeship is the real title to Colonial expansion and development. If this *Magna Charta* for Native Races can be carried through and inscribed upon the international records of the League of Nations, the birth of the League will figure in history as marking a new era in the treatment of the child races of the world.

The question is sometimes asked: " What do you mean by Trusteeship? " The fundamental element in Trusteeship was well set forth by the Duke of Devonshire in his historic despatch to the Kenya Government: —

" His Majesty's Government believe that the decisions now taken, resting as they do on the broad basis of the British trusteeship for the African, provide an equitable adjustment of those interests."*

Then in a crisp sentence the Colonial Secretary applied the principle he had enunciated, in the following words: —

" Primarily, Kenya is an African territory, and His Majesty's Government think it necessary definitely to record their considered opinion that the interests of the African natives must be paramount, and that if, and when, those interests and the immigrant races should conflict, the former should prevail."

Thus was set forth a broad principle of Trustee Administration, namely, that in any *conflict* of " interests," the balance of government decision will always be thrown into the scales on the side of the indigenous population. The Duke of Devonshire in thus declaring his interpretation of Trusteeship only set forth in modern language the century old principles upon which British Statesmen have throughout history attempted to knit together the British Commonwealth of Nations. The ethical soundness of this doctrine cannot seriously be challenged; unfortunately the mutual economic advantage of Trusteeship is accepted at this stage in history only by a few far-seeing men and women. The white " settlers " cannot yet be persuaded to regard educated native farmers who are producing wealth in

* Cmd. 1922 (1923).

the interests of the whole community, as being other than "competitors." The white miners are still unable to believe that the more the indigenous natives are employed in the mines, the greater will be the demand for the highest skilled and the best types of white mechanics. Plantation owners have yet to be persuaded that an elastic Trusteeship under which natives could grow produce on land held in secure title is a better financial proposition than an industry which reposes rigidly upon a plantation system of development. In short, the lesson yet to be learned in the Dependencies is that Trusteeship is compatible with co-operation and prosperity, but that class *domination* is really as fatal to prosperous enterprise as it is to political contentment and stability.

In strikingly antagonistic contrast to the declaration of the Duke of Devonshire is the normal view of the settler, as set forth by Lord Cranworth :—

"Never must the interests of the white population be allowed to be swamped by the interests of natives."*

The sacred Trusteeship advocated by Lord Cranworth is for the interests of the two thousand or so white *settlers* of Kenya, who have the whole world from which to choose a home; these are to dominate the interests of 2,500,000 people who have no land to which they can go, other than the home they have occupied for centuries. In the whole circumference of the Colonial world, no sharper contrast is anywhere to be found than in Kenya Colony, between the principle of "Trusteeship" ("Heresy," they call it in Kenya) and "Development" as interpreted by spokesmen of the 2,000 odd settlers of Kenya. Trusteeship *can* only mean in practice, as the Duke of Devonshire has stated, that where there is a conflict of interests between the races,

* Royal Colonial Institute, April 13th, 1926.

the rights and welfare of the indigenous inhabitants must be the dominant factor,—this is the root principle of the Mandatory system. The League of Nations, as the appointed guardian of this system, must at all times point to Trusteeship as the magnetic pole to which all Colonial systems should set chart and compass.

The second instrument of the League—the new Anti-Slavery Convention—was introduced into the Assembly of the League of Nations by Lord Cecil in September, 1925. The Convention had been prepared through the foresight of the British Foreign Office, following the disclosures made by the Slavery Commission of the League of Nations. This Convention, submitted as a British draft, is far from complete, and must obviously be subject to periodic revision, if it is to cope successfully—as it professes to do—with the whole problem of "Slavery in all its forms."

For the first time in history, this Convention gives definitions of both slave-owning and slave-trading—not only gives the definitions, but has done so with the official approval of fifty-five governments.

The definitions are as follows:—*

"The slave trade includes all acts involved in the capture, acquisition or disposal of a person with intent to reduce him to slavery; all acts involved in the acquisition of a slave with a view to selling or exchanging him; all acts of disposal by sale or exchange of a slave acquired with a view to being sold or exchanged, and, in general, every act of trade or transport in slaves."

"Slavery is the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised."

In order to make perfectly clear the interpretation which the League of Nations attaches to these definitions, the Assembly accepted the recommendation that

* A130.1925.VI.

the definitions should be taken to include (1) Debt slavery, (2) enslaving, disguised as adoption, (3) acquisition of girls by purchase, as mentioned in the report of the Slavery Commission. These definitions include, of course, the estimated 2,000,000 slaves of Abyssinia, the unknown numbers in other parts of Africa, those of China, of South Africa, of Arabia, of the South Seas, and the native States of India,—making, together, an enormous total which certainly exceeds 3,000,000 men, women and children, over whom somebody possesses, in some form or other, a property "right of ownership."

After pledging signatories to mutual assistance in the task of abolishing slave ownership, the Convention proceeds to deal with forced labour, which in practice is an institution imposed, in the main, by white races upon coloured people. The provisions covering this form of servitude are only of a general nature; the Slavery Commission and the Assembly of the League rightly considered that the institution qualified to deal with the detailed regulation of forced labour is the International Labour Organisation, which is now about to set on foot the third element in the programme, namely, the adoption of further Conventions, under which it is proposed to regulate by international agreement certain forms of labour, including forced labour.

It is, of course, too early to express any opinion upon the adequacy of these measures to deal with the many-sided phases of the three-fold crime of man-stealing, man-selling and man-owning. It is not clear, for example, that adequate provision has been made for universal recognition of the right of asylum; it is not clear that every State Member of the League is under obligation to cast the protecting folds of its national flag over any escaping slave, and thereby accord to the slave a proclamation of liberty. There is, again, the question of piracy—is it held by all nations to be an act

of piracy to traffic in human beings on the high seas? And if so, will all steps taken by the Navy of *any* Power for search and arrest be treated as a friendly or as an unfriendly act by the signatories? These are vital questions which can only be answered in the light of experience; the new Convention of the League can at any time come up for amendment, but meantime, from whatever standpoint it is regarded, it does represent an immense advance in the great work of securing a total abolition of "Slavery in all its forms."

The third measure now proposed is that a Charter or a series of Conventions should be prepared by the International Labour Office, for adoption by the International Labour Conference, which is of course composed of representatives of all the States which are members of the League of Nations. The objective of these Conventions should be in the first place to remove from coloured labour every taint of slavery, and then to level conditions up to a standard of a Trusteeship under which the labour forces should be regarded as co-operators, entitled to share equitably in the results of prosperity. This ideal has long been accepted as a sound principle for white capital and white labour; surely the time has come to prepare for its application to the system of white capital and *coloured* labour.

The taint of slavery is to be found in most forms of forced labour, and this question should be one of the first to be dealt with. In the areas under mandate it is permissible only for essential public works and services, and then only if paid. This involves the complete abolition of all forced labour for private profit, a point on which the Anti-Slavery Convention in its present form is not sufficiently definite, and it may be hoped that any Convention on forced labour adopted by the International Labour Conference, will bring conditions in other areas at least up to the standard of the mandates in this connection. For the rest, such a Con-

vention should aim at the abolition of all forced labour except for emergency purposes, and should in the meantime regulate its application, limit its duration, insist on payment, on sanitary conditions, on the exemption of women and children, the aged and unfit, and in general take all precautions that such forced labour as may be utilised for essential public works and services shall not be so applied as to be the scourge it has been in the past, and still is in many Colonial areas.

The Slavery taint still clings to indentured or contract labour, which is another matter ripe for an International Labour Convention. Among the most urgent points here calling for attention are :—

(1) The duration of the contract—no contract ought to be tolerated for a longer period than six months below surface and twelve months above surface, unless there is inserted a clause providing for revision at these periods at the demand of either party to the contract;

(2) Penalties for breach of contract—the practice of treating breaches of contract as criminal offences, but only upon one party to the contract, namely, the worker, cannot be defended, and should be prohibited.

It ought at this stage to be possible to secure international agreement and the adoption of Labour Conventions on at least these two matters, and it has recently been announced that the Governing Body of the International Labour Office has taken the necessary steps to initiate procedure which will eventually bring them before the International Labour Conference. In considering them, it may be urged that it is of fundamental importance to condemn internationally the practice of force or fraud in obtaining labour supplies.

There is yet another broad question equally fundamental. The League of Nations, which, by its constitution, knows no bar resting on race, or creed, or colour,

should lay it down as a fundamental condition that the labourer of any nation is entitled to rise in the industrial scale to any height for which he is fitted by his capacity and character, regardless of any racial distinction. Any international arrangement which, at this stage in Colonial history, omits to assert this fundamental principle, will altogether fail to meet the most clamant and urgent reform of racial relationships.

Later, it should be possible to deal with the protection of coloured workers on the same lines as has been done in the more highly developed countries. Already in isolated cases something has been done, but not more than sufficient to show that much more can and ought to be accomplished. In a few cases only is provision made for the compensation of workers injured during their employment, or for the care of the dependents of workers incapacitated or killed. Hours, sanitary conditions, wages, the conditions of the employment of women and children—all these questions, which demand so much of the attention of the Parliaments of modern countries, remain still to be undertaken, for by far the larger part of the less favoured workers of the world. The International Labour Office, it is understood, is compiling information on these points, and it may be hoped that the results of its work, when published, will lead to national and international action.

Underlying all this which we are considering in this chapter is a fundamental question, of which all international arrangements concerning the labour of subject peoples must take count. It has been brought forward and is being earnestly examined by the Permanent Mandates Commission of the League, whose attention appears to have been drawn to it by consideration of the state of affairs revealed in certain areas under mandate. Briefly put, it is this: Is there not a danger that the governing authorities of some areas, in their desire to push on as rapidly as possible the economic

development of the peoples under their charge, may impose upon them burdens they are as yet quite unable to bear, except after long and careful preparation? Leaving aside all questions of abuses and illegalities, is it not possible that an administration, even though influenced by the best of motives, may err grievously in its estimate of what is possible and what is not possible for a population to support in the way of labour under modern conditions? Some parts of Africa have magnificent roads on which no traffic runs. Built at what cost in human suffering? Everyone with experience in Africa knows only too well. In some areas, again, the introduction or imposition of regular labour has resulted in rapid depopulation—still going on. In the Belgian Congo the authorities are deeply perturbed by this question, and are considering it from many points of view. How many adult men may safely be taken from a native village to engage in regular labour without injuring or even destroying the social basis of life in the village, destroying its moral sanctions and reducing its birth-rate? What is the effect of so changing the manner of life of the community, by the necessities of modern industrial methods, as to subvert the whole native social system? Can any other social system be rapidly brought into being to replace it? If not, what will happen? The long and miserable history of disease, death and depopulation, which has too often followed the advent of the white man, even when well-intentioned, is the ghastly reply. Unless these things are kept in view, grave mistakes will occur, and the payment for these mistakes is always an exceedingly heavy one.

Economic development can proceed too rapidly. It is impossible to compress the industrial history of centuries into a single generation. Administrations must therefore not only safeguard, step by step, by the regulation of labour conditions, the interests of the workers

under their charge, they must see to it that the demands for labour, made upon populations hitherto accustomed only to the conditions normal to their tribal or village life, are not such as to lead to the results indicated above. They must oppose, for example, the rapid installation of factories, the opening of mines, or the construction of roads, in areas where the population is, for one reason or another, unable with safety to itself to undertake the labour burden involved. In short, the desire to improve the material welfare of these peoples, laudable as it is, may, if given too free a hand, be ruinous *immediately* to their moral welfare, and *ultimately* also to the very material welfare it aims to better. The one safeguard against all these dangers is a wise and steady application of the principle of Trusteeship.

THE MANDATE SYSTEM—A "SACRED TRUST"

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

Article 22 of the Covenant of the League of Nations.

An historic turning point in the treatment of "Backward Races" was made with the Mandatory system, under which a "sacred trust" was decreed to be the real title to the control of the external territories surrendered by Germany and Turkey. There are not wanting those who treat with ribald mirth the phrase, "sacred trust," whilst at the same time they are careful to refrain from lifting a finger towards maintaining this noble ideal for the government of undeveloped areas and backward peoples. For generations the ideal of "sacred trust" had been gaining ground in the theory of British Colonial statecraft, and the real Colonial triumph at Versailles in 1919 was the decision to make the international acceptance of this ideal, which had been preached for generations by "dreamers," a definite obligation of State membership of the League of Nations. The creation and adoption of the Mandatory system was moreover a

landmark in world history, for it is doubtful whether the nations can ever go back to the old idea of expansion leading on to annexation of Colonial territory; changes in certain areas in the map of the colonial world there will be, and must be. These changes are not merely overdue, they have now become imperative, and in some form or other the principles of the Mandatory system will dominate any future transfer of Colonial territory.

At the close of the war Germany surrendered to the Allied and Associated Powers jointly, and Turkey to the Allied Powers, all their external possessions. These were surrendered under Article 119 of the Treaty of Versailles and under Article 16 of the Treaty of Lausanne, which read as follows:—

Article 119.
(Treaty of Peace with Germany) (Versailles).

"Germany renounces in favour of the Principal Allied and Associated Powers all her rights and titles over her oversea possessions."

Article 16.
(Treaty of Peace with Turkey) (Lausanne).

"Turkey hereby renounces all rights and title whatsoever over or respecting the territories situated outside the frontiers laid down in the present Treaty and the islands other than those over which her sovereignty is recognised by the said Treaty, the future of these territories and islands being settled or to be settled by the parties concerned."

There are those who argue that the victors should have annexed these territories; there are those, again, who suggest that they should have been restored, upon conditions, to Germany and Turkey. The Great War had been fought upon specific pledges against "annexation" of territory. Thus the "fruits of conquest" which had always followed great wars had

happily become so highly repugnant to world public opinion, that the political leaders of the warring world dared not face the odium which would have attached itself to annexations which so grossly would have violated specific pledges repeatedly given by European and American statesmen.

It was equally recognised by all those who possessed any practical experience of Colonial problems, that any restoration of the conquered colonies to either Germany or Turkey was an unthinkable solution. These territories had been conquered by the Allies, with the aid, in every case, of the local inhabitants. The part taken by the native rulers and tribes was notorious, and in the event of restoration of the territories, reprisals of the most terrible kind would have been inflicted upon the "traitors." It has been argued that an amnesty could have been inserted in the Treaties of Peace, which would have safeguarded the lives and liberties of those who had given aid to the Allies; no amnesty which the wit of man could devise would have been any safeguard whatever against the natural resentment of those who had lost so much through "native treachery." Moreover, nobody in his senses really believed such safeguards could have been made effective.

"ARTICLE 22"

Restoration and annexation being alike precluded, General Smuts conceived the third, and entirely novel alternative of the Mandatory system under the League of Nations,—a system which precluded for all time both annexation and restoration, a system which substituted service for exploitation, the common weal for national advantage, tutelage for subjection; in short, a "Sacred Trust of Civilisation," seeking only the welfare of the inhabitants. The main lines of this new Colonial

institution are fully set forth in Article 22 of the Covenant of the League of Nations. These are:—

(1) That the peoples of the Mandated territories are as yet incapable of complete self-government.
(2) Assistance must therefore be given temporarily by stronger peoples.
(3) The protection of the more backward races from abuses and oppression must be one of the first concerns of the Trustee or Mandatory State.
(4) The people must be taught the arts of peace, not war.
(5) There must be equal commercial opportunities within the territories for all members of the League.
(6) To the Council of the League of Nations is entrusted the task of watching over the loyal observance of the principles of Article 22 of the Covenant. For the effective discharge of this obligation a Permanent Mandates Commission must be instituted.

The Mandated territories are grouped under the three-fold designation "A," "B" and "C," according to the distinctions drawn in Article 22 of the Covenant of the League of Nations. The "A" territories represent those under ex-Ottoman rule; the "B" are the Central African territories, and the "C" territories are those areas in Africa and the Islands of the Pacific which are adjacent either to Japan or to the British Dominions of South Africa, Australia and New Zealand.

These, then, are the conditions under which the Mandatory System came into existence, and cover (apart from Mesopotamia, the exact status of which, though under a form of treaty coupled with a Mandate, is still in a condition of evolution) the following territories, with their known or estimated populations:—

"A" TERRITORIES.

	Sq. Miles.	Population.
Mesopotamia	——	——
Palestine, Syria and Lebanon	67,000	3,300,000

"B" TERRITORIES.

		Sq. Miles.	Population.
Cameroons	British	33,750	644,000
Cameroons	French	153,846	1,500,000
Togoland	British	13,040	188,650
Togoland	French	20,000	730,807
Tanganyika	British	365,000	4,124,438
Ruanda-Urundi	Belgian	19,231	4,000,000

"C" TERRITORIES.

Nauru and New Guinea	British Empire	70,000 (est.)	180,000
Western Samoa	New Zealand	989	34,979
Former German possessions in Pacific, N. of Equator	Japanese (400 islands)	781	40,000
South-West Africa	Union of South Africa	227,740	321,160
	Total area (approx.)	971,377	
	Total population (approx.)		15,064,034

What is the relationship of these territories to (a) the Allied and Associated Powers, and (b) the League of Nations?

To what extent did Germany and Turkey surrender their sovereign rights to the Allied, and, in the case of German Colonies, to the Allied and Associated Powers? It is no use attempting to argue that this is an academic question; it may become vital at any moment; moreover, whilst the matter remains in doubt, all sorts of administrative acts may take place, which will prejudice future decision upon this fundamental question.

It is true that certain of the Mandatory Powers are disposed to argue that because the actual territories were allotted by the Supreme Council, the sovereignty did in fact vest in the victors, but it is difficult to see how this can be sustained, particularly in the light of

the pronouncement by Mr. Lloyd George that it would be the right of the people in the mandated territories to choose their own Mandatory.

In August, 1920, M. Hymans, at the San Sebastian Conference, said, and with the approval of the Council of the League of Nations:—

"I shall not enter into a controversy—though this would certainly be very interesting—as to where the sovereignty actually resides. We are face to face with a new institution."*

The British League of Nations Union, in a statement issued upon the subject, says:—

"The relations between a Mandatory Power and a mandated territory differ in kind from those between a sovereign State and its dependencies. The Mandatory's status is not that of a proprietor but of a trustee. He is not free to govern in his own interests by right of conquest. Such authority as he exercises over the inhabitants of the territory is exercised on behalf of the League of Nations, and it is conferred upon him solely with a view to secure their well-being and development and to open the territory to the trade and enterprise of all members of the League. In accepting a mandate he does not acquire the right of annexation. He assumes the duty of tutelage."†

M. Rolin and certain other Belgian publicists have stoutly contested this view and in an article published in the *Revue du Droit international et de Législation comparée* (1920), M. Rolin says:—

"Once more" (referring to B and C Mandates) "the colonial mandate appears as a convention *sui generis* different from the civil mandate and implying the grant of a perpetual power over the thing administered. Viewed

* Assembly Document No. 161, page 17.
† "A plan for government by mandate in Africa," L. of N.U., 1921.

in this light, the colonial mandate is more in the nature of a sale than of an ordinary mandate.

"It might be said to be in the nature of a partition. Article 22 (of the Covenant), as completed by the actual issue of mandates, is fundamentally the same thing in law as it is in fact; it is equivalent to a partition of the German colonies."

"The sovereignty therefore belongs to the Mandatory, whatever may be the terms of the mandates" (page 350).

There is no warrant, either in the Treaty of Versailles or in the Covenant, for the doctrines of "sale," "partition," "perpetual power." The letter and the spirit of the Treaties, of the Covenant, and of the public utterances of those who framed the instruments covering the mandatory system, are wholly opposed to the views set forth by M. Rolin and his Belgian colleagues. The late M. van Kol, the Dutch Colonial authority, summed up the situation with a correctness which cannot surely be challenged:—

"The terms of the mandate in themselves imply that the newly acquired rights are not those of a proprietor but those of a trustee who is entrusted with the temporary administration of these countries in their interests and not in his own. A Mandatory who wishes to fulfil his duties as a trustee is debarred from any right of appropriation; on the contrary, he must protect the property of the people under his charge, foster its development, preserve its health, safeguard its liberty and its moral and material well-being. There is a sacred duty to be discharged and not a selfish profit to be gained."

There is no warrant, either, for the doctrine of "limited sovereignty," which seems to be gaining ground. The whole idea of trusteeship and tutelage implies that a day is coming, remote it may be, when the "ward" or the "pupil" will arrive at a stage of manhood, in which he will be capable of managing his own estate, and in every other respect taking good care

of himself and his interests. It follows, therefore, that sovereignty and all that can be based upon it by interested parties, has never been alienated; it remains vested in the country and in the people of the mandated areas, and the relationship of the Mandatory Power to the sovereignty cannot be other than guardian of all sovereign rights, pending a full exercise of those rights by the inhabitants themselves.

The question of the sovereignty over Mandated areas has some light thrown upon it by reason of the attitude of the "Associated Government," i.e., The United States of America. This attitude was clearly set forth by Mr. Colby on behalf of President Harding, during the controversy over the Mesopotamia Oil Concessions, in the year 1920. In November of that year Mr. Colby not only defined the attitude of the American Government upon the immediate question at issue, but in his notes to the British Government he dealt with the general question of the Mandates. The American Government, he declared, was not prepared to be excluded from participation in all the privileges secured under the Mandates, and "*furthermore,*" the Washington Government expected to be heard regarding the terms of the Mandates then being drafted for transmission to the Mandatory Powers.* It is well known that subsequently the draft Mandates were in fact submitted to, and amended at the suggestion of, the American Government. Mr. Colby concluded one of his despatches with the following incisive statement:—

"This dominion of territories brought under the *temporary*† control of the Allied and Associated Powers will be wholly misconceived, not to say abused, if there is ever the slightest deviation from the spirit and exclusive purpose of a trusteeship as strict as it is comprehensive."‡

* "Times," November 26th, 1920.
† Italics mine.—J.H.H.
‡ "Times," November 27th, 1920.

What is the relationship of the League of Nations to the Mandated territories and their inhabitants? The Covenant, which is an integral part of the Treaty of Versailles, makes it quite clear that the trusteeship or tutelage is exercised by the Mandatories *on behalf of the League of Nations*, and further, that the degree of authority, control, or administration to be exercised by the Mandatory is also to be explicitly defined in each case by the Council of the League. It was, moreover, the Council of the League which issued to each of the Mandatories the "Mandates" or "Charters of Administration" to be found in the Appendix of this book.

To the Member States of the League of Nations belongs not only the duty of issuing the Mandates, but that of watching over the government of the territories, and satisfying themselves that the Mandatory Powers —France, the British Empire States, Belgium, and Japan—are carrying out the principles laid down in Article 22 of the Covenant. It was realised that this supervisory work over a territory one-third the size of Europe, involving the close study of detailed administration, was a task far beyond the capacity of the Council itself, and it was decided to submit this task to a Permanent Commission, whose duty it should be to inform and advise the Council of the League "upon all matters relating to the observance of the Mandates."

The Permanent Mandates Commission, as created by the Council of the League on December 1st, 1920, was composed of nine members, the majority of whom were and must always be nationals of non-Mandatory Powers. In addition to these nine, the International Labour Office was allowed to appoint one expert who, in fact, has shown himself to be a perfectly invaluable member of the Commission. The qualifications on paper for membership of this Commission are that the members chosen shall be persons of recognised competence in Colonial affairs, and shall not hold any Office which

would put them in direct dependence upon their own Governments. The qualifications not on paper, but of which experience has demonstrated the necessity, are that they must be persons of unflagging industry, willing to give practically their whole time and thought to the work, and in a position to undertake this heavy task without one penny remuneration beyond out-of-pocket expenses. It says much for the public spirit of the nations connected with the League, that such men and women have in fact been found. It is probably true that no more disinterested and faithful service is being done in the League of Nations than is being carried out by the members of the Permanent Mandates Commission, of whom the following were the original members:—

M. Pierre Orts (Belgium),
Mr. Ormsby-Gore (British Empire),
M. Ramon Pina (Spain),
M. Beau (France),
The Marquis Theodoli (Italy),
M. Yanagida (Japan),
M. van Rees (Netherlands),
M. Freire d'Andrade (Portugal),
Mme. Bugge-Wicksell (Sweden),
Mr. H. A. Grimshaw (International Labour Office).

Less than five years have elapsed since the Mandatory system commenced to function, but it is already working not only with surprising smoothness, but with growing success. Take a single feature,—every year each Mandatory Power must present in person to the Permanent Mandates Commission a written account of its stewardship, and then submit its officials to a cross-examination! If, prior to the war, this procedure had been suggested with regard to any Dependencies of the Powers, it would have been laughed out of court as being the wildest lunacy. At the same time, it would be idle to

deny that the mandatory system shows imperfections; it would be surprising if it did not; moreover, there have been "deplorable incidents" which ought never to have occurred, and decisions and policies adopted that are certain to lead to embarrassments, and probably to serious trouble. It is difficult, for example, to conceive a more irritating dilemma than that which has arisen in connection with the Covenant of the League of Nations and the liquor traffic.

(1) The Covenant *prohibits* "abuses such as . . . the liquor traffic."

(2) The "B" Mandates conferred upon the Powers provide for the "strict *control*" of the sale of spirituous liquor.

(3) The "C" Mandates *forbid* the sale of intoxicating liquor to *natives*.

("Liquor traffic," "spirituous liquor," "intoxicating liquor" are all widely differing terms.) The Permanent Mandates Commission finds itself in no little difficulty when discussing each year what steps are being taken to deal with the problem of the traffic. There is superadded to the problem itself the practice of the different Mandatory Powers. New Zealand has set an admirable example by interpreting her obligations so literally that she has prohibited the sale of *all* intoxicating liquors to *all* the inhabitants of mandated areas, whether white or coloured, whether Christian or Mohammedan. In the French and British mandated areas a pretty confusion has arisen, for in both territories the sale is permitted, but the restrictive duties in British territories are far heavier than in the French zones! A Chief in the British zone of Togoland may have to pay, say, 20/- for his bottles of rum, whilst his son-in-law just half-a-mile away in French territory may only have to pay 15/- for the same quality and quantity—and the creeks, streams,

and forests of Togoland and Cameroons are the jolliest places in the world for smugglers!

There can be no question that the Covenant and the Mandates are, as M. van Rees (a prominent member of the Permanent Mandates Commission) says, "absolutely inconsistent," and most people will agree with the recommendations of this eminent Dutch jurist upon what is admittedly a very confused situation due to "the vagueness, the deficiencies and the imperfections"* of Article 22 of the Covenant. M. van Rees has summed up the position as follows:—

(a) The Covenant does not provide for "prohibition."

(b) So far as "B" Mandates are concerned, the authority of the St. Germain Treaty was earlier than the confirmation of the Mandates.

(c) The terms of the Mandates should be understood to mean control of importation and sale of *trade* spirits and other beverages referred to in Articles 2 and 3 of the St. Germain Convention, and distilled beverages in Article 5.

But the simple natives of Cameroons and Togoland, and the Hereros and Bushmen of South-West Africa may surely be forgiven if they exclaim: "A plague on your beastly 'fire water' with your 'prohibitions' and your 'controls'—go away and leave us to our palm wine and millet beer!"

There have been two actual disturbances, involving widespread suffering and loss of life,—one in British, and the other in the French Mandated area. The British was first in point of time, and although highly deplorable, was of far less gravity, from every point of view, than the rising in Syria.

The Mandate for the late Protectorate of German South-West Africa is held by the South African Govern-

* M. Albert Millet.

ment. This territory is more sparsely occupied than that of any other mandated area. The 20,000 white inhabitants are confronted by over 200,000 half-breeds and natives, who are in contact across the northern and eastern borders with the vast coloured populations of tropical Africa. The natives are extremely poor. In the neighbourhood of the white settlements the tribes had been broken and partly exterminated, while the remnants were forbidden to own cattle. They must either labour for white masters or else disappear. The South African Government, on taking over the Mandate for the territory, repealed this prohibition, and mitigated the German rules in respect of flogging and forced labour, but maintained the same general conception of the relations of white and black. The black must work for the white, or starve. The natives, on the other hand, kept vainly hoping for the restoration of their old hunting and grazing grounds, taken from them by the Germans, and a return to their old free life.

The inevitable catastrophe, when it came,* burst upon a small, inoffensive and miserable tribe called the Bondelzwarts. These people eked out their living by the help of hunting dogs, which roamed the veldt in packs and were naturally hated by the white farmers. Under the Germans the police were empowered to kill these dogs at discretion. The new administration substituted a dog tax, which was placed at first at an impossibly high figure, ranging from 20s. on one to 200 on five or more. This was the main cause of the trouble; it is doubtful whether any single family possessed as much as £5, and it is officially admitted that the sale of stock would not produce the necessary cash, for traders would only purchase on the basis of "goods for goods." Eventually the Governor reduced the tax by 50 per cent, although even then it was an impossible incidence.

* In 1922.

In view of the unwillingness or inability of the Bondels to pay this tax, negotiations were commenced with the Tribe, and an allegation was put forward that the Tribe was "harbouring" a certain Abraham Morris, who had led the tribe in its last revolt against the Germans. He had also served under General Botha, had been mentioned in despatches for his "great courage" and "invaluable assistance," and had been promoted to the position of Chief Scout in Botha's Southern Army. It was evidently suspected that Morris might use his military talents on behalf of his own tribe, and that a feeble spark in this corner of the territory might start a vast conflagration in the north and east. During the negotiations, yet another incident occurred, with which, unfortunately, South Africa is too familiar, namely, a breach in the undertaking to give "safe conduct" to emissaries sent by the native tribes; this "breach" so disgusted the local missionary that he refused to act any longer as the mouthpiece of the Administration, whilst at the same time he sent a telegraphic message to Mr. Hofmeyr, warning him of the danger of giving the impression that he had broken his word in a matter of such great importance as a safe conduct for envoys.

The "war mind" soon gained the ascendant; the Administrator instructed the magistrates in the immediate vicinity to recruit volunteers for an expedition against the Bondels, and he tells General Smuts in his report that he was "determined to inflict a severe and lasting lesson" on the natives. Upon the arrival of the special train at the rendezvous of Kalkfontein, Mr. Hofmeyr reported: "I had over a hundred horsemen with me, and several following and pouring in also" from other districts. The "plan of campaign" was discussed, and then Mr. Hofmeyr instructed the officers that the white flag must be respected, that there must be no ill-treatment of prisoners

or wounded,—otherwise ". . . God's blessing upon our labours could not be assured."

The whole miserable tribe, as stated, did not number 1,500, including the aged, sick, women and children; Mr. Hofmeyr's attacking force totalled 370, with mountain artillery, machine guns, and two aeroplanes for bombing—the murderous result was obvious from the first. On May 28th there were a number of Bondels killed, and the "capture of some 90 male prisoners and the surrender of 700 women and children." The live stock captured totalled 13,970; the casualties amongst the Administrator's force were at the time alleged to have been one killed and two wounded.* On June 3rd, 49 Bondels were killed, including two leaders; fifteen rifles were captured, and a quantity of stock. In this engagement Mr. Hofmeyr's force had, it was reported at that time, three wounded. How many Bondels—men, women and children—were killed, or how many died from wounds or exposure, is a matter of conjecture.

The first step taken by the League of Nations was in the Assembly of 1922. The South African Delegation, unprompted, laid the papers containing the miserable story before the Assembly. M. Bellegarde, the negro Delegate for Hayti, took up the case, and moved for a committee, with the support of South Africa and the other Dominions. The Committee recommended that the South African Government should be requested to take certain remedial measures; a cable was sent, and it was found that they had already been taken. Among other things a Commission had been appointed by General Smuts to enquire into the whole question. The Commissioners were Senators Roberts and Loram, and General Lemmer. The Senators and the General soon came to loggerheads, and the latter issued a minority report. Owing to the difficulty of obtaining evidence,

* It has never yet been cleared up, how these casualties occurred.

especially from natives, the enquiry was held in camera, and the evidence not published. But it is fairly clear that the Senators did their best to make a searching investigation, while the General was determined to admit nothing that told against the administration. The first important point which emerged clearly was that General Smuts was never consulted before the Administrator began his attack upon the Hottentots. The second point was that the Commissioners produced no evidence whatever that any hostile act had been committed by these oppressed people,—indeed their accusers were driven to such straits in order to establish the charge of "hostilities," that they actually quoted as an incident of "hostility" the fact that certain of these Hottentots forced a farmer's wife "to prepare and pour out coffee for them." The nearest they came to establishing any act of hostility is that the Commissioners confirmed the statement that some of the Hottentots carrying arms did escort a certain Major to a hut under arms, and that they refused to surrender the old hero, Abraham Morris. Thus there was no evidence, in the accepted sense, of rebellion. The Commissioners themselves produced no casualty figures, and although it was stated by General Lemmer, in parenthesis, that the Administrator suffered casualties, none were recorded nor any evidence produced that casualties were due to any action by the Bondels.

The Permanent Mandates Commission ultimately took up the inquiry, and it is only fair to say that they received the most whole-hearted assistance from the Administrator, Mr. Hofmeyr. The Bondelzwart incident was certainly a deplorable one; but the issue of it has probably led to an important amelioration in the lot of these suffering people, and of others like them.

The second "regrettable incident" was on a much larger scale, involving unknown casualties and expenditure,—namely, the rising against the French in Syria,

which quickly assumed the dimensions of a war of liberation. The immediate cause of the outbreak is alleged to have been the arrest and deportation of five petitioning Chiefs. The consequent revolt was at once successful, for General Michand, with 4,000 troops, suffered a defeat, and was forced to retire in disorder, having lost the whole of his convoy. The rebellion then became general, and spread from the disaffected Jebel Druse right through the country to Damascus.

It is asserted that the whole trouble in Syria was due to the defeat of General Michand, but there is evidence that a French Mandate was repugnant to a large section of the Syrian people, who had expected a declaration of independence—an expectation justified by the pronouncements of leading statesmen during and at the close of the War. The simmering disaffection arising from the imposition of this Mandate was accentuated by the treatment accorded to petitions for the redress of alleged grievances; these petitions were very numerous, and some of them, such as those claiming from the League of Nations the complete independence of Syria, could not, of course, be entertained by the Council. There was the further difficulty, so far as the League of Nations was concerned, that none of the petitions appears to have been forwarded through the Mandatory Power to the League, and that the only protests which actually reached the League were those which emanated from groups of Syrians and their sympathisers living outside the Mandated area.

The Permanent Mandates Commission expressed the opinion that the chief cause of the revolt appears to have been the failure of the French to abide by the terms of the agreement with the Jebel Druse, of March, 1921. This agreement granted a large measure of autonomy, and thus recognised the peculiar characteristics of these freedom-loving mountaineers. But Captain Carbillet, they say, seems to have governed them with a pecu-

liarly heavy hand, and to have initiated unpopular and far-reaching changes in the system of land tenure, without any control from the High Commissioner. Finally, when a delegation of Druse notables approached General Sarrail, requesting the recall of Captain Carbillet, the members were roughly told that the French no longer recognised the validity of the agreement.

The Permanent Mandates Commission formulated two definite criticisms of the French Administration of Syria:—

(a) The frequent alterations effected in the territorial organisation of the country, and the consequent need of a stable regime.

(b) The confusion and dissatisfaction caused by the multiplicity of civil, penal, administrative and military courts.

In addition, the Permanent Mandates Commission drew the attention of the Council of the League to the paucity of information placed at its disposal. While applauding the frankness and good-will of M. de Caix, the Commission considered that he would have been in a better position to supply the information required, if he had been assisted by an official closely associated with the Mandatory Administration during the months under review.

These incidents, deplorable though they are, inexcusable though they may be, must not be divorced from their true perspective, and if the lessons they should teach us are really learned by the Mandatory Powers, the people of Syria and South-West Africa will not have suffered in vain. These two incidents give point to two weaknesses of the Mandatory system for which some remedy must be found,—(a) Petitions; (b) Administrative Reports.

The League of Nations Council intended the right of petition to be a very real thing, and the Assembly of the

League passed the following resolution on September 20th, 1922:—

"The Assembly having considered the matter of the right of petition alluded to in the report of the Permanent Mandates Commission, expresses the hope that this right may be defined in such a manner as to ensure that

"All petitions emanating from inhabitants of mandated areas will be sent to the Permanent Mandates Commission through the intermediary of the local administration and of the Mandatory Power.

"No petition concerning the welfare of the inhabitants of mandated areas emanating from other sources will be considered by the Permanent Mandates Commission before the Mandatory Power has had full opportunity of expressing its views."

This right of petition, although a very definite "right," is admittedly in the process of evolution, but as it stands to-day, any petition presented to the League is, in the circumstances, heavily weighted against the petitioners, and should either be abolished as an irritating delusion, or be made a real "safety-valve" for legitimate grievances.

What happens to-day? A tribe or native ruler, necessarily unacquainted with the niceties of "procedure," perhaps even illiterate, is suffering from a real—or what is perhaps worse—an imaginary grievance; however, a petition as carefully drawn up as knowledge permits is sent to the League of Nations; if it is in order, if it conforms to procedure, then it may be considered, but how? The Permanent Mandates Commission is, it is true, an impartial body, but it must not be overlooked that the impartiality does not yet mean the inclusion of any representation from any mandated area. The petition then comes before this body, but there is also present, and *can be heard*, a representative of the Government concerned. That representative can give any evidence,

or any explanation he likes upon the petition, but he cannot be cross-examined in any way by the petitioners, nor are they permitted to appear or be heard, nor are they permitted to engage anyone else to appear for them, to correct or control statements made by the representative of the Mandatory Power.

It is understood that whilst the Permanent Mandates Commission was sitting in Rome in 1926, to consider the Syrian revolt, a responsible body of petitioners asked to be allowed to state their case to the Permanent Mandates Commission, but this was refused upon the ground that their case against French action could only be presented through French official channels. This decision was perfectly "correct," but it comes perilously near making the alleged right of petition little more than a farce.

The paucity of reports from the Mandatory Powers, the omission of any reference to certain forms of administrative activity affecting Mandated territories, has been frequently remarked upon, whilst in some areas practices are known to have been pursued, which conflicted seriously with the principles of trusteeship.

If the Mandatory system of control is to satisfy the public opinion which created it, a further stage in its evolution must now be secured, but how? In the first place, nothing must be done to impair the excellent spirit which exists between the Permanent Mandates Commission and the Mandatory Powers, because it is only by the maintenance of this spirit of collaboration that any evolution can be secured which stands any chance of success. Two suggestions have been made, which, if adopted, should result in meeting all reasonable criticism. The first of these is that Members of the Permanent Mandates Commission should pay visits to the Mandated territories, either by themselves or by means of duly accredited representatives. This sug-

gestion was fully discussed during the Seventh Session* of the Commission. M. van Rees, whose knowledge of the constitutional position of the Mandatory system is admittedly unrivalled, stated that comment had frequently been made, that "the Commission did not possess the right to make enquiries on the spot," and that "this was a weak point of the Mandatory system." M. van Rees then went on to remark that the right to carry out enquiries would mean a step forward, not only for the Commission, but also for the whole Mandates system.

It seems clear that no such "right of enquiry" or "right to visit" would be conceded by the Mandatory Powers unless it was made with the full approval of the local Mandatory Administration. Moreover, any such visit would in fact be quite impracticable in most areas, unless made with the willing approval of the local Government concerned. At the same time, the Mandatory Powers will doubtless recognise that any unwillingness on their part to encourage and assist such visits would at once expose the Administration to a most embarrassing, but, in the circumstances, quite legitimate and obvious criticism. Indeed it seems strange that any Government should hesitate for one moment to declare that it had nothing to conceal in the carrying out of its trusteeship, and that therefore a visit from the members of the Permanent Mandates Commission would be at all times welcome. That hesitation exists is shown by the statement made by the British Colonial Secretary, Mr. Amery, in the House of Commons on the 29th March (1926):—

"The proposal for visits to Mandated territories by the Permanent Mandates Commission or by individual members of that Commission who would inevitably be regarded in the territories as visiting in an official capacity, raises im-

* October 28th, 1925.

portant questions of principle touching the relations of the Mandatory Power with the inhabitants of the territory, and the Mandatory's obligations to the Council of the League of Nations, as well as League procedure, not only in this but also in other spheres of its activity. His Majesty's Government are therefore reluctant to express an opinion on a question which would require a thorough investigation and decision by the Council."

The continued success of the Mandatory system will largely depend upon the accurate knowledge possessed by the Commission of the League upon local conditions. If, therefore, the members are debarred from visiting Mandated areas and are at the same time precluded from hearing petitioners with genuine grievances, the work of the Permanent Mandates Commission cannot fail to suffer grave prejudice. The present position of Mandatory petitioners to the League of Nations is becoming a question of some urgency. If petitioners are to be denied all opportunity of rebutting in person statements made by Mandatory representatives, either about the petitioners themselves or the petitions; if their petitions are to be rejected owing to the inevitable limitations of the petitioners, then in common fairness the League of Nations should permit duly accredited persons to appear on behalf of the petitioners. The conditions under which such "advocate" should be allowed to appear would need to be carefully considered; the Mandatory Power concerned might be asked to nominate such person, and give him access to available "particulars." The essential thing to aim at securing should be that of giving confidence to people in the Mandated areas in the impartial consideration of their appeals for redress. This confidence cannot be established whilst "petitions" can be assailed by the representatives of the Mandatory Powers, and the petitioners themselves denied the opportunity either of rebuttal or explanation.

The question of visits to the Mandated areas by the

Commissioners is becoming almost as urgent as that of petitions. Several times within the last two or three years the Commissioners were left groping in the dark, upon matters of the highest importance to the welfare of the inhabitants. The time has surely arrived when these two problems should be submitted to the Council of the League, in the hope that a further advance may be made in the evolution of this Sacred Trust of Civilisation.

The successful working of the Mandatory system of Trusteeship closes one chapter in Colonial history and opens another. Never again should any nation be allowed to annex, solely for its own purpose and peculiar advantage, territories outside its own dominions. The question of new Mandated areas raises two first-class issues; (a) Germany's demand of a Mandate; (b) what areas may become mandated.

Germany cannot have the sovereignty of her late Colonies restored to her, nor can she expect to have transferred to her a Mandate over any of her former Colonies, at least during the lifetime of the present generation; this is surely so obvious that it hardly needs to be stated, but this does not mean that Germany is to be debarred from exercising a Mandate over other Colonial territory; on the contrary, both political and economic reasons point to the urgent necessity of harnessing German efficiency to the immense task of developing the great backward areas of the world in the general interests of humanity. German Governments have repeatedly made it clear that they expect at some time to receive an administrative Mandate, although they have wisely refrained from specifying any territory. The most emphatic claim of this nature was made in the German memorandum* forwarded to Geneva in December, 1924. In this Memorandum the German Government stated :—

* Doc. 768, M.271, 1924.

"Article 22 of the Covenant of the League of Nations provides that the tutelage of peoples not yet able to stand by themselves should be entrusted to advanced nations who, by reason of their resources and experience can best undertake this responsibility. Germany, who since her defeat has been excluded from all colonial activities, expects that in due time she will be given an active share in the working of the Mandate system of the League of Nations."

At a later stage in the discussion of the Locarno pacts, official conversations took place upon the subject of Mandates, but it is stated that no promises were made by any of the Signatories, although a general understanding appears to have been reached, because Sir Austen Chamberlain, speaking to the Press,* said quite definitely that the

"position of Germany would be exactly like that of any other member. She would be eligible to receive any Mandates that might be created or fall vacant, *but there was no idea of depriving any State of a Mandate that it already held.*"†

It is clear, therefore, that something like a prior claim to a Mandated area has been "pegged out" by Germany, and the question arises as to what territories are likely to be available for this purpose. There are, in the first place, no territories in the world to-day, over which some Sovereign Power does not possess substantial rights which have been internationally recognised. Germany must therefore look to the surrender of existing rights by some other nation, before she can obtain a Mandate over either Mandated or non-Mandated territory. At the same time, there are to-day several territories whose administration has for years constituted a Colonial scandal; not only so, but as the years go by, the situation, instead of improving, becomes steadily worse, and the fact that nothing is done to remedy the

* "Times," October 24th, 1925. † Italics mine.—J.H.H.

situation indicates that the Powers in control have lost either or both the capacity and the resources essential to so large a responsibility. It is too late now to argue that the internal affairs of these territories in question are purely a domestic concern; the day has long gone by for any such argument. To use an apt phrase by the late President Roosevelt, these Powers must "get on or get out"; it *is* an international concern that death rates amongst the population stand at an appalling figure; it is an international moral concern that native populations are being decimated by misgovernment, fraudulent labour practices, and general oppression; it is furthermore an international *treaty* concern that white men should be disposing of the labour of natives for large pecuniary advantages, sometimes providing thereby for themselves a competency for life, and that through the medium of a single period of administrative service. There is yet one other reason, namely, the effect which these conditions have upon neighbouring Administrations. Every Administrator, no matter what his nationality, agrees that the effect of maladministration in one territory can no more be confined within its own physical boundaries, than the plague, for it is bound to overflow;—disaffection, cattle thefts, land quarrels, migrations, leading to internecine warfare, make peaceful government of neighbouring territory an impossibility, and give to the Government so disturbed the right to say, as Mr. J. H. Thomas did, when British Colonial Secretary, that unless good and peaceful government is established, the state of affairs must be referred to the Council of the League of Nations.

It is in this direction, then, that Germany might well begin to look, and look with the certainty of international support, namely, for the reversion of territories which are to-day outside the orbit of peaceful development, territories capable of enriching the world, but which have for too long been

kept waiting for that energetic and competent control which Germany could give as a Mandatory. But there must always be a loyal acceptance of all that is involved in Trusteeship, whether the next Colonial transfers are to be, as seems likely, to Germany, or to any other Power. It may be difficult to see how these transfers can be effected; they cannot, of course, take place without the consent of the Powers at present in control, but it should not be impossible to establish a case for a conditional consent, where any Power is demonstrably unable to prevent scandalous misgovernment—a consent much more easily obtained if the transfer is to a Mandatory system than to the system of pre-war annexations, because under a Mandatory system no nation is entitled to make national advantage its objective, the basic principle being at all times and in all circumstances,—a Sacred Trust.

APPENDIX

APPENDIX

Article 22 (Mandate Section) of the League of Nations Covenant.

"A" MANDATES.*

(1) Palestine.
(2) Syria and the Lebanon.

"B" MANDATES.*

(1) French Cameroons.
(2) French Togoland.
(3) British Cameroons.
(4) British Togoland.
(5) Tanganyika (British).
(6) Belgian East Africa.

"C" MANDATES.*

(1) South-West Africa.
(2) Samoa.
(3) Nauru.
(4) Islands North of the Equator (Japan).
(5) Islands South of the Equator (British), other than Samoa and Nauru.

* The Mandates of the A.B. and C. groups vary only slightly in their respective texts. In order to avoid repetition typical Mandates have been reproduced in this Appendix coupled with all the "variations" of particular Mandates.

ARTICLE 22 OF THE LEAGUE OF NATIONS COVENANT.

ARTICLE 22. MANDATORIES. CONTROL OF COLONIES AND TERRITORIES.

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

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

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

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

Other peoples, especially those of Central Africa, are at such a stage that the Mandatory must be responsible for the administration of the territory, under conditions which will guarantee freedom of conscience and religion, subject only to the maintenance of public order and morals, the prohibition of abuses such as the slave trade, the arms traffic and the liquor traffic, and the prevention of the establishment of fortifications or military and naval bases, and of military training of the natives for other than police purposes and the defence of territory, and will also secure equal opportunities for the trade and commerce of other Members of the League.

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

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

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

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

THE "A" MANDATES

The "A" Mandates are at present two in number, that for Mesopotamia not being in actual form a Mandate, owing to its exceptional Treaty position.*

These two Mandates differ more widely than those for the "B" and "C" territories.

LEAGUE OF NATIONS

MANDATE FOR PALESTINE

The Council of the League of Nations:

Whereas the Principal Allied Powers have agreed, for the purpose of giving effect to the provisions of Article 22 of the Covenant of the League of Nations, to entrust to a Mandatory selected by the said Powers the administration of the territory of Palestine, which formerly belonged to the Turkish Empire, within such boundaries as may be fixed by them; and

Whereas the Principal Allied Powers have also agreed that the Mandatory should be responsible for putting into effect the declaration originally made on November 2nd, 1917, by the Government of His Britannic Majesty, and adopted by the said Powers, in favour of the establishment in Palestine of a national home for the Jewish people, it being clearly understood that nothing should be done which might prejudice the civil and religious rights of existing non-Jewish communities in Palestine, or the rights and

* The position of Mesopotamia in its relationship to the League of Nations is set forth in Document C 216, M. 77/1926/VI.

political status enjoyed by Jews in any other country; and

Whereas recognition has thereby been given to the historical connection of the Jewish people with Palestine and to the grounds for reconstituting their national home in that country; and

Whereas the Principal Allied Powers have selected His Britannic Majesty as the Mandatory for Palestine; and

Whereas the mandate in respect of Palestine has been formulated in the following terms and submitted to the Council of the League for approval; and

Whereas His Britannic Majesty has accepted the mandate in respect of Palestine and undertaken to exercise it on behalf of the League of Nations in conformity with the following provisions; and

Whereas by the afore-mentioned Article 22 (paragraph 8), it is provided that the degree of authority, control or administration to be exercised by the Mandatory, not having been previously agreed upon by the Members of the League, shall be explicitly defined by the Council of the League of Nations:

Confirming the said mandate, defines its terms as follows:

Article 1.

The Mandatory shall have full powers of legislation and of administration, save as they may be limited by the terms of this mandate.

Article 2.

The Mandatory shall be responsible for placing the country under such political, administrative and economic conditions as will secure the establishment of the Jewish national home, as laid down in the preamble, and the development of self-governing institutions, and also for safeguarding the civil and religious rights of all the inhabitants of Palestine, irrespective of race and religion.

Article 3.

The Mandatory shall, so far as circumstances permit, encourage local autonomy.

Article 4.

An appropriate Jewish agency shall be recognised as a public body for the purpose of advising and co-operating with the Administration of Palestine in such economic, social and other matters as may affect the establishment of the Jewish national home and the interests of the Jewish population in Palestine, and, subject always to the control of the Administration, to assist and take part in the development of the country.

The Zionist organisation, so long as its organisation and constitution are in the opinion of the Mandatory appropriate, shall be recognised as such agency. It shall take steps in consultation with His Britannic Majesty's Government to secure the co-operation of all Jews who are willing to assist in the establishment of the Jewish national home.

Article 5.

The Mandatory shall be responsible for seeing that no Palestine territory shall be ceded or leased to, or in any way placed under the control of, the Government of any foreign Power.

Article 6.

The Administration of Palestine, while ensuring that the rights and position of other sections of the population are not prejudiced, shall facilitate Jewish immigration under suitable conditions and shall encourage, in co-operation with the Jewish agency referred to in Article 4, close settlement by Jews on the land, including State lands and waste lands not required for public purposes.

Article 7.

The Administration of Palestine shall be responsible for enacting a nationality law. There shall be included in this law provisions framed so as to facilitate the acquisition of Palestinian citizenship by Jews who take up their permanent residence in Palestine.

Article 8.

The privileges and immunities of foreigners, including the benefits of consular jurisdiction and protection as formerly enjoyed by Capitulation or usage in the Ottoman Empire, shall not be applicable in Palestine.

Unless the Powers whose nationals enjoyed the aforementioned privileges and immunities on August 1st, 1914, shall have previously renounced the right to their re-establishment, or shall have agreed to their non-application for a specified period, these privileges and immunities shall, at the expiration of the mandate, be immediately re-established in their entirety or with such modifications as may have been agreed upon between the Powers concerned.

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 10.

Pending the making of special extradition agreements relating to Palestine, the extradition treaties in force between the Mandatory and other foreign Powers shall apply to Palestine.

Article 11.

The Administration of Palestine shall take all necessary measures to safeguard the interests of the community in connection with the development of the country, and, subject to any international obligations accepted by the Mandatory, shall have full power to provide for public ownership or control of any of the natural resources of the country or of the public works, services and utilities estab-

lished or to be established therein. It shall introduce a land system appropriate to the needs of the country, having regard, among other things, to the desirability of promoting the close settlement and intensive cultivation of the land.

The Administration may arrange with the Jewish agency mentioned in Article 4 to construct or operate, upon fair and equitable terms, any public works, services and utilities, and to develop any of the natural resources of the country, in so far as these matters are not directly undertaken by the Administration. Any such arrangements shall provide that no profits distributed by such agency, directly or indirectly, shall exceed a reasonable rate of interest on the capital, and any further profits shall be utilised by it for the benefit of the country in a manner approved by the Administration.

Article 12.

The Mandatory shall be entrusted with the control of the foreign relations of Palestine and the right to issue exequaturs to consuls appointed by foreign Powers. He shall also be entitled to afford diplomatic and consular protection to citizens of Palestine when outside its territorial limits.

Article 13.

All responsibility in connection with the Holy Places and religious buildings or sites in Palestine, including that of preserving existing rights and of securing free access to the Holy Places, religious buildings and sites and the free exercise of worship, while ensuring the requirements of public order and decorum, is assumed by the Mandatory, who shall be responsible solely to the League of Nations in all matters connected herewith, provided that nothing in this article shall prevent the Mandatory from entering into such arrangements as he may deem reasonable with the Administration for the purpose of carrying the provisions of this article into effect; and provided also that nothing in this mandate shall be construed as conferring upon the Mandatory authority to interfere with the fabric or the

management of purely Moslem sacred shrines, the immunities of which are guaranteed.

Article 14.

A special Commission shall be appointed by the Mandatory to study, define and determine the rights and claims in connection with the Holy Places and the rights and claims relating to the different religious communities in Palestine. The method of nomination, the composition and the functions of this Commission shall be submitted to the Council of the League for its approval, and the Commission shall not be appointed or enter upon its functions without the approval of the Council.

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.

Article 16.

The Mandatory shall be responsible for exercising such supervision over religious or eleemosynary bodies of all faiths in Palestine as may be required for the maintenance of public order and good government. Subject to such supervision, no measures shall be taken in Palestine to obstruct or interfere with the enterprise of such bodies or to discriminate against any representative or member of them on the ground of his religion or nationality.

Article 17.

The Administration of Palestine may organise on a voluntary basis the forces necessary for the preservation of peace and order, and also for the defence of the country, subject, however, to the supervision of the Mandatory, but shall not use them for purposes other than those above specified save with the consent of the Mandatory. Except for such purposes, no military, naval or air forces shall be raised or maintained by the Administration of Palestine.

Nothing in this article shall preclude the Administration of Palestine from contributing to the cost of the maintenance of the forces of the Mandatory in Palestine.

The Mandatory shall be entitled at all times to use the roads, railways and ports of Palestine for the movement of armed forces and the carriage of fuel and supplies.

Article 18.

The Mandatory shall see that there is no discrimination in Palestine against the nationals of any State Member of the League of Nations (including companies incorporated under its laws) as compared with those of the Mandatory or of any foreign State in matters concerning taxation, commerce or navigation, the exercise of industries or professions, or in the treatment of merchant vessels or civil aircraft. Similarly, there shall be no discrimination in Palestine against goods originating in or destined for any of the said States, and there shall be freedom of transit under equitable conditions across the mandated area.

Subject as aforesaid and to the other provisions of this mandate, the Administration of Palestine may, on the advice of the Mandatory, impose such taxes and customs duties as it may consider necessary, and take such steps as it may think best to promote the development of the natural resources of the country and to safeguard the interests of the population. It may also, on the advice of the Mandatory, conclude a special customs agreement with any State the territory of which in 1914 was wholly included in Asiatic Turkey or Arabia.

Article 19.

The Mandatory shall adhere on behalf of the Administration of Palestine to any general international conventions already existing, or which may be concluded hereafter with the approval of the League of Nations, respecting the slave traffic, the traffic in arms and ammunition, or the traffic in drugs, or relating to commercial equality, freedom of transit and navigation, aerial navigation and postal, telegraphic and wireless communication or literary, artistic or industrial property.

Article 20.

The Mandatory shall co-operate on behalf of the Administration of Palestine, so far as religious, social and other conditions may permit, in the execution of any common policy adopted by the League of Nations for preventing and combating disease, including diseases of plants and animals.

Article 21.

The Mandatory shall secure the enactment within twelve months from this date, and shall ensure the execution of a Law of Antiquities based on the following rules. This law shall ensure equality of treatment in the matter of excavations and archæological research to the nationals of all States Members of the League of Nations.

(1)

"Antiquity" means any construction or any product of human activity earlier than the year 1700 P.D.

(2)

The law for the protection of antiquities shall proceed by encouragement rather than by threat.

Any person who, having discovered an antiquity without being furnished with the authorisation referred to in paragraph 5, reports the same to an official of the competent Department, shall be rewarded according to the value of the discovery.

(3)

No antiquity may be disposed of except to the competent Department, unless this Department renounces the acquisition of any such antiquity.

No antiquity may leave the country without an export licence from the said Department.

(4)

Any person who maliciously or negligently destroys or damages an antiquity shall be liable to a penalty to be fixed.

(5)

No clearing of ground or digging with the object of finding antiquities shall be permitted, under penalty of fine, except to persons authorised by the competent Department.

(6)

Equitable terms shall be fixed for expropriation, temporary or permanent, of lands which might be of historical or archæological interest.

(7)

Authorisation to excavate shall only be granted to persons who show sufficient guarantees of archæological experience. The Administration of Palestine shall not, in granting these authorisations, act in such a way as to exclude scholars of any nation without good grounds.

(8)

The proceeds of excavations may be divided between the excavator and the competent Department in a proportion fixed by that Department. If division seems impossible for scientific reasons, the excavator shall receive a fair indemnity in lieu of a part of the find.

Article 22.

English, Arabic and Hebrew shall be the official languages of Palestine. Any statement or inscription in Arabic on stamps or money in Palestine shall be repeated in Hebrew and any statement or inscription in Hebrew shall be repeated in Arabic.

Article 23.

The Administration of Palestine shall recognise the holy days of the respective communities in Palestine as legal days of rest for the members of such communities.

Article 24.

The Mandatory shall make to the Council of the League of Nations an annual report to the satisfaction of the Council as to the measures taken during the year to carry out the provisions of the mandate. Copies of all laws and regulations promulgated or issued during the year shall be communicated with the report.

Article 25.

In the territories lying between the Jordan and the eastern boundary of Palestine as ultimately determined, the Mandatory shall be entitled, with the consent of the Council of the League of Nations, to postpone or withhold application of such provisions of this mandate as he may consider inapplicable to the existing local conditions, and to make such provision for the administration of the territories as he may consider suitable to those conditions, provided that no action shall be taken which is inconsistent with the provisions of Articles 15, 16, and 18.

Article 26.

The Mandatory agrees that, if any dispute whatever should arise between the Mandatory and another Member of the League of Nations relating to the interpretation or the application of the provisions of the mandate, such dispute if it cannot be settled by negotiation, shall be submitted to the Permanent Court of International Justice provided for by Article 14 of the Covenant of the League of Nations.

Article 27.

The consent of the Council of the League of Nations is required for any modification of the terms of this mandate.

Article 28.

In the event of the termination of the mandate hereby conferred upon the Mandatory, the Council of the League of Nations shall make such arrangements as may be deemed necessary for safeguarding in perpetuity, under guarantee of the League, the rights secured by Articles 13 and 14, and shall use its influence for securing, under the guarantee of the League, that the Government of Palestine will fully honour the financial obligations legitimately incurred by the Administration of Palestine during the period of the mandate, including the rights of public servants to pensions or gratuities.

The present instrument shall be deposited in original in the archives of the League of Nations and certified copies shall be forwarded by the Secretary-General of the League of Nations to all Members of the League.

Done at London the twenty-fourth day of July, one thousand nine hundred and twenty-two.

Certified true copy:

SECRETARY-GENERAL.

(League of Nations).

MANDATE FOR SYRIA AND THE LEBANON.

The Council of the League of Nations :

Whereas the Principal Allied Powers have agreed that the territory of Syria and the Lebanon which formerly belonged to the Turkish Empire shall, within such boundaries as may be fixed by the said Powers, be entrusted to a Mandatory charged with the duty of rendering administrative advice and assistance to the population, in accordance with the provisions of Article 22 (paragraph 4) of the Covenant of the League of Nations; and

Whereas the Principal Allied Powers have decided that the mandate for the territory referred to above should be conferred on the Government of the French Republic, which has accepted it; and

Whereas the terms of this mandate, which are defined in the articles below, have also been accepted by the Government of the French Republic and submitted to the Council of the League for approval; and

Whereas the Government of the French Republic has undertaken to exercise this mandate on behalf of the League of Nations, in conformity with the following provisions; and

Whereas by the afore-mentioned Article 22 (paragraph 8), it is provided that the degree of authority, control or administration to be exercised by the Mandatory, not having been previously agreed upon by the Members of the League, shall be explicitly defined by the Council of the League of Nations;

Confirming the said mandate, defines its terms as follows :

Article 1.

The Mandatory shall frame, within a period of three years from the coming into force of this mandate, an organic law for Syria and the Lebanon.

This organic law shall be framed in agreement with the native authorities and shall take into account the rights, interests, and wishes of all the population inhabiting the said territory. The Mandatory shall further enact measures to facilitate the progressive development of Syria and the Lebanon as independent States. Pending the coming into effect of the organic law, the Government of Syria and the Lebanon shall be conducted in accordance with the spirit of this mandate.

The Mandatory shall, as far as circumstances permit, encourage local autonomy.

Article 2.

The Mandatory may maintain its troops in the said territory for its defence. It shall further be empowered, until the entry into force of the organic law and the re-establishment of public security, to organise such local militia as may be necessary for the defence of the territory, and to employ this militia for defence and also for the maintenance of order. These local forces may only be recruited from the inhabitants of the said territory.

The said militia shall thereafter be under the local authorities, subject to the authority and the control which the Mandatory shall retain over these forces. It shall not be used for purposes other than those above specified save with the consent of the Mandatory.

Nothing shall preclude Syria and the Lebanon from contributing to the cost of the maintenance of the forces of the Mandatory stationed in the territory.

The Mandatory shall at all times possess the right to make use of the ports, railways and means of communication of Syria and the Lebanon for the passage of its troops and of all materials, supplies and fuel.

Article 3.

The Mandatory shall be entrusted with the exclusive control of the foreign relations of Syria and the Lebanon and with the right to issue exequaturs to the consuls appointed by foreign Powers. Nationals of Syria and the Lebanon living outside the limits of the territory shall be under the diplomatic and consular protection of the Mandatory.

Article 4.

As Article 5 in Palestine Mandate.

Article 5.

The privileges and immunities of foreigners, including the benefits of consular jurisdiction and protection as formerly enjoyed by Capitulation or usage in the Ottoman Empire shall not be applicable in Syria and the Lebanon. Foreign consular tribunals shall, however, continue to perform their duties until the coming into force of the new legal organisation provided for in Article 6.

Unless the Powers whose nationals enjoyed the aforementioned privileges and immunities on August 1st, 1914, shall have previously renounced the right to their re-establishment, or shall have agreed to their non-application during a specified period, these privileges and immunities shall at the expiration of the mandate be immediately re-established in their entirety or with such modifications as may have been agreed upon between the Powers concerned.

Article 6.

The Mandatory shall establish in Syria and the Lebanon a judicial system which shall assure to natives as well as to foreigners a complete guarantee of their rights.

Respect for the personal status of the various peoples and for their religious interests shall be fully guaranteed. In particular, the control and administration of Wakfs shall be exercised in complete accordance with religious law and the dispositions of the founders.

Article 7.

As Article 10 in Palestine Mandate.

Article 8.

The Mandatory shall ensure to all complete freedom of conscience and the free exercise of all forms of worship which are consonant with public order and morality. No discrimination of any kind shall be made between the inhabitants of Syria and the Lebanon on the ground of differences in race, religion or language.

The Mandatory shall encourage public instruction, which shall be given through the medium of the native languages in use in the territory of Syria and the Lebanon.

The right of each community to maintain its own schools for the instruction and 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.

Article 9.

The Mandatory shall refrain from all interference in the administration of the Councils of management (Conseils de fabrique) or in the management of religious communities and sacred shrines belonging to the various religions, the immunity of which has been expressly guaranteed.

Article 10.

The supervision exercised by the Mandatory over the religious missions in Syria and the Lebanon shall be limited to the maintenance of public order and good government; the activities of these religious missions shall in no way be restricted, nor shall their members be subjected to any restrictive measures on the ground of nationality, provided that their activities are confined to the domain of religion.

The religious missions may also concern themselves with education and relief, subject to the general right of regulation and control by the Mandatory or of the local government, in regard to education, public instruction and charitable relief.

Article 11.

The Mandatory shall see that there is no discrimination in Syria or the Lebanon against the nationals, including societies and associations, of any State Member of the League of Nations as compared with its own nationals, including societies and associations, or with the nationals of any other foreign State in matters concerning taxation or commerce, the exercise of professions or industries, or navigation, or in the treatment of ships or aircraft. Similarly, there shall be no discrimination in Syria or the Lebanon against goods originating in or destined for any of the said States; there shall be freedom of transit, under equitable conditions, across the said territory.

Subject to the above, the Mandatory may impose or cause to be imposed by the local governments such taxes and customs duties as it may consider necessary. The Mandatory, or the local governments acting under its advice, may also conclude on grounds of contiguity any special customs arrangements with an adjoining country.

The Mandatory may take or cause to be taken, subject to the provisions of paragraph 1 of this article, such steps as it may think best to ensure the development of the natural resources of the said territory and to safeguard the interests of the local population.

Concessions for the development of these natural resources shall be granted without distinction of nationality between the nationals of all States Members of the League of Nations, but on condition that they do not infringe upon the authority of the local government. Concessions in the nature of a general monopoly shall not be granted. This clause shall in no way limit the right of the Mandatory to create monopolies of a purely fiscal character in the interest of the territory of Syria and the Lebanon, and with a view to assuring to the territory the fiscal resources which would appear best adapted to the local needs, or, in certain cases, with a view to developing the natural resources either directly by the State or through an organisation under its control, provided that this does not involve either directly or indirectly the creation of a monopoly of the natural

resources in favour of the Mandatory or its nationals, nor involve any preferential treatment which would be incompatible with the economic, commercial and industrial equality guaranteed above.

Article 12.

The Mandatory shall adhere, on behalf of Syria and the Lebanon, to any general international agreement already existing or which may be concluded hereafter with the approval of the League of Nations, in respect of the following: the slave trade, the traffic in drugs, the traffic in arms and ammunition, commercial equality, freedom of transit and navigation, aerial navigation, postal, telegraphic or wireless communications, and measures for the protection of literature, art or industries.

Article 13.

The Mandatory shall secure the adhesion of Syria and the Lebanon, so far as social, religious and other conditions permit, to such measures of common utility as may be adopted by the League of Nations for preventing and combating disease, including diseases of animals and plants.

Article 14.

(1—8) as 21 in Palestine Mandate.

Article 15.

Upon the coming into force of the organic law referred to in Article 1, an arrangement shall be made between the Mandatory and the local governments for reimbursement by the latter of all expenses incurred by the Mandatory in organising the administration, developing local resources, and carrying out permanent public works, of which the country retains the benefit. Such arrangement shall be communicated to the Council of the League of Nations.

Article 16.

French and Arabic shall be the official languages of Syria and the Lebanon.

Article 17.

As Article 24 in the Palestine Mandate.

Article 18.

As Article 27 in the Palestine Mandate.

Article 19.

On the termination of the mandate, the Council of the League of Nations shall use its influence to safeguard for the future the fulfilment by the Government of Syria and the Lebanon of the financial obligations, including pensions and allowances, regularly assumed by the administration of Syria or of the Lebanon during the period of the mandate.

Article 20.

As Article 26 in the Palestine Mandate.

THE "B" MANDATES

The "B" Mandates are six in number: French Cameroons; French Togoland; British Cameroons; British Togoland; Tanganyika (British); Belgian East Africa.

The following is the text of the French Mandate for Cameroons:—

LEAGUE OF NATIONS

FRENCH MANDATE FOR THE CAMEROONS

The Council of the League of Nations:

Whereas by Article 119 of the Treaty of Peace with Germany signed at Versailles on June 28th, 1919, Germany renounced in favour of the Principal Allied and Associated Powers all her rights over her oversea possessions, including therein the Cameroons; and

Whereas the Principal Allied and Associated Powers agreed that the Governments of France and Great Britain should make a joint recommendation to the League of Nations as to the future of the said territory; and

Whereas the Governments of France and Great Britain have made a joint recommendation to the Council of the League of Nations that a mandate to administer, in accordance with Article 22 of the Covenant of the League of Nations, that part of the Cameroons lying to the east of the line agreed upon in the Declaration of July 10th, 1919, of which mention is made in Article 1 below, should be conferred upon the French Republic; and

Whereas the Governments of France and Great Britain

have proposed that the mandate should be formulated in the following terms; and

Whereas the French Republic has agreed to accept the mandate in respect of the said territory and has undertaken to exercise it on behalf of the League of Nations;

Confirming the said mandate, defines its terms as follows:

Article 1.

The territory for which a mandate is conferred upon France comprises that part of the Cameroons which lies to the east of the line laid down in the Declaration signed on July 10th, 1919, of which copy is annexed hereto.

This line may, however, be slightly modified by mutual agreement between His Britannic Majesty's Government and the Government of the French Republic where an examination of the localities shows that it is undesirable, either in the interests of the inhabitants or by reason of any inaccuracies in the map Moisel 1 : 300,000, annexed to the Declaration, to adhere strictly to the line laid down therein.

The delimitation on the spot of this line shall be carried out in accordance with the provision of the said Declaration.

The final report of the Mixed Commission shall give the exact description of the boundary line as traced on the spot; maps signed by the Commissioners shall be annexed to the report. This report with its annexes shall be drawn up in triplicate: one of these shall be deposited in the archives of the League of Nations, one shall be kept by the Government of the Republic and one by His Britannic Majesty's Government.

Article 2.

The Mandatory shall be responsible for the peace, order and good government of the territory and for the promotion to the utmost of the material and moral well-being and the social progress of its inhabitants.

Article 3.

The Mandatory shall not establish in the territory any military or naval bases, nor erect any fortifications, nor

organise any native military force except for local police purposes and for the defence of the territory.

It is understood, however, that the troops thus raised may, in the event of general war, be utilised to repel an attack or for the defence of the territory outside that subject to the mandate.

Article 4.

The Mandatory:

1. shall provide for the eventual emancipation of all slaves, and for as speedy an elimination of domestic and other slavery as social conditions will allow;

2. shall suppress all forms of slave trade;

3. shall prohibit all forms of forced or compulsory labour, except for essential public works and services, and then only in return for adequate remuneration;

4. shall protect the natives from abuse and measures of fraud and force by the careful supervision of labour contracts and the recruiting of labour;

5. shall exercise a strict control over the traffic in arms and ammunition and the sale of spirituous liquors.

Article 5.

In the framing of laws relating to the holding or tranference of land, the Mandatory shall take into consideration native laws and customs, and shall respect the rights and safeguard the interests of the native population.

No native land may be transferred, except between natives, without the previous consent of the public authorities, and no real rights over native land in favour of non-natives may be created except with the same consent.

The Mandatory shall promulgate strict regulations against usury.

Article 6.

The Mandatory shall secure to all nationals of States Members of the League of Nations the same rights as are enjoyed in the territory by his own nationals in respect of entry into and residence in the territory, the protection

afforded to their person and 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.

Further, the Mandatory shall ensure to all nationals of States Members of the League of Nations, on the same footing as his own nationals, freedom of transit and navigation, and complete economic, commercial and industrial equality; provided that the Mandatory shall be free to organise essential public works and services on such terms and conditions as he thinks just.

Concessions for the development of the natural resources of the territory shall be granted by the Mandatory without distinction on grounds of nationality between the nationals of all States Members of the League of Nations, but on such conditions as will maintain intact the authority of the local Government.

Concessions having the character of a general monopoly shall not be granted. This provision does not affect the right of the Mandatory to create monopolies of a purely fiscal character in the interest of the territory under mandate and in order to provide the territory with fiscal resources which seem best suited to the local requirements; or, in certain cases, to carry out the development of natural resources, either directly by the State or by a controlled agency, provided that there shall result therefrom no monopoly of the natural resources for the benefit of the Mandatory or his nationals, directly or indirectly, nor any preferential advantage which shall be inconsistent with the economic, commercial and industrial equality hereinbefore guaranteed.

The rights conferred by this article extend equally to companies and associations organised in accordance with the law of any of the Members of the League of Nations, subject only to the requirements of public order, and on condition of compliance with the local law.

Article 7.

The Mandatory shall ensure in the territory complete freedom of conscience and the free exercise of all forms of

worship which are consonant with public order and morality; missionaries who are nationals of States Members of the League of Nations shall be free to enter the territory and to travel and reside therein, to acquire and possess property, to erect religious buildings and to open schools throughout the territory; it being understood, however, that the Mandatory shall have the right to exercise such control as may be necessary for the maintenance of public order and good government, and to take all measures required for such control.

Article 8.

The Mandatory shall apply to the territory any general international conventions applicable to his contiguous territory.

Article 9.

The Mandatory shall have full powers of administration and legislation in the area subject to the mandate. This area shall be administered in accordance with the laws of the Mandatory as an integral part of his territory and subject to the above provisions.

The Mandatory shall therefore be at liberty to apply his laws to the territory subject to the mandate, with such modifications as may be required by local conditions, and to constitute the territory into a customs, fiscal, or administrative union or federation with the adjacent territories under his sovereignty or control, provided always that the measures adopted to that end do not infringe the provisions of this mandate.

Article 10.

The Mandatory shall make to the Council of the League of Nations an annual report to the satisfaction of the Council. This report shall contain full information concerning the measures taken to apply the provisions of this mandate.

Article 11.

The consent of the Council of the League of Nations is required for any modification of the terms of the present mandate.

Article 12.

The Mandatory agrees that, if any dispute whatever should arise between the Mandatory and another Member of the League of Nations relating to the interpretation or the application of the provisions of the mandate, such dispute, if it cannot be settled by negotiation, shall be submitted to the Permanent Court of International Justice provided for by Article 14 of the Covenant of the League of Nations.

The present instrument shall be deposited in original in the archives of the League of Nations. Certified copies shall be forwarded by the Secretary-General of the League of Nations to all Members of the League.

Done at London, the twentieth day of July one thousand nine hundred and twenty-two.

Certified true copy:

SECRETARY-GENERAL.

APPENDIX

CAMEROONS

FRANCO-BRITISH DECLARATION

The undersigned:

The Viscount MILNER, Secretary of State for the Colonies of the British Empire,

M. Henry SIMON, Minister for the Colonies of the French Republic,

have agreed to determine the frontier, separating the territories of the Cameroons placed respectively under the

authority of their Governments, as it is traced on the map Moisel 1 : 300,000, annexed to the present declaration* and defined in the description in three articles also annexed hereto.

(Signed) MILNER.
HENRY SIMON.

London, July 10th, 1919.

DESCRIPTION OF THE FRANCO-BRITISH FRONTIER, MARKED ON THE MOISEL'S MAP OF THE CAMEROONS, SCALE 1 : 300,000.

Article 1.

The frontier will start from the meeting-point of the three old British, French and German frontiers situated in Lake Chad in latitude 13° 05′ N. and in approximately longitude 14° 05′ E. of Greenwich.

Thence the frontier will be determined as follows :

(1) A straight line to the mouth of the Ebeji;

(2) Thence the course of the river Ebeji, which upstream is named the Lewejil, Labejed, Ngalarem, Lebeit and Ngada respectively, to the confluence of the rivers Kalia and Labaiit;

(3) Thence the course of the river Kalia, or Ame, to its confluence with the river Dorma, or Kutelaha;

(4) Thence the course of the latter, which upstream is named the Amjumba, the village of Woma and its outskirts remaining to France;

(5) From the point where the river Amjumba loses itself in a swamp, the boundary will follow the median line of this swamp so as to rejoin the watercourse which appears to be the continuation of the Amjumba and which upstream is named Serahadja, Goluwa and Mudukwa respectively, the village of Uagisa remaining to Great Britain;

(6) Thence this watercourse to its confluence with the river Gatagule;

* The original 1 : 300,000 map is attached to the signed Declaration.

(7) Thence a line south-westwards to the watershed between the basin of the Yedseram on the west and the basins of the Mudukwa and of the Benue on the east; thence this watershed to Mount Mulikia;

(8) Thence a line to the source of the Tsikakiri, to be fixed on the ground so as to leave the village of Dumo to France;

(9) Thence the course of the Tsikakiri to its confluence with the Mao Tiel near the group of villages of Luga;

(10) Thence the course of the Mao Tiel to its confluence with the river Benue;

(11) Thence the course of the Benue upstream to its confluence with the Faro;

(12) Thence the course of the Faro to the mouth of its arm, the Mao Hesso, situated about 4 kilom. south of Chikito;

(13) Thence the course of the Mao Hesso to boundary pillar No. 6 on the old British-German frontier;

(14) Thence a straight line to the old boundary pillar No. 7; and thence a straight line to the old boundary pillar No. 8;

(15) Thence a line south-westwards reaching the watershed between the Benue on the north-west and the Faro on the south-east, which it follows to a point on the Hossere Banglang, about 1 kilom. south of the source of the Mao Kordo;

(16) Thence a line to the confluence of the Mao Ngonga and the Mao Deo, to be fixed on the ground so as to leave to France the village of Laro as well as the road from Bare to Fort Lamy;

(17) Thence the course of the Mao Deo to its confluence with the Tiba;

(18) Thence the course of the Tiba, which is named upstream Tibsat and Tussa respectively, to its confluence with a watercourse flowing from the west

and situated about 12 kilom. south-west of Kontscha;

(19) Thence a line running generally south-west to reach the summit of the Dutschi-Djombi;

(20) Thence the watershed between the basins of the Taraba on the west and the Mao Deo on the east to a point on the Tchape Hills, about 2 kilom. north-west of the Tchape Pass (Point 1541);

(21) Thence a line to the Gorulde Hills, so as to leave the road from Bare to Fort Lamy about 2 kilom. to the east;

(22) Thence successively the watershed between the Gamgam and the Jim, the main watershed between the basins of the Benue and the Sanaga, and the watershed between the Kokumbahun and the Ardo (Ntuli) to Hossere Jadji;

(23) Thence a line to reach the source of the river Mafu;

(24) Thence the river Mafu to its confluence with the river Mabe;

(25) Thence the river Mabe, or Nsang, upstream to its junction with the tribal boundary between Bansso and Bamum;

(26) Thence a line to the confluence of the rivers Mpand and Nun, to be fixed on the ground, so as to leave the country of Bansso to Great Britain and that of Bamum to France;

(27) Thence the river Nun to its confluence with the river Tantam;

(28) Thence the river Tantam and its affluent, which is fed by the river Sefu;

(29) Thence the river Sefu to its source;

(30) Thence a line south-westwards, crossing the Kupti, to reach near its source east of Point 1300 the unnamed watercourse which flows into the Northern Mifi below Bali-Bagam;

(31) Thence this watercourse to its confluence with the Northern Mifi, leaving to France the village of Gascho, belonging to the small country of Bamenjam;

(32) Thence the Northern Mifi upstream to its confluence with the river Mogo, or Doschi;

(33) Thence the river Mogo to its source;

(34) Thence a line south-westwards to the crest of the Bambuto Mountains and thence following the watershed between the basins of the Cross River and Mungo on the west and the Sanaga and Wuri on the east to Mount Kupe;

(35) Thence a line to the source of the river Bubu;

(36) Thence the river Bubu, which appears from the German map to lose itself and reappear as the Ediminjo, which the frontier will follow to its confluence with the Mungo;

(37) Thence the course of the Mungo to the point in its mouth where it meets the parallel of latitude 4° 2′ 30″ North;

(38) Thence this parallel of latitude westwards so as to reach the coast south of Taubon I.;

(39) Thence a line following the coast, passing south of Reiher I., to Mokola Creek, thus leaving Möwe Lake to Great Britain;

(40) Thence a line following the eastern banks of the Mokola, Mbakwele, Njuhanan-Jau and Matumal Creeks, and cutting the mouths of the Mbossa-Bombe, Mikanje, Tende, Victoria, and other unnamed creeks to the junction of the Matumal and Victoria Creeks.

(41) Thence a line running 35° west of true south to the Atlantic Ocean.

Article 2.

(1) It is understood that at the time of the local delimitation of the frontier, where the natural features to be followed

are not indicated in the above description, the Commissioners of the two Governments will, as far as possible, but without changing the attribution of the villages named in Article 1, lay down the frontier in accordance with natural features (rivers, hills, or watersheds).

The Boundary Commissioners shall be authorised to make such minor modifications of the frontier line as may appear to them necessary in order to avoid separating villages from their agricultural lands. Such deviations shall be clearly marked on special maps and submitted for the approval of the two Governments. Pending such approval, the deviations shall be provisionally recognised and respected.

(2) As regards the roads mentioned in Article 1, only those which are shown upon the annexed map* shall be taken into consideration in the delimitation of the frontier.

(3) Where the frontier follows a waterway, the median line of the waterway shall be the boundary.

(4) It is understood that if the inhabitants living near the frontier should, within a period of six months from the completion of the local delimitation, express the intention to settle in the regions placed under French authority, or, inversely, in the regions placed under British authority, no obstacle will be placed in the way of their so doing, and they shall be granted the necessary time to gather in standing crops, and generally to remove all the property of which they are the legitimate owners.

Article 3.

(1) The map to which reference is made in the description of the frontier is Moisel's map of the Cameroons on the scale 1 : 300,000.

The following sheets of this map have been used :

Sheet A 4. Chad : dated December 1st, 1912;

Sheet B 4. Kusseri : dated August 1st, 1912;

Sheet B 3. Dikao : dated January 1st, 1913;

Sheet C 3. Mubi : dated December 15th, 1912;

* Annexed only to the original Declaration.

Sheet D 3. Garua : dated May 15th, 1912;
Sheet E 3. Ngaundere : dated October 15th, 1912;
Sheet E 2. Banjo : dated January 1st, 1913;
Sheet F 2. Fumban : dated May 1st, 1913;
Sheet F 1. Ossidinge : dated January 1st, 1912;
Sheet G 1. Buea : dated August 1st, 1911.

(2) A map of the Cameroons, scale 1 : 2,000,000, is attached to illustrate the description of the above frontier.*

* Annexed only to the original Declaration.

LEAGUE OF NATIONS

FRENCH MANDATE FOR TOGOLAND

The Council of the League of Nations:

Whereas by Article 119 of the Treaty of Peace with Germany signed at Versailles on June 28th, 1919, Germany renounced in favour of the Principal Allied and Associated Powers all her rights over her oversea possessions, including therein Togoland; and

Whereas the Principal Allied and Associated Powers agreed that the Governments of France and Great Britain should make a joint recommendation to the League of Nations as to the future of the said territory; and

Whereas the Governments of France and Great Britain have made a joint recommendation to the Council of the League of Nations that a mandate to administer, in accordance with Article 22 of the Covenant of the League of Nations, that part of Togoland lying to the east of the line agreed upon in the Declaration of July 10th, 1919, of which mention is made in Article 1 below, should be conferred upon the French Republic; and

Whereas the Governments of France and Great Britain have proposed that the mandate should be formulated in the following terms; and

Whereas the French Republic has agreed to accept the mandate in respect of the said territory and has undertaken to exercise it on behalf of the League of Nations;

Confirming the said mandate, defines its terms as follows:

Article 1.

The territory over which a mandate is conferred upon France comprises that part of Togoland which lies to the east of the line laid down in the Declaration signed on July 10th, 1919, of which a copy is annexed hereto.

This line may, however, be slightly modified by mutual agreement between His Britannic Majesty's Government and the Government of the French Republic where an examination of the localities shows that it is undesirable, either in the interests of the inhabitants or by reason of any inaccuracies in the map, Sprigade 1 : 200,000, annexed to the Declaration, to adhere strictly to the line laid down therein.

The delimitation on the spot of this line shall be carried out in accordance with the provision of the said Declaration.

The final report of the Mixed Commission shall give the exact description of the boundary line as traced on the spot ; maps signed by the Commissioners shall be annexed to the report. This report with its annexes shall be drawn up in triplicate : one of these shall be deposited in the archives of the League of Nations, one shall be kept by the Government of the Republic and one by His Britannic Majesty's Government.

Article 2.

The Mandatory shall be responsible for the peace, order and good government of the territory, and for the promotion to the utmost of the material and moral well-being and the social progress of its inhabitants.

Article 3.

The Mandatory shall not establish in the territory any military or naval bases, nor erect any fortifications, nor organise any native military force except for local police purposes and for the defence of the territory.

It is understood, however, that the troops thus raised may, in the event of general war, be utilised to repel an attack or for the defence of the territory outside that subject to the mandate.

Article 4.

The Mandatory:

(1) shall provide for the eventual emancipation of all slaves, and for as speedy an elimination of domestic and other slavery as social conditions will allow;

(2) shall suppress all forms of slave trade;

(3) shall prohibit all forms of forced or compulsory labour, except for essential public works and services, and then only in return for adequate remuneration;

(4) shall protect the natives from measures of fraud and force by the careful supervision of labour contracts and the recruiting of labour;

(5) shall exercise a strict control over the traffic in arms and ammunition and the sale of spirituous liquors.

Article 5.

In the framing of laws relating to the holding or transfer of land, the Mandatory shall take into consideration native laws and customs, and shall respect the rights and safeguard the interests of the native population.

No native land may be transferred, except between natives, without the previous consent of the public authorities, and no real rights over native land in favour of non-natives may be created except with the same consent.

The Mandatory shall promulgate strict regulations against usury.

Article 6.

The Mandatory shall secure to all nationals of States Members of the League of Nations the same rights as are enjoyed in the territory by his own nationals in respect of entry into and residence in the territory, the protection afforded to their person 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.

Further, the Mandatory shall ensure to all nationals of States Members of the League of Nations, on the same footing as to his own nationals, freedom of transit and navigation, and complete economic, commercial and industrial equality ; except that the Mandatory shall be free to organise essential public works and services on such terms and conditions as he thinks just.

Concessions for the development of the natural resources of the territory shall be granted by the Mandatory without distinction on grounds of nationality between the nationals of all States Members of the League of Nations, but on such conditions as will maintain intact the authority of the local Government.

Concessions having the character of a general monopoly shall not be granted. This provision does not affect the right of the Mandatory to create monopolies of a purely fiscal character in the interest of the territory under mandate and in order to provide the territory with fiscal resources which seem best suited to the local requirements ; or, in certain cases, to carry out the development of natural resources, either directly by the State or by a controlled agency, provided that there shall result therefrom no monopoly of the natural resources for the benefit of the Mandatory or his nationals, directly or indirectly, nor any preferential advantage which shall be inconsistent with the economic, commercial and industrial equality hereinbefore guaranteed.

The rights conferred by this article extend equally to companies and associations organised in accordance with the law of any of the Members of the League of Nations, subject only to the requirements of public order, and on condition of compliance with the local law.

Article 7.

The Mandatory shall ensure in the territory complete freedom of conscience and the free exercise of all forms of worship which are consonant with public order and morality ; missionaries who are nationals of States Members of the League of Nations shall be free to enter the territory and to travel and reside therein, to acquire and possess property,

to erect religious buildings and to open schools throughout the territory; it being understood, however, that the Mandatory shall have the right to exercise such control as may be necessary for the maintenance of public order and good government, and to take all measures required for such control.

Article 8.

The Mandatory shall apply to the territory any general international conventions applicable to his contiguous territory.

Article 9.

The Mandatory shall have full powers of administration and legislation in the area subject to the mandate. This area shall be administered in accordance with the laws of the Mandatory as an integral part of his territory and subject to the above provisions.

The Mandatory shall therefore be at liberty to apply his laws to the territory subject to the mandate, with such modifications as may be required by local conditions, and to constitute the territory into a customs, fiscal, or administrative union or federation with the adjacent territories under his sovereignty or control, provided always that the measures adopted to that end do not infringe the provisions of this mandate.

Article 10.

The Mandatory shall make to the Council of the League of Nations an annual report to the satisfaction of the Council. This report shall contain full information concerning the measures taken to apply the provisions of this mandate.

Article 11.

The consent of the Council of the League of Nations is required for any modification of the terms of the present mandate.

Article 12.

The Mandatory agrees that, if any dispute whatever should arise between the Mandatory and another Member of the League of Nations relating to the interpretation or the application of the provisions of the mandate, such dispute, if it cannot be settled by negotiation, shall be submitted to the Permanent Court of International Justice provided for by Article 14 of the Covenant of the League of Nations.

The present instrument shall be deposited in original in the archives of the League of Nations. Certified copies shall be forwarded by the Secretary-General of the League of Nations to all Members of the League.

Done at London, the twentieth day of July one thousand nine hundred and twenty-two.

Certified true copy:

SECRETARY-GENERAL.

APPENDIX

TOGOLAND

FRANCO-BRITISH DECLARATION

The undersigned:

Viscount MILNER, Secretary of State for the Colonies of the British Empire,

M. Henry SIMON, Minister for the Colonies of the French Republic,

have agreed to determine the frontier separating the territories of Togoland placed respectively under the authority of their Governments, as it is traced on the map, Sprigade 1:200,000, annexed to the present declaration*,

* The original 1:200,000 map is attached to the signed Declaration.

and defined in the description in three articles also annexed hereto.

(Signed) MILNER.
HENRY SIMON.

London, July 10th, 1919.

DESCRIPTION OF THE FRANCO-BRITISH FRONTIER MARKED ON SPRIGADE'S MAP OF TOGOLAND, SCALE 1 : 200,000.

Article 1.

The frontier will run eastwards from the pillar erected at the point of junction of the three colonies of Haute Volta, Gold Coast and Togoland in about latitude 11° 8′ 33″ to the unnamed watercourse shown on the map to the east of this pillar.

The frontier will run thence as follows:

(1) Along this unnamed watercourse to its confluence with the Kulapalogo;

(2) Thence by the course of the Punokobo to its source;

(3) Thence in a south-westerly direction to meet the river Biankuri, which downstream is named the Njimoant and the Mochole, which it follows to its confluence with the Kulugona;

(4) From the confluence of the Mochole and the Kulugona the frontier will follow in a southerly direction a line to be fixed on the ground to point 390 near the junction of the streams Nabuleg and Gboroch;

(5) Thence a line running in a south-easterly direction to the Manjo so as to leave the village of Jambule to France and that of Bungpurk to Great Britain;

(6) Thence downstream the course of the Manjo to its confluence with the Kunkumbu;

(7) Thence the course of the Kunkumbu to its confluence with the Oti;

(8) Thence the course of the Oti to its confluence with the Dakpe ;

(9) Thence the Dakpe upstream to the boundary between the two old German districts of Mangu-Yendi and Sokode-Bassari.

(10) The frontier will follow this administrative boundary south-west to regain the Oti ;

(11) Thence the course of the Oti to its confluence with the Kakassi ;

(12) Thence the course of the Kakassi upstream to its confluence with the Kentau ;

(13) Thence the course of the Kentau to its junction with the tribal boundary between the Konkomba and the Bitjem ;

(14) Thence southwards a line following generally this tribal boundary so as to leave the villages of Natagu, Napari, and Bobotiwe to Great Britain and those of Kujunle and Bisukpabe to France ;

(15) Following this boundary to a point situated about 1½ kilometers north of the confluence of the Kula and the Mamale ;

(16) Thence the Mamale upstream to its junction with the road from Nabugem to Bpadjebe ;

(17) Thence a line southwards to meet the river Bonolo so as to leave Bpadjebe to France ;

(18) Thence downstream the rivers Bonolo and Tankpa to the confluence of the latter with the Nabol ;

(19) Thence the river Nabol upstream to the junction of the tribal boundary between the Konkomba and the Bitjem ;

(20) Thence southwards a line following generally this tribal boundary to the summit of Kusangnaeli ;

(21) Thence a line to reach the confluence of the Tunkurma and the Mo, following generally the course of the Kuji and the Tunkurma ;

(22) Thence the course of the Mo (Mola) downstream, following the southern boundary of the Dagbon country to its junction with an unnamed affluent on the left bank at a point shown on the map near longitude 0° 20′ East;

(23) Thence a line from this confluence running generally south-east to the confluence of the Bassa and Kue, following as far as possible the course of the Mo (Moo);

(24) Thence the course of the Kue upstream to the bend formed by this river at a distance of about 2 kilometers south-west of Kueda;

(25) Thence a line running southwards following the watershed between the Bunatje, the Tschai and the Dibom on the west and the Kue and the Asuokoko on the east to the hill situated about 1 kilometer west of the Maria Falls, leaving the village of Schiare to Great Britain and that of Kjirina to France and cutting the road from Dadiasse (which remains British) to Bismarckburg (which remains French) near point 760.

(26) From the hill situated to the west of the Maria Falls a line to reach the Asuokoko, which it follows to its confluence with the river Balagbo;

(27) Thence a line running generally southwards to Mount Bendjabe;

(28) Thence a line following the crest which runs southwards, then, cutting the Wawa, reaches point 850 situated north of Kitschibo;

(29) From point 850 a line running approximately southwards to the Tomito mountain;

(30) Thence a line running south-south-westwards and, cutting the river Onana, reaches the watershed between the Odjabi and the Sassa, then continuing south-south-westwards, cutting the river Daji between the Odjabi and the Sassa, reaches the summit of Awedjegbe.

(31) From this point it follows the watershed between the Ebanda or Wadjakli on the west and the Seblawu and Nubui on the east, then cuts the latter river at a point situated about 1 kilometer east of Apegame ;

(32) Thence a line to the watershed of the Agumassato hills which it follows to the Akpata hills ;

(33) Thence a line running south-west to the confluence of the Tsi and the Edjiri ;

(34) Thence a line following generally the southern tribal boundary of the Agome to a point situated on the watershed about 2 kilometers south of Moltke Peak ;

(35) Thence a line running generally southwards following the watershed to the Fiamekito hills, which it leaves to reach the river Damitsi ;

(36) Thence the river Damitsi to its confluence with the Todschie (or Wuto) ;

(37) Thence the river Todschie to the boundary of the lands of the village of Botoe, which it passes on the east so as to leave it wholly to Great Britain ;

(38) Thence the road from Botoe to Batome to the western limit of the latter village ;

(39) Thence the line passes south of Batome so as to leave this village in its entirety to France.

(40) From south of Batome the boundary runs to the point of junction of the present boundary of the Gold Coast Colony (parallel 6° 20′ North) and the river Magbawi ;

(41) Thence it follows, to the sea, the present frontier as laid down in the Anglo-German Convention of July 1st, 1890. However, where the Lome-Akepe road by way of Degbokovhe crosses the present frontier south of latitude 6° 10′ North and west of longitude 1° 14′ East of Greenwich, the new frontier shall run 1 kilometer south-west of this road, so as to leave it entirely in French territory.

Article 2.

(1) It is understood that at the time of the local delimitation of the frontier, where the natural features to be followed are not indicated in the above description, the Commissioners of the two Governments will, as far as possible, but without changing the attribution of the villages named in Article 1, lay down the frontier in accordance with natural features (rivers, hills, or watersheds).

The Boundary Commissioners shall be authorised to make such minor modifications of the frontier line as may appear to them necessary in order to avoid separating villages from their agricultural lands. Such deviations shall be clearly marked on special maps and submitted for the approval of the two Governments. Pending such approval, the deviations shall be provisionally recognised and respected.

(2) As regards the roads mentioned in Article 1, only those which are shown upon the annexed map* shall be taken into consideration in the delimitation of the frontier.

(3) Where the frontier follows a waterway, the median line of the waterway shall be the boundary.

(4) It is understood that if the inhabitants living near the frontier should, within a period of six months from the completion of the local delimitation, express the intention to settle in the regions placed under French authority, or, inversely, in the regions placed under British authority, no obstacle will be placed in the way of their so doing, and they shall be granted the necessary time to gather in standing crops, and generally to remove all the property of which they are the legitimate owners.

ARTICLE 3.

(1) The map to which reference is made in the description of the frontier is Sprigade's map of Togoland on the scale 1 :200,000, of which the following sheets have been used:

Sheet A 1. Sansane-Mangu: date of completion, July 1st, 1907.

* Annexed only to the original Declaration.

Sheet B 1. Jendi: date of completion, October 1st, 1907.

Sheet C 1. Bismarckburg: date of completion, December 1st, 1906.

Sheet D 1. Kete-Kratschi: date of completion, December 1st, 1905.

Sheet E 1. Misahöhe: date of completion, June 1st, 1905.

Sheet E 2. Lome: date of completion, October 1st, 1902.

(2) A map of Togoland, scale 1:1,500,000, is attached to illustrate the description of the above frontier.

The Mandate for British Togoland varies only slightly from that for the French area.

Article 1 is concerned only with the boundary lines.

Article 2 as in French Mandate.

Article 3.

The Mandatory shall not establish in the territory any military or naval bases, nor erect any fortifications, nor organise any native military force except for local police purposes and for the defence of the territory.

Articles 4—12 as in the French Mandate.

The Mandate for British Cameroons varies in the following respects from the Mandate for French Togoland:—

Article 1 is concerned only with boundary lines.

Article 2 as in the French Mandate for Togoland.

Article 3.

The Mandatory shall not establish in the territory any military or naval bases, nor erect any fortifications, nor organise any native military force except for local police purposes and for the defence of the territory.

Articles 4—12 as in the French Mandate for Togoland.

BRITISH MANDATE FOR EAST AFRICA.

(TANGANYIKA).

The Council of the League of Nations:

Whereas by Article 119 of the Treaty of Peace with Germany signed at Versailles on June 28th, 1919, Germany renounced in favour of the Principal Allied and Associated Powers all her rights over her oversea possessions, including therein German East Africa; and

Whereas, in accordance with the treaty of June 11th, 1891, between Her Britannic Majesty and His Majesty the King of Portugal, the River Rovuma is recognised as forming the northern boundary of the Portuguese possessions in East Africa from its mouth up to the confluence of the River M'Sinje; and

Whereas the Principal Allied and Associated Powers agreed that, in accordance with Article 22, Part I (Covenant of the League of Nations), of the said treaty, a mandate should be conferred upon His Britannic Majesty to administer part of the former colony of German East Africa, and have proposed that the mandate should be formulated in the following terms; and

Whereas His Britannic Majesty has agreed to accept the mandate in respect of the said territory, and has undertaken to exercise it on behalf of the League of Nations in accordance with the following provisions; and

Whereas by the afore-mentioned Article 22, paragraph 8, it is provided that the degree of authority, control or administration to be exercised by the Mandatory, not having been previously agreed upon by the Members of the League,

shall be explicitly defined by the Council of the League of Nations;

Confirming the said mandate, defines its terms as follows:

Article 1.

The territory over which a mandate is conferred upon His Britannic Majesty (hereinafter called the Mandatory) comprises that part of the territory of the former colony of German East Africa situated to the east of the following line:

From the point where the frontier between the Uganda Protectorate and German East Africa cuts the River Mavumba, a straight line in a south-easterly direction to point 1640, about 15 kilometers south-south-west of Mount Gabiro;

Thence a straight line in a southerly direction to the north shore of Lake Mohazi, where it terminates at the confluence of a river situated about 2½ kilometers west of the confluence of the River Msilala;

If the trace of the railway on the west of the River Kagera between Bugufi and Uganda approaches within 16 kilometers of the line defined above, the boundary will be carried to the west, following a minimum distance of 16 kilometers from the trace, without, however, passing to the west of the straight line joining the terminal point on Lake Mohazi and the top of Mount Kivisa, point 2100, situated on the Uganda-German East Africa frontier about 5 kilometers south-west of the point where the River Mavumba cuts this frontier;

Thence a line south-eastwards to meet the southern shore of Lake Mohazi;

Thence the watershed between the Taruka and the Mkarange and continuing southwards to the north-eastern end of Lake Mugesera;

Thence the median line of this lake and continuing southwards across Lake Ssake to meet the Kagera;

Thence the course of the Kagera downstream to meet the western boundary of Bugufi;

Thence this boundary to its junction with the eastern boundary of Urundi;

Thence the eastern and southern boundary of Urundi to Lake Tanganyika.

The line described above is shown on the attached British 1 : 1,000,000 map, G.S.G.S. 2932, sheet Ruanda and Urundi. The boundaries of Bugufi and Urundi are drawn as shown in the Deutscher Kolonialatlas (Dietrich-Reimer), scale 1 : 1,000,000, dated 1906.

Article 2.

Boundary Commissioners shall be appointed by His Britannic Majesty and His Majesty the King of the Belgians to trace on the spot the line described in Article 1 above.

In case any dispute should arise in connection with the work of these commissioners, the question shall be referred to the Council of the League of Nations, whose decision shall be final.

The final report by the Boundary Commission shall give the precise description of this boundary as actually demarcated on the ground; the necessary maps shall be annexed thereto and signed by the commissioners. The report, with its annexes, shall be made in triplicate; one copy shall be deposited in the archives of the League of Nations, one shall be kept by the Government of his Majesty the King of the Belgians and one by the Government of His Britannic Majesty.

Article 3.

The Mandatory shall be responsible for the peace, order and good government of the territory, and shall undertake to promote to the utmost the material and moral well-being and the social progress of its inhabitants. The Mandatory shall have full powers of legislation and administration.

Article 4.

The Mandatory shall not establish any military or naval bases, nor erect any fortifications, nor organise any native

military force in the territory except for local police purposes and for the defence of the territory.

Article 5.

The Mandatory:

(1) shall provide for the eventual emancipation of all slaves and for as speedy an elimination of domestic and other slavery as social conditions will allow;

(2) shall suppress all forms of slave trade;

(3) shall prohibit all forms of forced or compulsory labour, except for essential public works and services, and then only in return for adequate remuneration;

(4) shall protect the natives from abuse and measures of fraud and force by the careful supervision of labour contracts and the recruiting of labour;

(5) shall exercise a strict control over the traffic in arms and ammunition and the sale of spirituous liquors.

Article 6.

In the framing of laws relating to the holding or transfer of land, the Mandatory shall take into consideration native laws and customs, and shall respect the rights and safeguard the interests of the native population.

No native land may be transferred, except between natives, without the previous consent of the public authorities, and no real rights over native land in favour of non-natives may be created except with the same consent.

The Mandatory will promulgate strict regulations against usury.

Article 7.

The Mandatory shall secure to all nationals of States Members of the League of Nations the same rights as are enjoyed in the territory by his own nationals in respect of entry into and residence in the territory, the protection afforded to their person and property, the 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.

Further, the Mandatory shall ensure to all nationals of States Members of the League of Nations, on the same footing as to his own nationals, freedom of transit and navigation, and complete economic, commercial and industrial equality; provided that the Mandatory shall be free to organise essential public works and services on such terms and conditions as he thinks just.

Concessions for the development of the natural resources of the territory shall be granted by the Mandatory without distinction on grounds of nationality between the nationals of all States Members of the League of Nations, but on such conditions as will maintain intact the authority of the local Government.

Concessions having the character of a general monopoly shall not be granted. This provision does not affect the right of the Mandatory to create monopolies of a purely fiscal character in the interest of the territory under mandate, and in order to provide the territory with fiscal resources which seem best suited to the local requirements; or, in certain cases, to carry out the development of natural resources either directly by the State or by a controlled agency, provided that there shall result therefrom no monopoly of the natural resources for the benefit of the Mandatory or his nationals, directly or indirectly, nor any preferential advantage which shall be inconsistent with the economic, commercial and industrial equality hereinbefore guaranteed.

The rights conferred by this article extend equally to companies and associations organised in accordance with the law of any of the Members of the League of Nations, subject only to the requirements of public order, and on condition of compliance with the local law.

Article 8.

The Mandatory shall ensure in the territory complete freedom of conscience and the free exercise of all forms of worship which are consonant with public order and morality;

missionaries who are nationals of States Members of the League of Nations shall be free to enter the territory and to travel and reside therein, to acquire and possess property, to erect religious buildings and to open schools throughout the territory; it being understood, however, that the Mandatory shall have the right to exercise such control as may be necessary for the maintenance of public order and good government, and to take all measures required for such control.

Article 9.

The Mandatory shall apply to the territory any general international conventions already existing, or which may be concluded hereafter, with the approval of the League of Nations, respecting the slave trade, the traffic in arms and ammunition, the liquor traffic, and the traffic in drugs, or relating to commercial equality, freedom of transit and navigation, aerial navigation, railways, postal, telegraphic, and wireless communication, and industrial, literary and artistic property.

The Mandatory shall co-operate in the execution of any common policy adopted by the League of Nations for preventing and combating disease, including diseases of plants and animals.

Article 10.

The Mandatory shall be authorised to constitute the territory into a customs, fiscal and administrative union or federation with the adjacent territories under his own sovereignty or control; provided always that the measures adopted to that end do not infringe the provisions of this mandate.

Article 11.

The Mandatory shall make to the Council of the League of Nations an annual report to the satisfaction of the Council, containing full information concerning the measures taken to apply the provisions of this mandate.

A copy of all laws and regulations made in the course of the year and affecting property, commerce, navigation

or the moral and material well-being of the natives shall be annexed to this report.

Article 12.

The consent of the Council of the League of Nations is required for any modification of the terms of this mandate.

Article 13.

The Mandatory agrees that, if any dispute whatever should arise between the Mandatory and another Member of the League of Nations relating to the interpretation or the application of the provisions of the mandate, such dispute, if it cannot be settled by negotiation, shall be submitted to the Permanent Court of International Justice provided for by Article 14 of the Covenant of the League of Nations.

States Members of the League of Nations may likewise bring any claims on behalf of their nationals for infractions of their rights under this mandate before the said Court for decision.

The present instrument shall be deposited in original in the archives of the League of Nations. Certified copies shall be forwarded by the Secretary-General of the League of Nations to all Members of the League.

Done at London, the twentieth day of July one thousand nine hundred and twenty-two.

Certified true copy:

BELGIAN MANDATE, EAST AFRICA.

Articles 1 and 2 are identical with the British Mandate for Tanganyika.

Article 3.

The Mandatory shall be responsible for the peace, order and good government of the territory, and shall undertake to promote to the utmost the material and moral well-being and the social progress of its inhabitants. The Mandatory shall have full powers of legislation and administration.

Articles 4—8 as in British Mandate for Tanganyika.

Article 9.

The Mandatory shall apply to the territory any general international conventions applicable to contiguous territories.

Article 10.

The Mandatory shall have full powers of administration and legislation in the area subject to the mandate: this area shall be administered in accordance with the laws of the Mandatory as an integral part of his territory and subject to the preceding provisions.

The Mandatory shall therefore be at liberty to apply his laws to the territory under the mandate subject to the modifications required by local conditions, and to constitute the territory into a customs, fiscal or administrative union or federation with the adjacent possessions under his own sovereignty or control; provided always that the measures

adopted to that end do not infringe the provisions of this mandate.

Article 11.

The Mandatory shall make to the Council of the League of Nations an annual report to the satisfaction of the Council. This report shall contain full information concerning the measures taken to apply the provisions of the present mandate.

Article 12 as in the British Mandate for Tanganyika.

Article 13.

The Mandatory agrees that, if any dispute whatever should arise between the Mandatory and another Member of the League of Nations relating to the interpretation or the application of the provisions of the mandate, such dispute, if it cannot be settled by negotiation, shall be submitted to the Permanent Court of International Justice provided for by Article 14 of the Covenant of the League of Nations.

The present instrument shall be deposited in original in the archives of the League of Nations. Certified copies shall be forwarded by the Secretary-General of the League of Nations to all Members of the League.

THE "C" MANDATES

The Mandates for the "C," or areas contiguous to the Mandatory enjoy a status differing from those of the "A" and "B" territories. They number five, namely, South-West Africa, Samoa, Nauru, Islands North of the Equator (Japan), and Islands South of the Equator (British), other than Samoa and Nauru. The terms of these Mandates are identical with the Japanese Mandate, with the exception of the Mandate for Nauru, which omits from Article 2 the following words:—

> "and may apply the laws of the Dominion of New Zealand to the territory, subject to such local modifications as circumstances may require."

The whole of these Mandates are drawn in conformity with paragraph 6 of Article 22 of the Covenant of the League of Nations, which states that, for reasons set forth, these territories

> "can be best administered under the laws of the Mandatory as integral portions of its territory, subject to the safeguards above mentioned in the interests of the indigenous population."

LEAGUE OF NATIONS

MANDATE FOR THE GERMAN POSSESSIONS IN THE PACIFIC OCEAN LYING NORTH OF THE EQUATOR

(JAPANESE MANDATE).

THE COUNCIL OF THE LEAGUE OF NATIONS :

Whereas, by Article 119 of the Treaty of Peace with Germany signed at Versailles on June 28th, 1919, Germany renounced in favour of the Principal Allied and Associated Powers all her rights over her oversea possessions, including therein the groups of islands in the Pacific Ocean lying north of the Equator ; and

Whereas the Principal Allied and Associated Powers agreed that in accordance with Article 22, Part I (Covenant of the League of Nations) of the said Treaty a Mandate should be conferred upon His Majesty the Emperor of Japan to administer the said islands and have proposed that the Mandate should be formulated in the following terms ; and

Whereas His Majesty the Emperor of Japan has agreed to accept the Mandate in respect of the said islands and has undertaken to exercise it on behalf of the League of Nations in accordance with the following provisions ; and

Whereas, by the afore-mentioned Article 22, paragraph 8, it is provided that the degree of authority, control or administration to be exercised by the Mandatory, not having

been previously agreed upon by the Members of the League, shall be explicitly defined by the Council of the League of Nations :

Confirming the said Mandate, defines its terms as follows :—

ARTICLE 1.

The islands over which a Mandate is conferred upon His Majesty the Emperor of Japan (hereinafter called the Mandatory) comprise all the former German islands situated in the Pacific Ocean and lying north of the Equator.

ARTICLE 2.

The Mandatory shall have full power of administration and legislation over the territory subject to the present Mandate as an integral portion of the Empire of Japan, and may apply the laws of the Empire of Japan to the territory, subject to such local modifications as circumstances may require.

The Mandatory shall promote to the utmost the material and moral well-being and the social progress of the inhabitants of the territory subject to the present Mandate.

ARTICLE 3.

The Mandatory shall see that the slave trade is prohibited and that no forced labour is permitted, except for essential public works and services, and then only for adequate remuneration.

The Mandatory shall also see that the traffic in arms and ammunition is controlled in accordance with principles analogous to those laid down in the Convention relating to the control of the arms traffic, signed on September 10th, 1919, or in any convention amending the same.

The supply of intoxicating spirits and beverages to the natives shall be prohibited.

ARTICLE 4.

The military training of the natives, otherwise than for purposes of internal police and the local defence of the

territory, shall be prohibited. Furthermore, no military or naval bases shall be established or fortifications erected in the territory.

ARTICLE 5.

Subject to the provisions of any local law for the maintenance of public order and public morals, the Mandatory shall ensure in the territory freedom of conscience and the free exercise of all forms of worship, and shall allow all missionaries, nationals of any State Member of the League of Nations, to enter into, travel and reside in the territory for the purpose of prosecuting their calling.

ARTICLE 6.

The Mandatory shall make to the Council of the League of Nations an annual report to the satisfaction of the Council, containing full information with regard to the territory, and indicating the measures taken to carry out the obligations assumed under Articles 2, 3, 4, and 5.

ARTICLE 7.

The consent of the Council of the League of Nations is required for any modification of the terms of the present mandate.

The Mandatory agrees that, if any dispute whatever should arise between the Mandatory and another Member of the League of Nations relating to the interpretation or the application of the provisions of the Mandate, such dispute, if it cannot be settled by negotiation, shall be submitted to the Permanent Court of International Justice provided for by Article 14 of the Covenant of the League of Nations.

The present Declaration shall be deposited in the archives of the League of Nations. Certified copies shall be forwarded by the Secretary-General of the League of Nations to all Powers Signatories of the Treaty of Peace with Germany.

Made at Geneva the 17th day of December, 1920.

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